



TAKIMOANA GOVERNMENT DEED OF CONSTITUTION

Date of Execution: 22 June 2008

PREAMBLE

WHILST ACKNOWLEDGING

1. Our great ancestor and chieftainess Rua-waipu, an honoured name in whakapapa, and of supreme importance as the carrier of the mana whenua; and
2. Takimoana, mokopuna o Rua-waipu, and founding ancestor of our tribe Te Whanau-a-Takimoana of the independent northern East Coast territory of Aotearoa (New Zealand) and holder of complete and unbroken sovereignty over the Takimoana rohe before, and since 1840; and
3. That Te Tiriti o Waitangi ki Te Tai Rawhiti signed at Rangitukia on 1 June 1840 is the prevailing treaty between us and Queen Victoria of England and her royal successors gone and for the time being; and
4. That the prevailing treaty secured to Queen Victoria and her royal successors gone and for the time being:
 - a. Authority on Crown land over British subjects for the maintenance of peace and good order; and
 - b. The first right of purchase and first right of refusal over our lands; and
5. That in exchange for those terms:
 - a. Our te tino rangatiratanga and mana motuhake over our lands, villages and all our treasures was affirmed and accorded the royal protection; and
 - b. We were accorded the same rights and privileges as British subjects whilst not turning us into British subjects; and

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6. Te Whanau-a-Takimoana te tino rangatiratanga means the unqualified exercise of Te Whanau-a-Takimoana chieftainship over our ancestral lands, villages me nga taonga tuku iho, which includes the right to independent government including:
 - a. The right to make laws
 - b. The right of judicature
 - c. The right to development
 - d. The right to trade
 - e. The right to make war and peace; and
7. That since the signing of the prevailing treaty our status as the holder of sovereign power over our territories has never been relinquished by conquest, cession, acquiescence, or any other means; and
8. That the law of Tikanga Maori was, and remains, first law in Aotearoa, the supremacy of which, supersedes all foreign legal doctrines including English common law, and European international law; and
9. That English law can only be exercised on English soil, such law being subject to the overall authority of the Chiefs; and
10. That Queen Victoria and her royal successors gone and for the time being have not properly or legitimately acquired any of our lands under the Queen's first right of purchase and first right of refusal; and
11. That the prevailing treaty is the constitution of the independent East Coast territory as:
 - a. It provides the foundation for the lawful exercise by us of self government over our tribal lands, being land of every description situate within the rohe of Te Whanau-a-Takimoana, and includes but is not limited to, our flora and fauna, minerals, foreshore, seabed, internal waterways, territorial seas, fisheries, and airspace; and
 - b. It is the means by which Queen Victoria's settled form of civil government which resides in Wellington, is established for the maintenance of peace and good order; and
12. That our right to organise in accordance with our own customs and laws is a fundamental constitutional right guaranteed and protected under the prevailing treaty; and
13. That the constitutional right to organise in accordance with our customs and laws have in the past been oppressed by Queen Victoria and her royal successors gone and for the time being through their failure to actively protect us from crimes and abuses perpetrated against us by the Queen's domestic administration commonly known as the New Zealand government, such crimes and abuses including impersonating a sovereign; theft of our lands; exploitation of our natural resources; marginalisation of our rights to equal participation in the politics of the state; forcibly subjecting us to policies designed for the dominant purpose of assimilating us into

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a foreign culture; and policies that have the effect of depriving us of our right to a fair and equitable share of the wealth of the Nation:

AND WHILST FURTHER ACKNOWLEDGING

14. The adoption by a majority of 144 states of the United Nations Declaration on the Rights of Indigenous Peoples ('the declaration') on 13 September 2007 that outlaws discrimination against indigenous peoples and promotes their full and effective participation in all matters that concern them; and
15. That New Zealand was one of the four countries that voted against its adoption; and
16. That the declaration declares, amongst other things, that we as indigenous peoples:
 - a. Have the right to self-government as well as ways and means of financing our governance functions (article 4); and
 - b. Have the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions, while retaining our right to participate fully, if we so choose, in the political, economic, social, and cultural life of the State (article 5); and
 - c. Have the right not to be subjected to forced assimilation (article 8); and
 - d. Have the right to belong to an indigenous community or nation; in accordance with our traditions or customs and that no discrimination of any kind may arise from the exercise of such a right (article 9); and
 - e. Have the right to establish and control our educational systems and institutions providing education in our own language in a manner appropriate to our cultural methods of teaching and learning (article 14); and
 - f. Have the right to determine and develop priorities and strategies for exercising our right to development including the right to develop and determine health, housing and other economic and social programmes affecting us and to administer such programmes through our own institutions (article 23).

WE THE PEOPLES OF TE WHANAU-A-TAKIMOANA DETERMINED

17. To exercise our constitutional and sovereign rights to independence as guaranteed and protected by the prevailing treaty, and recognised by the United Nations Declaration on the Rights of Indigenous Peoples; and
18. To attain a full measure of government over our territories to promote our own well-being; and
19. To throw off the New Zealand government and impostor sovereign so as to bring an end to the long train of abuses and usurpations perpetrated against us which has lead to our political

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disempowerment and the dispossessing of our tribal lands and resources; and

20. To honour our ancestors' obligations to Queen Victoria arising from the prevailing treaty; and
21. To promote authentic biculturalism, social progress, and better standards of life for all New Zealanders:

AND FOR THESE ENDS

22. To regulate for the promotion of our social, political, legal, economic and cultural advancement and prosperity; and
23. To remedy the treaty transgressions committed by Queen Victoria and her royal successors gone and for the time being against us; and
24. To unite our strength as individuals to resist the forces of colonial oppression and to overcome the injustices of our world; and
25. To maintain racial harmony, peace and good order; and
26. To uphold the word of our ancestors by preserving and protecting the right of Queen Victoria's royal successor for the time being to have authority on Crown land over her royal subjects for the maintenance of peace and good order:

HAVE RESOLVED TO CONSTITUTE OUR INDEPENDENT GOVERNMENT TO ACCOMPLISH THESE AIMS

27. Accordingly, we the peoples of Te Whanau-a-Takimoana, in union and at our own free will, and with our prior and informed consent hereby constitute our government to be known from this day as the Takimoana Government.

CHAPTER ONE

PURPOSES OF THE TAKIMOANA GOVERNMENT

Article 1

The purposes of the Takimoana Government are:

1. To act as Guardian for Te Whanau-a-Takimoana through the exercise of Te Whanau-a-Takimoana te tino rangatiratanga both domestically and internationally for and on behalf of Te Whanau-a-Takimoana in a manner that best advances the social, political, economic and cultural wellbeing of Te Whanau-a-Takimoana; and
2. To maintain a watching brief over the political activities of the New Zealand government and to intervene where necessary to right any wrongdoing perpetrated by the New Zealand government; and

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3. To acknowledge, respect, and advocate the sovereign autonomy and rights of other independent East Coast whanau and hapu; and
4. To develop friendly relations with other Maori groups and organisations based on respect for their autonomy and equal rights to authentic self-determination and autonomous development as recognised by the international community of nations.

CHAPTER TWO

PRINCIPAL AND SUBSIDIARY ORGANS

Article 2

1. There is established as the principal organ of the Takimoana Government the Takimoana Governing Council.
2. Such other principal organs as may be found necessary may be established by Te Whanau-a-Takimoana from time to time.
3. There is established as the subsidiary organs of the Takimoana Governing Council:
 - a. The Treasury
 - b. The Secretariat

Article 3

The Takimoana Government shall place no restrictions on the eligibility of men and woman to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER THREE


THE TAKIMOANA GOVERNING COUNCIL

COMPOSITION

Article 4

1. The Takimoana Governing Council shall comprise of such number of Kaitiaki as may be prescribed by rules of procedure adopted under the transitional provisions of the present Deed of Constitution.
2. Te Whanau-a-Takimoana may at any time and in accordance with Tikanga Maori, appoint a Rangatira or official by some other title, to the Takimoana Governing Council, who shall be deemed as head of the Takimoana Governing Council.
3. The Rangatira or official by some other title appointed pursuant to article 4(2) shall possess all the same rights, duties, and obligations as Kaitiaki.

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4. An appointment made pursuant to article 4(2) may be rescinded at any subsequent time by Te Whanau-a-Takimoana in accordance with Tikanga Maori.
5. Kaitiaki appointed to the Takimoana Governing Council in accordance with this Article, shall fulfil in good faith the obligations assumed by him or her in accordance with the present Deed of Constitution; and
6. Shall give the Takimoana Governing Council every assistance in any action it takes in accordance with the present Deed of Constitution.
7. A Kaitiaki who has persistently violated the principles contained in the present Deed of Constitution may be expelled from the Takimoana Governing Council by Te Whanau-a-Takimoana in accordance with Tikanga Maori.

FUNCTIONS and POWERS

Article 5

1. The Takimoana Governing Council may discuss any questions or any matters, whether domestic in nature, or international in nature, within the scope of the present Deed of Constitution or relating to the powers and functions of any subsidiary organs hereby established in the present Deed of Constitution or to be subsequently established under the present Deed of Constitution, and may make recommendations, give such directions, make such orders, proclamations, declarations or resolutions on any such questions as it sees fit and in order to advance the purposes of government.
2. In exercising its functions, nothing shall fetter the sovereign power of the Takimoana Governing Council to strike down, invalidate, set aside, amend, or suspend, any proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, instruction, or act of, or thing done by, Queen Victoria or her agents, or her heirs and successors, or her domestic administration commonly known as the New Zealand Government, including its Parliament and its institutions, if in the opinion of the Takimoana Governing Council, such proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, instruction, or act of, or thing done by, Queen Victoria or her agents, or her heirs and successors, or her domestic administration commonly known as the New Zealand Government including its Parliament and its institutions, is injurious to the peoples of Te Whanau-a-Takimoana.
3. Any proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, instruction, or act of, or thing done, so struck down, invalidated, or set aside under this Article, shall have no application or validity within the independent territory of Te

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Whanau-a-Takimoana, such independent territory to be defined by the Takimoana Governing Council in accordance with adopted rules of procedure as soon as practicable after the coming into force of the present Deed of Constitution.

4. Any proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, instruction, or act, or thing done, so amended or suspended under this Article shall apply in its amended form, or shall lie suspended, as the case may be, within the independent territory of Te Whanau-a-Takimoana.
5. The Takimoana Governing Council may from time to time establish and fund in addition to the subsidiary organs established under this present Deed of Constitution such other subsidiary organs as may be necessary for the orderly discharge of its functions, including by way of example:
 - a. Takimoana Treaty Claims Council
 - b. Takimoana Law Council
 - c. Takimoana Economic and Social Council
 - d. Takimoana Council for the Environment
 - e. Takimoana Foreign Affairs Council
6. No Kaitiaki appointed to the Takimoana Governing Council shall be personally liable for any act or default done or made by the Takimoana Governing Council in good faith in the exercise of the functions and powers of the Takimoana Governing Council.
7. Every Kaitiaki appointed to the Takimoana Governing Council shall possess the right of absolute freedom of speech while the Takimoana Governing Council is in session.

Article 6

1. The Takimoana Governing Council shall consider and approve its budget.
2. The expenses of the Takimoana Governing Council and its subsidiary organs shall be borne by Te Whanau-a-Takimoana or by any other funding regime as the Takimoana Governing Council sees fit.

VOTING

Article 7

1. The powers and rights conferred upon the Rangatira, or official by some other title, appointed pursuant to article 4(2) shall be the same powers and rights as those conferred upon Kaitiaki.
2. A quorum of not less than 6 Kaitiaki is necessary for the passing of any resolution of the Takimoana Governing Council.
3. Each Kaitiaki shall have one vote.

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4. Resolutions of the Takimoana Governing Council determining questions before it shall be made by a two-thirds majority of the Kaitiaki present and voting.
5. Where a quorum comprising of the minimum of 6 Kaitiaki is in session, all resolutions so passed shall be by way of unanimous decision.

PROCEDURE

Article 8

The Takimoana Governing Council shall meet in regular sessions in accordance with rules of procedure approved and adopted by it.

Article 9

The Takimoana Governing Council shall develop, approve, and adopt its own rules of procedure in accordance with the transitional provisions of the present Deed of Constitution except that no rule shall override any provision of, or right, duty or obligation conferred by, the present Deed of Constitution.

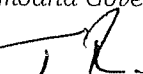
CHAPTER FOUR

SETTLEMENT OF DISPUTES WITH THE NZ GOVERNMENT OR THE BRITISH CROWN

Article 10

1. Where any dispute arises between the Takimoana Governing Council and the New Zealand Government, the continuance of which is likely to endanger the maintenance of national peace and security, the Takimoana Governing Council shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, or other peaceful means of its choice, including seeking the intervention of the British Crown.
2. Where any dispute arises between the Takimoana Governing Council and the British Crown which is likely to endanger the maintenance of international peace and security, the Takimoana Governing Council shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, or other peaceful means of its choice, including seeking the intervention of the United Nations.

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Article 11

1. Any Kaitiaki may bring any dispute, or any situation of the nature referred to in Article 10 to the attention of the Takimoana Governing Council.
2. The proceedings of the Takimoana Governing Council in respect of matters brought to its attention under this Article will be subject to the provisions of Article 10.

CHAPTER FIVE

THE TREASURY

COMPOSITION

Article 12

The Treasury shall comprise of the Kaiputea and such staff as the Kaiputea shall require. The Kaiputea shall be appointed by Te Whanau-a-Takimoana which may at any time remove the Kaiputea from office.

FUNCTIONS and POWERS

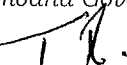
Article 13

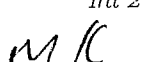
The Treasury is responsible for supporting the purposes of government through the managing of the day-to-day financial affairs of the Takimoana Government and assisting in the development of its long term fiscal strategy towards economic self sufficiency and sustainability, through the restoration of the tribal economic base and business capability building, leading to high employment and incomes, and a more equal distribution of wealth.

Article 14

1. Treasury staff shall be appointed by the Kaiputea under regulations approved by the Takimoana Governing Council.
2. The paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity.

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CHAPTER SIX

THE SECRETARIAT

COMPOSITION

Article 15

1. The Secretariat shall comprise a Kaituhi and such staff as the Kaituhi may require.
2. The Kaituhi shall be appointed by Te Whanau-a-Takimoana who may at any time remove the Kaituhi from office. He or she shall be the chief administrative officer of the Takimoana Governing Council.

Article 16

The Kaituhi shall act in that capacity in all meetings of the Takimoana Governing Council and may exercise such additional powers and duties that the Takimoana Governing Council from time to time determines. The Kaituhi shall make an annual report to the Takimoana Governing Council on the work of the Takimoana Government.

Article 17

The Kaituhi may bring to the attention of the Takimoana Governing Council any matter which in his or her opinion requires the direction of the Takimoana Governing Council.

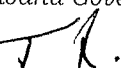
Article 18


1. In the performance of their duties the Kaituhi and the staff shall not seek or receive instructions from any government or from any other authority external to the Takimoana Governing Council. They shall refrain from any action which might reflect on their position as officials responsible only to the Takimoana Governing Council.
2. Each Kaitiaki on the Takimoana Governing Council undertakes to respect the character and responsibilities of the Kaituhi and the staff and not to seek to influence them in the discharge of their responsibilities.

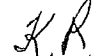
Article 19

1. The staff shall be appointed by the Kaituhi under regulations approved by the Takimoana Governing Council.

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2. The paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity.

CHAPTER SEVEN

MISCELLANEOUS PROVISIONS

Article 20

Every treaty and every national and international agreement entered into by the Takimoana Governing Council after the present Deed of Constitution comes into force shall as soon as practicable be registered with the Secretariat and published by it.

Article 21

In the event of a conflict between the obligations of officials of the Takimoana Governing Council under the present Deed of Constitution and their obligations under any other agreement, their obligations under the present Deed of Constitution shall prevail.

CHAPTER EIGHT

AMENDMENTS

Article 22

Proposed amendments to the present Deed of Constitution shall be approved by Te Whanau-a-Takimoana in accordance with Tikanga Maori.

CHAPTER NINE

TRANSITIONAL PROVISIONS

Article 23

Te Whanau-a-Takimoana agree to bind themselves to all existing and subsequent laws of the New Zealand Parliament (except any subsequent law of the New Zealand Parliament designed to invalidate this Deed of Constitution) from the time the present Deed of Constitution comes into force and until such time as the Takimoana Governing Council, in its opinion, is capable of the proper discharge of full and independent government over all things Te Whanau-a-Takimoana including, but not limited to, territorial lands, waterways, foreshore, seabed, seas and airspace, minerals, flora and fauna.

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Article 24

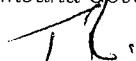
1. As soon as practicable after the present Deed of Constitution comes into force Te Whanau-a-Takimoana shall, in accordance with customary practice, appoint such number of interim Kaitiaki as it deems fit to the Takimoana Governing Council.
2. Interim Kaitiaki appointed to the Takimoana Governing Council shall agree, in accordance with Tikanga Maori, on a process for causing the promulgation of the present Deed of Constitution to Queen Elizabeth II and to the head of her domestic administration in New Zealand, and the United Nations.
3. Interim Kaitiaki appointed to the Takimoana Governing Council shall as soon as practicable after the present Deed of Constitution comes into force, agree, in accordance with Tikanga Maori, on a process for the development, approval, and adoption of rules of procedure as if they were acting in their capacity as permanent Kaitiaki appointed to the Takimoana Governing Council. Such rules of procedure shall include provision for the appointment of permanent Kaitiaki to the Takimoana Governing Council.
4. Interim Kaitiaki appointed to the Takimoana Governing Council under this Article shall assume all the duties and obligations under the present Deed of Constitution as if they were permanent Kaitiaki.
5. Appointments of interim Kaitiaki to the Takimoana Governing Council shall expire three years from the time the appointments are made, or from the time permanent appointments are made in accordance with the rules of procedure adopted for the purpose, whichever event occurs first.

Article 25


Notwithstanding the provisions of Article 23 nothing shall fetter the power conferred upon the Takimoana Governing Council, whether comprising of interim Kaitiaki or permanent Kaitiaki, from the time the present Deed of Constitution comes into force, to exercise the power conferred upon it under Article 5, provided such power is exercised in accordance with rules of procedure sooner approved and adopted for the purpose.

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CHAPTER TEN

RATIFICATION AND SIGNATURE

Article 26

1. The present Deed of Constitution shall be ratified by Te Whanau-a-Takimoana in accordance with Tikanga Maori.
2. Upon the ratification of the present Deed of Constitution Te Whanau-a-Takimoana shall, in accordance with Tikanga Maori, nominate signatories.
3. The present Deed of Constitution shall take effect after the nominated signatories have affixed their signatures to the present Deed of Constitution, the first three signatories having affixed their initials to the foot of each consecutive page hereof.
4. The present Deed of Constitution so executed in accord with this Article, or a copy of it, shall be deposited with the Kaituhi when he or she has been appointed.
5. Any person not nominated as a signatory, and whether or not he or she is a descendant of Takimoana, who bears witness to the ratification and execution of the present Deed of Constitution may affirm that fact by affixing their signature to the present Deed of Constitution as a witness.


WE THE UNDERSIGNED persons today assembled at the Hui Watea Takimoana on the land of our ancestors, being duly nominated to give effect to this present Deed of Constitution in accordance with the provisions hereof, AND all being wholly satisfied that the ratification of this present Deed of Constitution conforms with our custom, do hereby affix our signatures with our prior, free, and informed consent this 22nd day of June 2008.

1 Tamati Reid



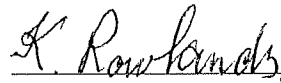
First signatory

2 Maru Koia




Second signatory

3 Te Kiwi Rauponga Rowlands



Third signatory

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- 4 Mehua Papuni Mehua Papuni
Fourth signatory
- 5 Mateohorere (Nigs) Manuel M.D. Manuel
Fifth signatory
- 6 Dennis August Dennis August
Sixth signatory
- 7 Te Paea Paterson Te Paea Paterson
Seventh signatory
- 8 Christine August Christine August
Eighth signatory
- 9 Rapata Kaa R Kaa
Ninth signatory
- 10 John Reid John Reid
Tenth signatory
- 11 Kurawai Reid K Reid
Eleventh signatory
- 12 Christine Beach Christine Beach
Twelfth signatory
- 13 Katrina Koia Katrina Koia
Thirteenth signatory
- 14 Lorraine Akuhata-Koia Lorraine Akuhata-Koia
Fourteenth signatory
- 15 Tattane Te Mate Kino Te Takotoroa
Koiauruterangi Tattane Te Mate Kino Te Takotoroa
Fifteenth signatory
- 16 Whare Kaa W. Kaa
Sixteenth signatory

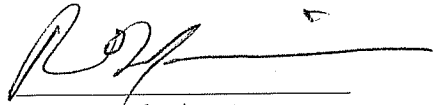
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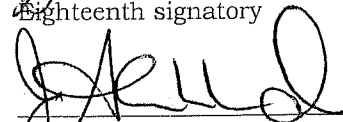
17 Rakapa Jackson Koia


Seventeenth signatory

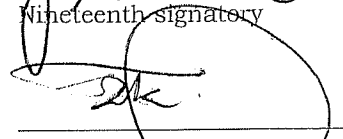
18 Stephen Koia-Beach


Eighteenth signatory

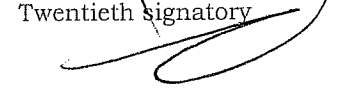
19 Joanne Hebbard


Nineteenth signatory

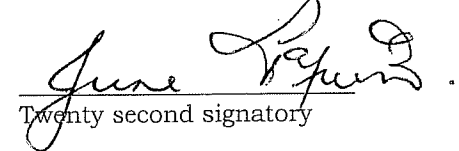
20 Jason Koiauruterangi


Twentieth signatory

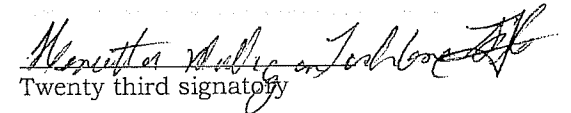
21 Henry Koiauruterangi


Twenty first signatory

22 June Papuni


Twenty second signatory


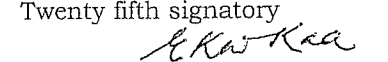
23 Henrietta Mulligan-Tichborne


Twenty third signatory

24 Tangaroa Rowlands.


Twenty fourth signatory

25 ROBERT RAUNA TAIANGORANGI
KAA
ERANA KOPUA NHAKARA KAA


Twenty fifth signatory


26

Twenty sixth signatory

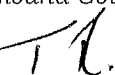
27


Twenty seventh signatory

28

Twenty eighth signatory

Takimoana Government Deed of Constitution: date of execution 22 June 2008

Int 1 


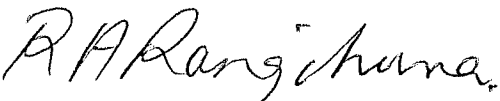

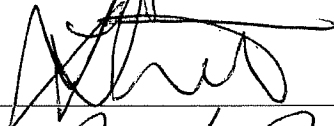

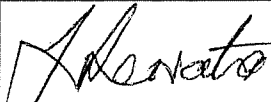

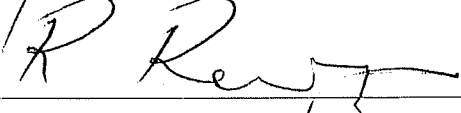

Int 2 

Int 3 

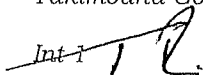
29 ~~Name~~

Twenty ninth signatory

WE THE UNDERSIGNED do hereby affix our signatures to this present Deed of Constitution in witness of the proper execution of this present Deed of Constitution:

	Name	Signature
1	Eruini Akena Te Whanau-a-Pokai	
2	Reg Akuhata-Rangihuna Te Whanau a Kahu o Ruawaipu	
3	Alice Te Puni Te Whanau a Rakaihoea	
4	Lil Stender-Karawhata Te Aitanga-a-Hauiti	
5	Rutene Te Rito Te Whanau a Ruatakitini	
6	Jason Renata Nga hau e wha	
7	Tui Tuakana Makea Marino Te Aitanga a Hauiti iwi	
8	Tutu Dick Reedy Te Aitanga a Materoa	
9	Eru Potaka-Dewes Ruawaipu, Uepohatu, Te Whanau-a-Pokai	

Takimoana Government Deed of Constitution: date of execution 22 June 2008

Int 1 

Int 2 

Int 3
