


**FAKED**

Tamatekapua Law 

**To:** Waitakere City Council  
**From:** Joni Bryant/Prue Kapua  
**Fax:** 836 8011  
**Pages:** 1  
**Attn:** Georgina Parata  
**Date:** 16 July 2003  
**Re:** TE ATATU MARAE COALITION TRUST

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Tena koe Georgina

Further to our discussion earlier this week and, for your internal reporting process for this Friday, we confirm the outcome of our meeting with the majority of the Te Atatu Marae Coalition Trust today.

The Trust has resolved to go with a Māori Reservation under Te Ture Whenua Māori Act 1993 for securing the tenure of the land. In addition to the reservation the Trust also favour the district plan provisions as a way of dealing with activities on the marae.

Further to your confirmation we look forward to the receipt of the draft Memorandum of Understanding between the Trust and Council.

The Trust looks forward to meeting with Council to confirm the preferred option between the parties.

We will forward you a more comprehensive letter in the next week detailing reasons for the Māori Reservation option and suggestions for moving forward.

Please do not hesitate to contact us should you have any queries.

Noho ora mai  
**TAMATEKAPUA LAW**

  
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## Part 17—Maori reservations

### 338 Maori reservations for communal purposes

- (1) The Chief Executive may, by notice in the *Gazette* issued on the recommendation of the Court, set apart as Maori reservation any Maori freehold land or any General land—
- (a) for the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, church site, building site, burial ground, landing place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, or place of cultural, historical, or scenic interest, or for any other specified purpose; or
  - (b) that is a wahi tapu, being a place of special significance according to tikanga Maori.]
- (2) The Chief Executive may, by notice in the *Gazette* issued on the recommendation of the Court, declare any other Maori freehold land or General land to be included in any Maori reservation, and thereupon the land shall form part of that reservation accordingly.
- (3) Except as provided in section 340 of this Act, every Maori reservation under this section shall be held for the common use or benefit of the owners or of Maori of the class or classes specified in the notice.
- (4) Land may be so set apart as or included in a Maori reservation although it is vested in an incorporated body of owners or in the Maori Trustee or in any other trustees, and notwithstanding any provisions of this Act or any other Act as to the disposition or administration of that land.
- (5) On the recommendation of the Court, the Chief Executive, by notice in the *Gazette*, may, in respect of any Maori reservation made under this section, do any one or more of the following things:
- (a) Exclude from the reservation any part of the land comprised in it;
  - (b) Cancel the reservation;
  - (c) Redefine the purposes for which the reservation is made;
  - (d) Redefine the persons or class of persons for whose use or benefit the reservation is made.
- (6) No notice under this section shall affect any lease or licence, but no land shall be set

apart as a Maori reservation while it is subject to any mortgage or charge.

- (7) The Court may, by order, vest any Maori reservation in any body corporate or in any 2 or more persons in trust to hold and administer it for the benefit of the persons or class of persons for whose benefit the reservation is made, and may from time to time, as and when it thinks fit, appoint a new trustee or new trustees or additional trustees.
- (8) The Court may, on the appointment of trustees under subsection (7) of this section, or on application at any time thereafter, set out the terms of the trust, and subject to any such terms, the Maori reservation shall be administered in accordance with[, and be subject to,] any regulations made under subsection (15) of this section.
- (9) Upon the exclusion of any land from a reservation under this section or the cancellation of any such reservation, the land excluded or the land formerly comprised in the cancelled reservation shall vest, as of its former estate, in the persons in whom it was vested immediately before it was constituted as or included in the Maori reservation, or in their successors.
- (10) In any case to which subsection (9) of this section applies, the Court may make an order vesting the land or any interest in the land in the person or persons found by the Court to be entitled to the land or interest.
- (11) Except as provided in subsection (12) of this section, the land comprised within a Maori reservation shall, while the reservation subsists, be inalienable, whether to the Crown or to any other person.
- (12) The trustees in whom any Maori reservation is vested may, with the consent of the Court, grant a lease or occupation licence of the reservation or of any part of it for any term not exceeding 14 years [(including any term or terms of renewal)], upon and subject to such terms and conditions as the Court thinks fit.
- (13) The revenue derived from any such lease or occupation licence shall be expended by the trustees as the Court directs.
- (14) Any lease granted pursuant to subsection (12) of this section for the purposes of education or health may, notwithstanding anything in that subsection, be for a term exceeding 7 years [(including any term or terms of renewal)] and may confer on the lessee or licensee a right of renewal for one or more terms.
- (15) The Governor-General may from time to time, by Order in Council, make all such regulations as, in the Governor-General's opinion, may be necessary or expedient for

giving full effect to the provisions of this section.

(16) Any such regulations may apply to any specified Maori reservation or to any specified class of Maori reservations, or to Maori reservations generally.

[(17) Where any Maori reservation (set apart under any Act repealed by this Act or the corresponding provisions of any former Act) is subsisting at the commencement of this Act, this Act, and any regulations made under this Act, have effect,—

(a) in relation to the Maori reservation, as if it were a Maori reservation set apart under this section; and

(b) in relation to any vesting order made in respect of the Maori reservation (under any Act repealed by this Act or the corresponding provisions of any former Act), as if that vesting order were a vesting order made under this section.]

Compare: 1953 No 94, s439(1) - (11); 1968 No 127, s5; 1970 No 120, s7; 1972 No 135, s11(1); 1973 No 106, s15; 1975 No 135, s16

### **[338A Regulations relating to trustees of Maori reservations**

(1) Regulations made under section 338(15) may, in relation to the trustees of Maori reservations generally or in relation to the trustees of any specified Maori reservation or of any specified class of Maori reservations,—

(a) specify—

(i) terms for which those trustees or any of them are to be appointed:

(ii) circumstances in which those trustees or any of them cease to hold office:

(iii) circumstances in which those trustees or any of them may be removed from office by the Court:

(iv) powers, authorities, and discretions that may be exercised by those trustees (in addition to those conferred on them by this Act) and the manner in which those trustees or any of them may exercise their powers, authorities, and discretions (including those conferred on them by this Act or the Trustee Act 1956 or both):

(v) powers, authorities, and discretions conferred by the Trustee Act 1956 that may not be exercised by those trustees:

(vi) conditions that must be complied with by those trustees:

(b) authorise the Court to exercise in relation to those trustees (but not to the

exclusion of the High Court) any of the powers and authorities conferred on the High Court by the Trustee Act 1956.

- (2) Nothing in subsection (1) limits—
  - (a) the powers of the Court under section 338(8); or
  - (b) the generality of section 338(15).}

**339 Court may consider proposal for Maori reservation on application of Minister**

(1) On the application of the Minister, the Court may consider a proposal that any piece of land (whether Crown land, land or an interest in land to which section 8A or section 8HB of the Treaty of Waitangi Act 1975 applies or Maori land) should, by reason of its historical significance or spiritual or emotional association with the Maori people or any group or section thereof, be set aside as a Maori reservation under section 338 of this Act, and make a recommendation to the Chief Executive or, in the case of land or an interest in land to which section 8A or section 8HB of the Treaty of Waitangi Act 1975 applies, the Minister.

- (2) A recommendation of the Court under this section may be to the effect—
  - (a) That the land should not be set aside as a reservation; or
  - (b) That the land should be set aside as a reservation; or
  - (c) If the land is not Crown land or Maori land, that it be acquired by the Crown for the purpose of constituting it a reservation; or
  - (d) That some other course be followed.

Compare: 1953 No 94, s439A; 1974 No 73, s60; 1975 No 135, s16

**340 Maori reservation may be held for common use and benefit of people of New Zealand**

(1) The notice constituting a Maori reservation [(that is not a wahi tapu)] under section 338 of this Act may, upon the express recommendation of the Court, specify that the reservation [(that is not a wahi tapu)] shall be held for the common use and benefit of the people of New Zealand, and the reservation [(that is not a wahi tapu)] shall accordingly be held in that fashion.

- (2) Before issuing a recommendation that a Maori reservation [(that is not a wahi tapu)] be held for the common use and benefit of the people of New Zealand, the Court shall be satisfied that this course is in accordance with the views of the owners, and that the local authority consents to it.

- (3) In appointing trustees for any Maori reservation [that is not a wahi tapu] that is held for the common use and benefit of the people of New Zealand, the Court may, on the nomination of the local authority, appoint a person or persons to represent the local authority.

Compare: 1953 No 94, s439(12) - (14); 1972 No 135, s11(2)

**341 Further provisions relating to Maori reservation for marae or meeting place**

- (1) Notwithstanding anything in section 338 of this Act, a Maori reservation for the purposes of a marae or meeting place [or as wahi tapu] may, in accordance with that section, be constituted over or extended to include any Crown land or other land leased on a perpetually renewable basis to any person, group of persons, body corporate, or organisation for the purpose of a marae or meeting place.
- (2) On the vesting by the Court, in accordance with section 338(7) of this section, in trustees of a Maori reservation created over land leased in the manner referred to in subsection (1) of this section, the lease shall be deemed to have been assigned to the trustees, and thereafter they shall (subject to their fiduciary responsibilities and to the restrictions imposed by section 338 of this Act) have all the rights and privileges and be subject to all the duties and liabilities of the lessees under the lease.
- (3) Upon proof of the determination for any reason of the lease in respect of any reservation constituted over land leased in the manner referred to in subsection (1) of this section, the Chief Executive shall, in the manner provided by section 338 of this Act, cancel the reservation or, as the case may be, exclude from the reservation the land comprised in the lease.

Compare: 1953 No 94, s439(15) - (17); 1973 No 106, s15(2)

## **Part 18—Miscellaneous provisions**

**342 Protection of Maori land against execution for debt**

- (1) Except as provided in section 343 of this Act, no interest of any person in Maori customary land, and no beneficial freehold interest in Maori freehold land, shall be capable of being taken in execution or otherwise rendered available by any form of

# MAORI RESERVATIONS REGULATIONS 1994

SR 1994/57

## **Editorial Note**

The Maori Reservations Regulations 1994 are deemed always to have been valid pursuant to s 19(1) Te Ture Whenua Maori Amendment Act 2001/Maori Land Amendment Act 2001 (2001 No 11).

PURSUANT to section 338(15) of Te Ture Whenua Maori Act 1993, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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## REGULATIONS

### 1. Title and commencement—

- (1) These regulations may be cited as the Maori Reservations Regulations 1994.
- (2) These regulations shall come into force on the 23rd day of May 1994.

### 2. Interpretation—

Regulations © Brookers Limited  
Current Query:  
Annotated to 2003 No 2 and SR 2003/40 (4/2003)  
Page 221/05/200314:20

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In these regulations, unless the context otherwise requires, —

“The Act” means Te Ture Whenua Maori Act 1993:

“Court” means, as the case may require, the Maori Land Court or the Maori Appellate Court or both:

“Reservation” means any land that is set apart as, or is deemed to be, a Maori reservation under section 338 of the Act:

“Trustees” means the body corporate or persons in whom a reservation is for the time being vested, by order of the Court, and by which or by whom the reservation is administered.

3. Trustees —

Any trustee for the time being appointed, by order of the Court, in relation to any reservation,—

(a) Shall, subject to paragraphs (d) to (f) of this regulation, hold office, pursuant to, and in accordance with, the relevant order of the Court, from the date of the order or from such other date as is specified in the order:

(b) Shall have, during the trustee's term as trustee, in addition to any powers and obligations at law, the powers and obligations contained in these regulations, except to the extent that such powers and obligations are varied by order of the Court made at the time of the trustee's appointment, or at any later time:

(c) Shall exercise personally the office of trustee and shall have no power to delegate the office of trustee to any other person:

(d) Revoked.

(e) May retire from the office of trustee upon giving notice to that effect to the Court or to the other trustees:

(f) May be removed from office by order of the Court made at any time and shall cease to hold office from such time as the order shall specify:

(g) Shall, upon ceasing to hold the office of trustee, comply with any directions of the Court in relation to the reservation and the trustee's office:

(h) Shall be eligible for reappointment unless removed from office by order of the Court.

**History**

Paragraph (d) was revoked, as from 23 May 1994, by s 19(2) Te Ture Whenua Maori Amendment Act 2001/Maori Land Amendment Act 2001 (2001 No 11). See section 19(3) and (4) of that Act as to the saving and validation provisions.

[Click here to see the historical text. \(Never in force\).](#)

4. **Notice of appointment—**

The trustee or trustees of a reservation shall, on being appointed, give notice of the appointment—

- (a) By publishing, within 7 days of the appointment, in a newspaper circulating in the district in which the reservation is situated, a notice giving details of the appointment; and
- (b) By giving such other, or additional, notice of the appointment as the Court may direct at any time.

5. **Display on reservation of permanent notice of reservation—**

The trustee or trustees of a reservation may display on the reservation a permanent notice that includes—

- (a) The name of the reservation; and
- (b) The name and address of each trustee; and
- (c) A statement that the trustees are the persons responsible, pursuant to an order of the Court, for the administration of the reservation; and
- (d) A statement that any public activity or gathering on, or in relation to, the reservation may not be conducted without the authorisation of the trustee or trustees; and
- (e) Particulars of any other activities or events that require the authorisation of the trustees before those activities or events may be conducted on the reservation; and
- (f) A statement of the requirements of the trustees in relation to applications for authorisation; and
- (g) The address to which applications made under regulation 10 of these regulations should be made by an applicant for an authorisation.

6. **Duty of trustees—**

It shall be the duty, at all times, of the trustees to act in good faith in the exercise of their powers under these regulations, and to administer the reservation in respect of which they are appointed—

- (a) In such manner as will promote the purposes for which the reservation is set apart; and
- (b) For the benefit of the persons for the time being entitled to the use and enjoyment of the reservation; and
- (c) In accordance with the Act and these regulations, and any order of the Court in relation to the reservation.

7. **Charter in respect of marae—**

(1) Subject to subclause (2) of this regulation, where a reservation is a marae, the trustees of that reservation shall draw up, in agreement with the beneficiaries of the marae, a charter for the reservation, which charter may include provision for the following matters:

- (a) The name of the marae:
- (b) A general description of the marae reservation (including a plan if appropriate):
- (c) A list of iwi, hapu, or whanau (whichever is relevant) who are the beneficiaries of the marae reservation:
- (d) The process for nominating and selecting marae trustees:
- (e) Principles to which the trustees will have regard in relation to the marae:
- (f) The manner in which the trustees are to be accountable to the beneficiaries:
- (g) The process by which conflicts between beneficiaries and trustees are to be resolved:
- (h) The recognition of existing marae committees:
- (i) The appointment by the trustees of one or more committees for the purposes of carrying out the day to day administration of the marae:
- (j) The procedure for altering the charter:
- (k) Provision for the keeping and inspection of the charter:
- (l) Subject to the provisions of the Act or any regulations made under the Act, such other matters as the beneficiaries of the marae may require.

(2) Where a reservation that is a marae is to be held for the common use and benefit of the people of New Zealand, the charter for the reservation shall, instead of being drawn up in agreement with the beneficiaries of the marae, be drawn up in agreement with the beneficial owners of the land.

8. Powers of trustees—

The trustees of any reservation may, subject to any order of the Court,—

- (a) Authorise activities on the reservation by any person or class of persons:
- (b) Issue permits in relation to any activity on a reservation:
- (c) Apply to the Court for any directions in relation to the administration of the reservation, and the powers and obligations of the trustees:
- (d) Call meetings of interested persons in relation to the administration of the reservation:
- (e) Appoint and employ, on behalf of the trustees, such advisers as the trustees think fit, for the purposes of enabling their better administration of the reservation.

9. Activities requiring prior written authorisation of trustees—

- (1) The following activities on a reservation shall require the prior written authorisation of the trustee or trustees—
  - (a) The use of any building on the reservation:
  - (b) The promoting or holding of any hui, meeting, or other large gathering of persons within a reservation:
  - (c) The promoting or holding of any sports event, competition, or concert within a reservation:
  - (d) Such other activities or events as the trustees may from time to time determine require the prior written authorisation of the trustees.
- (2) Nothing in subclause (1) of this regulation requires the prior written authorisation of the trustee or trustees to be obtained in relation to the conduct on a reservation of a tangi hanga.

10. Application for authorisation—

- (1) Any person who desires to promote or hold on any reservation any activity of the kind referred to in regulation 9(1) of these regulations shall make a written application to the trustees.
- (2) The application shall state—
  - (a) The full name and address of the applicant:
  - (b) The particular activity for which consent is sought:
  - (c) The area of land, and the buildings, that it is proposed be used or occupied, in relation to the activity:
  - (d) The proposed date, and time of duration, of the activity:
  - (e) The numbers of persons which the applicant proposes might attend the activity and the arrangements the applicant proposes for admission to, and control of, the activity.

11. Power of trustees to request further information—

The trustees may, upon receipt of an application to conduct an activity of the kind referred to in regulation 9(1) of these regulations, request further information from the applicant, and the trustees shall not be required to consider the application until the trustees have received that further information, and completed such inquiries, as the trustees may in their discretion require or consider appropriate.

12. Consideration and determination of application—

- (1) Subject to regulation 11 of these regulations, the trustees shall meet to

(1) Subject to subclause (2) of this regulation, where a reservation is a marae, the trustees of that reservation shall draw up, in agreement with the beneficiaries of the marae, a charter for the reservation, which charter may include provision for the following matters:

- (a) The name of the marae:
- (b) A general description of the marae reservation (including a plan if appropriate):
- (c) A list of iwi, hapu, or whanau (whichever is relevant) who are the beneficiaries of the marae reservation:
- (d) The process for nominating and selecting marae trustees:
- (e) Principles to which the trustees will have regard in relation to the marae:
- (f) The manner in which the trustees are to be accountable to the beneficiaries:
- (g) The process by which conflicts between beneficiaries and trustees are to be resolved:
- (h) The recognition of existing marae committees:
- (i) The appointment by the trustees of one or more committees for the purposes of carrying out the day to day administration of the marae:
- (j) The procedure for altering the charter:
- (k) Provision for the keeping and inspection of the charter:
- (l) Subject to the provisions of the Act or any regulations made under the Act, such other matters as the beneficiaries of the marae may require.

(2) Where a reservation that is a marae is to be held for the common use and benefit of the people of New Zealand, the charter for the reservation shall, instead of being drawn up in agreement with the beneficiaries of the marae, be drawn up in agreement with the beneficial owners of the land.

**B. Powers of trustees—**

The trustees of any reservation may, subject to any order of the Court,—

- (a) Authorise activities on the reservation by any person or class of persons:
- (b) Issue permits in relation to any activity on a reservation:
- (c) Apply to the Court for any directions in relation to the administration of the reservation, and the powers and obligations of the trustees:
- (d) Call meetings of interested persons in relation to the administration of the reservation:
- (e) Appoint and employ, on behalf of the trustees, such advisers as the trustees think fit, for the purposes of enabling their better administration of the reservation.

9. Activities requiring prior written authorisation of trustees—

- (1) The following activities on a reservation shall require the prior written authorisation of the trustee or trustees—
- (a) The use of any building on the reservation:
  - (b) The promoting or holding of any hui, meeting, or other large gathering of persons within a reservation:
  - (c) The promoting or holding of any sports event, competition, or concert within a reservation:
  - (d) Such other activities or events as the trustees may from time to time determine require the prior written authorisation of the trustees.
- (2) Nothing in subclause (1) of this regulation requires the prior written authorisation of the trustee or trustees to be obtained in relation to the conduct on a reservation of a tangi hanga.

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- (2) The application shall state—
- (a) The full name and address of the applicant:
  - (b) The particular activity for which consent is sought:
  - (c) The area of land, and the buildings, that it is proposed be used or occupied, in relation to the activity:
  - (d) The proposed date, and time of duration, of the activity:
  - (e) The numbers of persons which the applicant proposes might attend the activity and the arrangements the applicant proposes for admission to, and control of, the activity.

11. Power of trustees to request further information—

The trustees may, upon receipt of an application to conduct an activity of the kind referred to in regulation 9(1) of these regulations, request further information from the applicant, and the trustees shall not be required to consider the application until the trustees have received that further information, and completed such inquiries, as the trustees may in their discretion require or consider appropriate.

12. Consideration and determination of application—

- (1) Subject to regulation 11 of these regulations, the trustees shall meet to

consider and determine any application as soon as practicable.

- (2) The trustees may—
  - (a) Adjourn consideration of the application until such date as they think fit (being a date not later than the date on which the proposed activity is to take place or begin); or
  - (b) Grant the application; or
  - (c) Grant the application, subject to such conditions as the trustees think fit; or
  - (d) Decline the application.

13. No obligation to give reasons for decision—

The trustees shall not be obliged to give to any person any reasons in relation to the trustees' decision or requirements, made under regulation 11 or regulation 12 of these regulations, unless the trustees have been required by an order of the Court to do so.

14. Meetings of persons interested in reservation—

- (1) The trustees may, if they consider it desirable, and shall, if required by order of the Court, convene meetings of any persons interested in the reservation.
- (2) Such meetings shall, subject to any order of the Court,—
  - (a) Be held at the reservation or such other place as the trustees may think fit at such time, and for such duration, as the trustees may determine;
  - (b) Be chaired by a trustee, or a person nominated by the trustees;
  - (c) Be notified, if the trustees consider it desirable, by 14 days' notice being given by the trustees—
    - (i) In a notice published in a newspaper circulating in the district in which the reservation is situated; or
    - (ii) In a notice affixed at or near the notice referred to in regulation 5 of these regulations;
  - (d) Be conducted in such manner as the chairperson of the meeting shall direct.

15. Records and accounts—

The trustees shall—

- (a) Keep and maintain separate, accurate, and up to date records and accounts in relation to their administration of the reservation;
- (b) Maintain a separate bank account in relation to the reservation and pay into such bank account all money received by the trustees in relation to the reservation;

(c) Ensure that such separate bank account is operated only by at least 2 signatories for the time being authorised by the trustees to operate the bank account:

(d) If required by the Court at any time, produce to the Court for examination all records, books of account, and vouchers in the possession or control of the trustees, in relation to the reservation.

16. Provisions applicable where trustee is body corporate—

Where a body corporate is appointed trustee of a reservation, that trustee shall, subject to any order of the Court,—

(a) Ensure that the trustee's decisions are made lawfully in accordance with the constitution of the body corporate by the board of directors or other committee of management of the body corporate:

(b) Keep such separate accurate records, books of account and minute books, in relation to the administration of the reservation, as are required to distinguish clearly the trustee's role as trustee from any other activities of the trustee.

17. Provisions applicable where trustees are not body corporate—

Where the trustees are other than a body corporate as sole trustee, then, subject to any order of the Court,—

(a) The trustees shall convene and hold a first meeting of trustees within 30 days of their appointment:

(b) The trustees shall otherwise meet for the dispatch of business at such times and places as the trustees consider appropriate:

(c) No business shall be transacted at any meeting of the trustees unless a quorum is present:

(d) Where the number of trustees is 2 or 3, 2 shall constitute a quorum and, where the number of trustees is more than 3, a quorum shall consist of at least one-half in number of the trustees:

(e) The trustees shall at their first meeting appoint one of their number to act as chairperson and that person shall remain in office until such time as the trustees appoint a new chairperson:

(f) If the trustees are unable to agree as to the appointment of a chairperson, or for any other reason fail to appoint a chairperson, the Court may appoint a chairperson to hold office for a specified term or until a new chairperson is appointed by the trustees or the Court:

(g) All questions coming before the trustees at any meeting shall be decided by a majority of the votes of the trustees present at the meeting:

(h) At every meeting the chairperson, or, in his or her absence, some other trustee chosen by those present, shall preside; and the chairperson or

presiding trustee shall have a deliberative vote and also, in the event of an equality of votes on any matter, a casting vote:

(i) All proceedings and resolutions of the trustees, and proceedings of a meeting convened under regulation 14 or regulation 19 of these regulations, shall be recorded in a minute book to be kept by the trustees for that purpose.

18. Execution of documents—

(1) Except in the case of a deed or other document that is required to be signed by all of the trustees, any deed or other instrument to which the trustees are a party may be signed on behalf of the trustees by a majority of the trustees if the entry into and execution of the deed or other document has been authorised by a resolution of the trustees.

(2) Where a deed or other instrument is signed in accordance with subclause (1) of this regulation by a majority of the trustees, that deed or other instrument shall be as binding on the trustees as it would have been if it had been signed by all of the trustees.

19. Annual meeting—

(1) The trustee or trustees of a reservation shall, subject to any order of the Court, call an annual meeting in each year, and give 21 days' prior notice of the time and place of the meeting—

(a) By publishing, in a newspaper circulating in the district where the reservation is situated, a notice giving particulars of that time and place; and

(b) By giving such other, or additional, notice of the time and place of the meeting as the Court may direct at any time.

(2) The annual general meeting—

(a) Shall be open to the attendance of all beneficiaries or other persons for whose benefit the reservation is intended; and

(b) Shall be chaired by a trustee, or a person nominated by the trustees; and

(c) Shall be conducted in such manner as the chairperson of the meeting directs.

(3) The trustee or trustees shall at the annual general meeting—

(a) Outline the position of the reservation, including the matters undertaken by the trustees in the preceding 12-month period; and

(b) Report generally on the trustees' proposals for the administration of the reservation during the next 12-month period; and

(c) Give to persons attending the meeting a reasonable opportunity to express their views in relation to the reservation.

(4) Nothing in subclause (3) of this regulation limits the matters that the trustees may address at the annual meeting or obliges the trustees to prepare or distribute any particular written reports or material.

20. **Trustee who ceases to hold office—**

A person who ceases to hold office as trustee—

(a) Shall deliver to the remaining trustee, or to the Court, all records and papers in the possession of, or under the control of, the trustee in relation to the reservation:

(b) Subject to compliance with paragraph (a) of this regulation and subject to paragraph (c) of this regulation, shall be released from any future liability as trustee in relation to the reservation:

(c) Shall not be released, by virtue of ceasing to hold office, from any liability as trustee arising out of or in relation to actions or omissions of the trustee that occurred while that person was holding the office of trustee.

21. **Inquiry into administration of reservation—**

(1) The Court may at any time, upon application made to the Court by any beneficiary or person whom the reservation is intended to benefit, conduct or order such inquiry into the administration by any trustee of a reservation, as the Court thinks fit.

(2) No inquiry shall be conducted by the Court unless—

(a) The applicant for such inquiry has filed with the Court a statement, signed by the applicant, containing the detailed grounds upon which the applicant requires the inquiry; and

(b) The applicant has given to each trustee a copy of the application made to the Court under subclause (1) of this regulation; and

(c) Either—

(i) The Court received a written statement, in relation to the application, signed by or on behalf of the trustees; or

(ii) The Court has dispensed with compliance with subparagraph (i) of this paragraph.

22. **Activities committed in contravention of Act, regulations, or order of Court—**

(1) No person shall conduct any activity on a reservation, if the activity, or the manner, time, or duration of the activity, is in contravention of, or not permitted by,—

(a) The Act or these regulations or any order of the Court, in relation

to the reservation; or

(b) Any authorisation for the time being given by the trustee or trustees of the reservation.

(2) No person shall, without the prior written authorisation of the trustees of a reservation, conduct on that reservation any activity that requires, under these regulations, the prior written authorisation of those trustees.

23. Offences—

(1) Every person commits an offence against these regulations who, without lawful excuse, acts in contravention of, or fails to comply with, regulation 22 of these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding \$10.

24. Revocation—

The Maori Reservations Regulations 1963<sup>1\*</sup> are hereby revoked.

MARIE SHROFF,  
Clerk of the Executive Council.

EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 23 May 1994, replace the Maori Reservations Regulations 1963.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Department of Justice.

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<sup>1</sup>SR 1963/210