

WAITUTU INCORPORATION

CONSTITUTION

Order of Incorporation: Issued by the Maori Land Court on 8 August 1973 pursuant to Section 29 of the Maori Affairs Act 1953.

OBJECTS

The objects of this Incorporation are:

- "1. To use the land or any part thereof for the growing of timber, for engaging in the felling and marketing of timber, for establishing and carrying on timber mills, for granting licences to cut and remove timber or for engaging in any other operations for the production, utilisation or sale of timber and for carrying on any agriculture or pastoral or afforestation business thereon.
2. To occupy and manage as a farm the land or any portion of the land vested in the Incorporation and to carry on any agricultural or pastoral business thereon.
3. To engage in coalmining or other mining operations on the land or to grant leases or licences for production of coal or other minerals.
4. To engage for the alienation by sale or lease or otherwise of the land or of any portion thereof."

Constitution

The Maori Incorporations Constitution Regulations 1994 * state:

"2. **Constitution of incorporations** - Subject to section 253A of the Act, the constitution set out in the First Schedule to these regulations shall be the constitution of every incorporation."

* The Maori Incorporations Constitution Regulations 1994 can be found at:
www.legislation.govt.nz

Te Ture Whenua Maori Act 1993 states:

"268(3) A Maori Incorporation may, by special resolution of the shareholders, alter, add to, or replace its constitution in accordance with any provision of this Act or any regulations made under this Act."

Special Resolutions:

The Special Resolutions adopted by the shareholders of this Incorporation are:

1. "That the special requirements for witnesses to proxies be removed."

(Annual General Meeting 1975).

2. That one share be fixed as the minimum share unit for the Incorporation for the purposes of Section 34 of the Maori Affairs Amendment Act 1967.

"Section 34 Minimum share unit - (1) Where in respect of any incorporation a minimum share unit has been fixed pursuant to section 33 of this Act, no shareholder shall transfer to any other person any number of shares less than the minimum share unit unless the shares transferred are the whole of the shares of the transferor **and** are transferred to the incorporation or to an existing shareholder; nor shall a shareholder transfer to any person any number of shares which would reduce the number of shares of the transferor to less than the minimum share unit. Any transfer of shares purporting to be effected in contravention of this subsection shall be null and void and of no effect.
 (2) Nothing in subsection (1) of this section shall be construed to restrict the transmission of any shares in an incorporation by operation of law."

(By Court Order 27 January 1976 pursuant to Section 33 of the Maori Affairs Amendment Act 1967.)

3. That no shares of the Incorporation be sold except as authorised by subsection (3) of Section 41 of the Maori Affairs Amendment Act 1967."

"Section 41(3) A shareholder may transfer his shares as follows:
 (a) To the incorporation; or
 (b) To any other shareholder; or
 (c) To the Maori Trustee, or to any other State Loan Department, or to the Crown; or
 (d) To the shareholder's spouse, child or remoter issue, brother, sister, parent, brother or sister of a parent, or to the child or remoter issue of a parent or of the brother or sister of a parent:
 Provided that for the purposes of this paragraph the illegitimacy of any person shall not be deemed to affect the natural blood relationship subsisting between him and any other person."

(By Court Order 12 May 1977, pursuant to Section 40 (2) of the Maori Affairs Amendment Act 1967.)