

RULES

TE RAKAU TURE – THE AUCKLAND MAORI LAW STUDENTS SOCIETY INC

NAME

1. The name of the Society is TE RAKAU TURE – THE AUCKLAND MAORI LAW STUDENTS SOCIETY INCORPORATED

MEMBERSHIP

2. (a) Any person who is a Māori student enrolled in the LLB programme at the University of Auckland is eligible to apply for membership of the Society.

(b) Payment of membership fees shall constitute approval for membership of the Society

(c) At the discretion of Te Kōmiti Whakahaere, the offer of membership may also be extended to other persons not described in rule 2(a)

(d) A person's membership shall cease upon their discontinuing attendance at the University of Auckland Law School, whether it is by graduation or their ceasing to study law at the University of Auckland

(e) A member may resign at any time by notice in writing to the Kaiāwhina

(f) Te Kōmiti Whakahaere may request the resignation of or annul the membership of any member who has acted in a manner contrary to or prejudicial to the interests or objects of the Society

(g) Any person whose membership is annulled for acting in a manner contrary to or prejudicial to the interest or objects of the Society shall be entitled upon written request to receive written advice of the reasons for the annulment and the decision of Te Kōmiti Whakahaere to annul may be reversed by the Society in general meeting.

(h) Cessation of membership by any means shall not relieve the ex-member of any liability to the Society preceding the cessation (except as set out in the Rule 2d)

(i) The Secretary shall keep an up to date membership list

(k) A person's membership fee shall not be refunded upon their removal pursuant to either 2 (e), (f) or (g) from the society

(j) Any person who satisfies (a) or (c) have the right to vote for the purposes of 12(d)

OBJECTS

3. (a) To promote whakawhanaungatanga and manaakitanga amongst Auckland Māori law students from acceptance to graduation
- (b) To identify and respond to the legal needs of Te Iwi Māori
- (c) To act in a manner that is consistent with Tikanga Māori
- (d) To promote and conduct research on any issue of relevance to Māori law students and the Māori people
- (e) To promote the education of Māori lawyers and law students both in terms of Tikanga Māori and Te Ture Pākehā
- (f) To communicate with and affiliate with similar bodies throughout the world
- (g) To promote and conduct any other activities consistent with the spirit of foregoing objects
- (h) These objects shall be interpreted in a manner consistent with Te Tiriti o Waitangi

POWERS

4. (a) The Society shall have the power to do anything consistent with its objects including borrowing and lending money

OFFICERS AND COMMITTEE

5. (a) The Officers of the Society shall be the two Tumuaki, the two Kaitiaki Pūtea and the Kaiāwhina
- (b) Te Kōmiti Whakahaere of the Society shall consist of the two Tumuaki, the two Kaitiaki Pūtea, the Kaiāwhina and five Kaiwhakarite (one Apiha Whakapā, one Apiha Whakaroopu, one Apiha Hākinakina, one Apiha Whakaako, one Pou Tikanga)
- (c) Upon incorporation of the Society the following persons shall be Te Kōmiti Whakahaere holding office as shown. Short titles are shown in brackets below,

and are acceptable to use where more suitable than the full title:

6. (a) At each Hui ā Tau of the Society, elections shall be held to determine who shall be the Officers and Kōmiti Whakahaere until the next Hui ā Tau

(b) No person shall be the Tumuaki for more than one year

(c) No vacancy in Te Kōmiti Whakahaere caused by shortage of candidates or otherwise shall invalidate Te Kōmiti Whakahaere proceedings or actions provided that there is a quorum at committee meetings

(d) Te Kōmiti Whakahaere may fill any vacancy in Te Kōmiti Whakahaere caused by death, resignation or otherwise than by expiry of term

(e) Te Kōmiti Whakahaere at any time may appoint, and the Society at the annual general meeting may elect persons, additional to those specified above to be members of Te Kōmiti Whakahaere until the next Hui ā Tau

(f) Only current members of the Society that have officially been accepted into the LLB Part 2 may hold office or be members of Te Kōmiti Whakahaere o Te Rākau Ture.

7. (a) Te Kōmiti Whakahaere may meet, adjourn and otherwise regulate its meetings as it thinks fit and it may appoint sub-committees consisting of committee members

(b) The Tumuaki may, and the Kaiawhina on the requisition of 3 members of Te Kōmiti Whakahaere at any time shall summon a meeting of Te Kōmiti Whakahaere

(c) Five members of Te Kōmiti Whakahaere shall constitute a quorum. If within (30) minutes from the time appointed for a meeting a quorum is not present the meeting shall be adjourned to the same time and place one week later at which time the meeting shall proceed provided that at least two members of Te Kōmiti Whakahaere are present

(d) Precedence for the Kaiwhakarite at Kōmiti Whakahaere meetings shall be in this order: the Tumuaki, the Kaiāwhina, either one of the Kaitiaki Pūtea and in their absence any person chosen by the meeting. In the case of an equality of votes the Kaiwhakarite shall have a second vote. One of the Tumuaki of the Society shall be an ex-officio member of any subcommittee formed by the committee

(e) Any member of Te Kōmiti Whakahaere unable to attend a Roopu Whakahaere meeting may express views or opinions to the meeting by any means including by word of mouth through another member of Te Kōmiti Whakahaere or any other

member of the Society

(f) A resolution in writing signed or assented to by letter, telegram, cable, telex, facsimile, email or other written message, by all committee members shall be as valid and effectual as if it had been passed at a meeting of committee members duly called and constituted. Any such resolution may consist of several documents in like form, each signed, assented to or purporting to have been dispatched by one or more members of Te Kōmiti Whakahaere

8. (a) Te Kōmiti Whakahaere shall manage the day to day affairs of the Society and may exercise any power vested in the Society and not required by these Rules to be exercised by the Society in general meeting

(b) Public statements on behalf of the Society including written material shall be made or issued only by either of the Tumuaki of the Society with prior Kōmiti Whakahaere approval for each statement

(c) Te Kōmiti Whakahaere may approach any person to be a Patron of the Society either on an annual basis or on some other basis

(d) Te Kōmiti Whakahaere shall be responsible for setting the membership fee each year not exceeding \$20

FINANCIAL

9. (a) Proper records shall be kept of all financial transactions and all monies and negotiable instruments payable to the Society shall be banked into a bank account in the Society's name as soon as possible after receipt

(b) Every cheque or withdrawal shall be co-signed by either one of the Kaitiaki Pūtea and either one of the Tumuaki

(c) Te Kōmiti Whakahaere may invest funds of the Society on deposit with any trading savings bank or any security approved by law for investment of trust funds

(d) The financial year end shall be 30 September and accounts to that date each year shall be prepared and shall be presented at the Hui ā Tau of the Society. The accounts presented at the Hui ā Tau shall have been audited by a Chartered Accountant unless at the proceeding Hui ā Tau a resolution was passed. It shall not be necessary that the accounts presented to the next Hui ā Tau be audited

MEETING

10. (a) A Hui ā Tau of the Society shall be held in each financial year within three (3) calendar months after the preceding financial year end and otherwise at such time and

place as chosen by Te Kōmiti Whakahaere provided however that the first Hui ā Tau shall be held at some time before 30 October annually

(b) A general meeting of the Society may be convened at the discretion of the Society

(c) The Kaiāwhina shall convene a general meeting upon receipt of written request specifying the purpose of the meeting signed by not less than ten (10) paid up members

11. (a) Notice in writing of the place, date and time of every Hui ā Tau and general meeting shall be given to members at least fourteen (14) days prior to the meeting specifying the general nature of the business and in the case of elections specifying the last day for receipt of volunteers or nominations or committee positions and nominations for Office

(b) Non-receipt of notice by any member shall not invalidate proceedings at the meeting

12. (a) The quorum at the Hui ā Tau and at general meetings shall be ten (10) members

(b) If within thirty (30) minutes from the time appointed for a Hui ā Tau or a general meeting a quorum is not present at the same time one week later at the same place or at some other place chosen by the Kaiwhakarite at which time and place those present shall be a quorum

(c) Precedence for the Kaiwhakarite at Hui ā Tau and general meetings shall be in this order; the Tumuaki, the Kaiāwhina, either one of the Kaitiaki Pūtea and in their absence any member of Te Kōmiti Whakahaere chose by those present and in the absence of any committee member any other member of the Society chosen by those present

(d) Only current members of the Society, as outlined in section 2, present in person may vote. That voting shall be by secret ballot. In the case of an equality of votes, a recount shall take place. If this produces the same vote, a revote of the nominees who have top equal votes will be taken. In a case of equality of votes in the revote, the chairperson will have a second vote.

ALTERATION OF RULES

13. (a) These Rules may not be altered except by resolution passed at a Hui ā Tau or a general meeting in the following way:

i. The notice of the meeting must specify the resolution to be put to the meeting and the reasons for the proposed change in the Rules

- ii. Such Resolution shall not pass unless carried by at least two thirds of those present at the meeting and entitled to vote
- iii. No alteration to the proposed resolution as notified shall be permitted

COMMON SEAL

14. The Common Seal of the Society shall be not affixed to any document except pursuant to a

resolution of the committee or of the members in general meeting and it shall be signed by the Kaiāwhina and one of the Tumuaki of the Society. The Kaiāwhina shall hold the Common Seal of the Society

WINDING UP

15. (a) The Society may be wound up if a resolution requiring the Society to be wound up is

passed and subsequently confirmed in accordance with section 24 of the Incorporated Societies Act 1908

(b) If upon winding up of the Society there remains, after satisfaction of all liabilities, any money or property, then the same shall not be paid or distributed amongst the members of the Association but shall be disposed of in such other manner as the general meeting confirming the winding up resolution shall decide

INDEMNITY

16. Every Officer and member of Te Kōmiti Whakahaere shall be indemnified out of the funds of the Society for all costs, losses and expenses which such person may incur or become liable for by reason of any contract entered into or act/thing done by them as an officer or member of Te Kōmiti Whakahaere including travelling expenses and reasonable out of pocket expenses

PAYMENTS

17. A person who is an officer, or member of Te Kōmiti Whakahaere of the Society is not thereby

included from receiving any payment or fee which the committee may resolve should be paid by the Society to that person for work other than normal committee work but such person may not vote on such resolution

SUBSTANTIAL COMPLIANCE

18. A substantial compliance with these Rules shall not be sufficient compliance notwithstanding

that it may not be exact compliance

He Tikanga Tūkino Kore, Wawao Mana

Hoki - Zero Tolerance Policy

He wāhi whakatoihara kore a Waipapa Taumata Rau

He tapu te tangata

He kakano i ruia mai i Rangiatea

E kore e ngaro

Each person is sacred and special

Dispersed from the marae, also named Rangiatea,

The domain of Io-matua.

19. He tikanga tūkino kore tā Te Rākau Ture, Te Rākau Ture holds zero tolerance for any acts or omissions that result in;

- a. All forms of heterosexism, cissexism, racism, sexism, prejudice and any grounds outlined under the Human Rights Act 1993; or
- b. Abuse, violence, or harassment against any other person; or
- c. Bullying; including all forms physical, mental, emotional, and spiritual, either in real life or online; or
- d. Theft, dishonesty, or corruption by any individual TRT member; or
- e. Violation of personal or academic privacy; or
- f. Wilful or reckless damage to Club Property or Persons and gross negligence of any TRT member that causes damage to any Property or Persons; or
- g. This list is non-exhaustive.

20. Following a complaint that a Te Rākau member has breached the Zero Tolerance Policy, the member will be required to go through a Zero Tolerance process.

21. When a complaint has been made to an Executive member, the Executive member must bring the complaint to the Pouāwhina and/or Kaiārahi at first instance.

- a. Upon receiving the complaint, the Pouāwhina and/or Kaiārahi will assess whether the act or omission is a serious or minor breach of the Zero Tolerance Policy.
- b. The Pouāwhina and/or Kaiārahi will speak with the complainant and

- respondent to decide whether it is a serious or minor breach.
- c. Restoring the mana of the complainant and respondent will be central to all decisions made by the Pouāwhina and the Kaiarahi.
 - d. If the Pouāwhina and/or Kaiārahi decide that the issue is a minor breach of the Zero Tolerance Policy they will endeavour to resolve the issue at first instance.
 - e. If the Pouāwhina and/or Kaiārahi decide that the issue is a serious breach of the Zero Tolerance Policy then either the Hohourongo Process or the Equity Officer Process will commence.
 - f. In deciding whether a Hohourongo Process or the Equity Officer Process is appropriate, the Pouāwhina and/or Kaiārahi will consult with both the complainant and respondent.
22. If the Hohourongo Process is found to be most appropriate, the process is found in Appendix 1.
23. If the Equity Officer Process is found to be most appropriate, the Equity Officers Process can be found in ss 23-25 of the Equity Council Constitution 2019.
- a. The Equity Officers have the right to determine, by their own processes, whether a person has breached the Zero Tolerance Policy.
 - b. The Equity Officers must consider breaches of this policy before following the Zero Tolerance Process stipulated in the Equity Council Constitution 2019.
 - c. In cases of Reconsideration, the Equity Council has the right to determine, by their own process, whether a person has breached the Zero Tolerance Policy.
24. If the Equity Officer(s), or Equity Council in cases of reconsideration, find that there has been a breach of Zero Tolerance Policy, the Pouāwhina and/or Kaiārahi will then decide whether the breach warrants termination of membership, or whether the mana of the complainant can be restored by other means. This decision will be made in consultation with the complainant and the respondent.
- a. Restoring the mana of the complainant will be central to any decisions made
 - b. The mana of the respondent will also be central to any decisions made
25. If termination of membership is appropriate, the Te Rākau Ture member will have their membership revoked and be barred from future membership and/or Executive office.
- a. This bars the person from any involvement in Te Rākau Ture events and social media platforms.
 - b. The Executive reserves the right to block the person in question from all Te Rākau Ture social media platforms.
26. If the breach of Zero Tolerance warrants termination of membership, the Secretary is responsible for maintaining a record of those who have violated the Zero Tolerance Policy and take reasonable steps to ensure that it is abided by.
27. Te Rākau Ture Executive members must keep all Zero Tolerance Policy information confidential. This information is tapu and the only person the Executive member who received the complaint should disclose this information to is the Pouāwhina and/or Kaiārahi. If an Executive member breaches confidentiality, they could be found to be

in breach of the Zero Tolerance Policy themselves.

APPENDIX 1

Hohourongo means to achieve a state of rongo (peace).

Ko te nuinga na anō o wēnei korero nō Pā Henare Tate me Aunty Whine Cooper.

This was relied upon and was written about by Jeremy Hema's karanga tupuna, the Rev Dr Pā Henare Tate PhD, and Dame Whina Cooper ONZ, DBE, of Te Rarawa.

It was used in former times to address everything from intergenerational warfare, sexual impropriety, offensive behaviour and hurt caused through words or actions.

In modern times it is increasingly being initiated as an alternative form of dispute resolution

The purpose of the hohourongo is to restore tapu and mana to those who find themselves having been impacted by an event or series of events, through which their dignity has been diminished or transgressed.

It was said by Pā Henare that hohourongo can be broken down into three parts:

1. Ho (abbreviated from the kupu Hoa): Companion, colleague, friend, acquaintance
2. Hou: New
3. Rongo: Peace. Although some equate the word rongo with something 'new'. Rongo is also the tūpuna Atua responsible for cultivations and the realm of peace. Rongo therefore may be seen to cultivate peace after a period of conflict.

Thus, hohourongo achieves a new peace among people who share a relationship of one kind or another, professional, personal or otherwise.

Hohourongo provides a process via which impacted parties may discuss their dissatisfaction, hurt or injury. The process provides all parties involved the opportunity to talk frankly and openly about what has caused offence or injury.

Hohourongo typically includes the following parties:

Nga kaitono: Those who claim to have been offended

Nga kaiwhakautu: The respondents

Kaihohourongo: The facilitator of the process.

Kaiwhakamarie: The person responsible for ensuring that the dignity of all involved is protected and upheld. They will intervene when required. They will intervene when required. They could be a senior Māori member of the faculty or university staff, a member of Tāmaki Mana Whenua, or a kaumātua where possible.

Kaitautoko: A support person or support persons of the parties.

The process is tapu, and it is absolutely confidential. If matters are disclosed outside of the hohourono, that tapu is breached.

It is a Maori cultural practice which finds its origins in the Te Moana-nui-a-Kiwa. It is a practice which finds synergies with many other cultural dispute resolution processes throughout the world.

To some it has spiritual significance. To others it does not. Ammended

The mana and the tapu of all involved is of paramount importance.

Elements of the hohourongo are:

Te whaki: the opportunity to describe, confess, disclose and share

Te Pouri: The opportunity to express sadness, distress, mamae (pain), and ohore (disillusion or surprise)

Te whakautu: The chance for the respondent to reply, to give their own view of events. The chance also to express mamae and pouri.

Te utu: The righting of imbalance, a pathway forward, an expression of remorse and apology. This also involves the accepting of an apology where the apology is deemed sincere.

There is an onus on the offending party to seek forgiveness. There is also an expectation that the offended party will seek to forgive. Although this forgiveness may be offered with certain restrictions and conditions.

Te whakawaatea: The setting free of all parties from a negative state of noa (feeling diminished, lost, unworthy, persona non grata). Lifting the burden of anger, sadness, fearfulness and depression from all involved.

Te rongomau: Provided all parties have pono (integrity) in their intentions, the chance to commit to a positive course of action going forward. To commit to a state of peace.

Kai tahi: The sharing of food and breaking of bread. The expression of manaakitanga, hospitality and care of each other's comfort and nourishment. To join in korero- conversation and a new state of joyfulness.

On the day, any two persons made up of either Kaiārahi, Pouāwhina, Kaumatua or any appropriate person in Te Tai Haruru will co-facilitate, playing the dual roles of Kaihohourongo and Kaiwhakamarie. Their roles will require that they lead the process, and ensure the mana and dignity of all is protected. That each person will feel respected, listened to and loved.

There will be karakia and mihi at the beginning and the end of the hui.

Tikanga Māori values:

28. The following tikanga Māori values are to be practiced and embodied by all members of Te

Rākau Ture.

(a) Atuatanga:

Being aware of different religious beliefs and respecting those beliefs, whilst also recognising the importance of atua Māori regarding a Māori worldview.

(b) Whanaungatanga:

- i. Encouraging involvement with Te Rākau Ture, ahakoa ko wai, ahakoa nō hea; and
- ii. Fostering a safe and welcoming space for all.

(c) Manaakitanga:

Facilitating an environment that fosters encouragement and support.

(d) Kaitiakitanga:

To actively preserve and protect Te Ako o te Tui and ngā taonga katoa o Te Rākau Ture.

(e) Rangatiratanga:

Fostering leadership and interconnectedness.