



# Te Rūnanga o Ngāti Whātua Order 2021

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 27th day of September 2021

Present:

Her Excellency the Governor-General in Council

This order is made under section 55 of the Maori Trust Boards Act 1955 on the advice and with the consent of the Executive Council.

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## Order

### 1 Title

This order is the Te Rūnanga o Ngāti Whātua Order 2021.

### 2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

### 3 Interpretation

In this order, unless the context otherwise requires,—

**Act** means the Maori Trust Boards Act 1955

**Board** means Te Rūnanga o Ngāti Whātua, constituted by section 4(1) of the Te Runanga o Ngati Whatua Act 1988.

### 4 Background

- (1) The term of office of the outgoing members of the Board expired on 6 March 2021.
- (2) The Board held an election for new members that was completed in January 2021.
- (3) However, the election was irregular because the Board failed to comply with some of the procedural requirements for conducting an election under the Act. Validation under section 55 of the Act is therefore sought for the following irregularities:
  - (a) a District Maori Council was not given notice of the fact that nominations were being called for election to membership of the Board, as required by section 46(2)(b) of the Act:
  - (b) the Board set the closing date by which nominations were to be lodged at 31 July 2020, earlier than 6 December 2020 (the latest date required by section 47(3) of the Act):
  - (c) the requirement under section 51 of the Act that ballot papers be posted to all eligible beneficiaries was not met in time and some beneficiaries did not receive ballot papers at all:
  - (d) the Board set the closing date for receiving ballot papers earlier than 6 February 2021, the latest date required by section 52 of the Act, and continued to accept ballot papers until late January 2021, which was up to a week after the set closing date:
  - (e) the Returning Officer for the election was not appointed by the Minister, as required by section 52 of the Act:
  - (f) ballot papers and voter declaration forms were not in the exact form specified in Schedules 8 and 9 respectively of the Maori Trust Boards Regulations 1985.
- (4) Following the date fixed by the Act for the election of the Board, the elected candidate for the Ōrākei takiwā died. Because the Act and the Maori Trust Boards Regulations 1985 do not make sufficient provision for the replacement of a candidate who dies in the period following election but before appointment, this order provides for the appointment under section 55 of the Act.

### 5 Validation and appointments

- (1) Despite the irregularities described in clause 4(3),—

- (a) the 2021 election of members to the Board is, and always has been, valid:
- (b) the following persons elected in the election are appointed as members of the Board:
  - (i) George Wiki Nathan-Patuawa, Lillian Angela Patuawa, Allan Matthew Pivac, and John Rahui are to represent the Northern Wairoa takiwā:
  - (ii) John Alexander Marsden, Debroah Anne Nathan, and Virginia Carolyn Ann Warriner are to represent the Otamatea takiwā:
  - (iii) Rangimarie Naida Glavish and Richard Nahi are to represent the South Kaipara takiwā:
  - (iv) Teni Patrick Nepia is to represent the Whangārei takiwā.
- (2) Anahera o te Haahi Ratana Morehu is appointed as a member of the Board to represent the Ōrākei takiwā because,—
  - (a) as described in clause 4(4), the elected candidate for the Ōrākei takiwā, Ngaio Cathrine Tui Kemp, died before appointment; and
  - (b) the Act and the Maori Trust Boards Regulations 1985 do not make sufficient provision for the replacement of a candidate who dies in the period following election but before appointment; and
  - (c) Anahera o te Haahi Ratana Morehu was the only other candidate nominated for the Ōrākei takiwā in the 2021 election of members to the Board.
- (3) The members of the Board appointed in subclause (1)(b) and Anahera o te Haahi Ratana Morehu, appointed in subclause (2), hold office for a term of 3 years starting on the date on which this order commences.

Michael Webster,  
Clerk of the Executive Council.

### Explanatory note

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

This order comes into force on the day after the date of its notification in the *Gazette*. The order validates the election of members to Te Rūnanga o Ngāti Whātua (a Board for the purposes of the Maori Trust Boards Act 1955) in January 2021. The election was subject to the irregularities specified in clause 4(3). The members are appointed to the Board for a term of 3 years starting on the date of the commencement of this order.

The order also appoints a candidate who was not elected in that election to replace the elected candidate for the Ōrākei takiwā who died before appointment. The appointed candidate was the other candidate for the Ōrākei takiwā nominated in that election.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 September 2021.

This order is administered by Te Puni Kōkiri.