

ORDER SUBSTITUTING RULES AND REGULATIONS

The Maori Land Amendment and Maori Land Claims Adjustment Act 1919
Section 22

In the Maori Land Court
of New Zealand
Waiariki District

IN THE MATTER of that portion of a
block of land known as
Rotohokahoka E containing
8.0937 hectares more or
less situated in Block XVI
Rotorua Survey District and
being part of the land
contained on an Order of
the Native Land Court dated
the 23rd day of June 1884

AT a sitting of the Court held at Rotorua on the 1st day of August 1990
before Norman Francis Smith Esquire, Judge.

WHEREAS that portion of the land known as Rotohokahoka E has been set
aside by the owners thereof for the purpose of a combined Native and
European urupa (hereinafter referred to as the "said urupa").

AND WHEREAS the Rules and Regulations made by the Judge of the Waiariki
Maori Land Court District on the 24th day of August 1923 pursuant to
Section 22 of the Native Land Amendment and Native Land Adjustment Act
1919 governing the conduct of the Board of Trustees of the said urupa
were published in New Zealand Gazette No 39 on the 5th day of June 1924
(hereinafter referred to as the "said Rules and Regulations").

AND WHEREAS the said Rules and Regulations were amended by the deletion
of Rule 17 and the substitution of Rule 17A on the 14th day of
August 1969 at 147 Rotorua Minute Book folios 141-142.

AND WHEREAS an application has been made by the Maori members of the
Board of Trustees of the said urupa to revoke the said Rules and
Regulations and substitute therefore new Rules and Regulations as set out
in the schedule attached hereto.

NOW THEREFORE upon reading the application AND UPON HEARING all the
evidence adduced in support thereof THE COURT DOETH HEREBY invoke new
Rules and Regulations as set out in the schedule attached hereto in

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substitution thereof for the existing Rules and Regulations to the effect that the Board of Trustees shall now and henceforth until further or other Order of the Court hold that portion of the said land upon the new Rules and Regulations subscribed hereto.

AS witness the hand of the Judge and the Seal of the Court


Judge



SCHEDULE

KAUAE URUPA

(NGONGOTAHA CEMETERY)

The administration of Kauae Urupa shall be governed by the following rules and regulations:

- 1 Kauae Urupa shall consist of that piece of land containing 8.0937 hectares more or less being Part Rotohokahoka E Block and situated in Block XVI Rotorua Survey District, as the said area is more particularly delineated in a plan deposited in the office of the Maori Land Court at Rotorua.
- 2 Kauae Urupa shall be classed a "lawn" cemetery whereon the construction or placement of vaults shall be expressly prohibited.
- 3 Kauae Urupa shall be available for use by Maori and non-Maori alike.
- 4 Kauae Urupa shall be vested in and controlled by a Board of Trustees whom the Maori Land Court shall appoint by Order, consisting of three Trustees of Ngati Whakaue descent and three other Trustees selected in the following manner:

- (a) The Ngati Whakaue members of the Board must each be a descendant of the original grantees listed in the Schedule to

the Crown Grant dated the 23rd day of June 1884 for the land known as Rotohokahoka E.

(b) The other members of the Board shall consist of three members for the time being of the Rotorua District Council, one of whom shall be the Mayor of the said Council; the other two shall be nominated by the said Mayor.

(c) If at any time any Trustee of the Board shall die or resign or shall otherwise become ineligible or incapable of acting as Trustee, that Trustee's place shall from time to time be filled by further appointment by the Maori Land Court in manner following:

(i) In the case of Ngati Whakaue Trustees the new Trustee or Trustees shall be such person or persons as shall be nominated at a general meeting of the descendants of the said original grantees called by the Trustees for the purpose at Ohinemutu and accepted by the surviving Trustee or Trustees for appointment by the Maori Land Court, provided such acceptance is not arbitrarily withheld.

(ii) In the case of other Trustees the new Trustee or Trustees shall be such person or persons as shall be nominated by the Mayor of the Rotorua District Council under sub-clause (b) hereof.

(d) The Trustees for the time being shall be those persons appointed by Order of the Maori Land Court.

5 The Chairperson of the Board of Trustees shall be elected annually at the first meeting of the Board in each year by the Trustees; he shall convene all meetings of the said Board and all general meetings prescribed in sub-clause (1) of clause (c) of Rule 4 hereof or for any other purpose deemed necessary.

4 (b) The other members of the Board shall consist of **Four (4)** members of the Rotorua District Council, one of whom shall be the Mayor of the said Council; the other **Three (3)** shall be nominated by the said Mayor.

- 6 Matters in dispute shall be decided by a vote of the Trustees on the Board and in cases of an equal division of opinion the Chairperson shall have a casting vote.
- 7 No fewer than four Trustees of the Board present at a meeting shall form a quorum.
- 8 The Board of Trustees shall have power to fix a scale of fees for burials in the Urupa.
- 9 The Board of Trustees may delegate to the Rotorua District Council the control of the actual working and maintenance of the Urupa and the collection of all burial and other fees in such manner, for such period and upon such terms and conditions as the Board shall determine.
- 10 That the Trustees shall appoint a senior officer of the Rotorua District Council to serve as secretary of the Board and shall delegate to that officer such powers to carry out the day to day administration of the Board's affairs as it shall determine from time to time.
- 11 The portion of the Urupa containing 2.6576 hectares more or less as the said area is more particularly delineated in a plan deposited in the office of the Rotorua District Council, shall be set aside for the interment of members of the Ngati Whakaue Tribe of the following class:
 - (a) A member of Ngati Whakaue of Chinemutu being a descendant of one of the said original grantees; or
 - (b) A person of Ngati Whakaue descent authorised by the three Ngati Whakaue Trustees to be so interred.

10 The Board of Trustees may appoint a senior officer of the Rotorua District Council, or any other suitably qualified person, to serve as Secretary of the Board and shall.....*(It would appear that the arrangement we have been working to for the last 4 years is actually not permitted under existing rules)*

PROVIDED THAT the three Ngati Whakaue Trustees may in their discretion, authorise the interment therein of any other person whether of Ngati Whakaue descent or not who, in their opinion, has had an association or close affiliation with the Ngati Whakaue Tribe.

PROVIDED THAT the four (4) Ngati Whakaue Trustees

- 12 The three Ngati Whakaue Trustees may from time to time authorise the digging of graves and the burying of tupapaku in this part of the Urupa by the bereaved family, under the guidance of the sexton.
- 13 The Board of Trustees shall have power to appoint such sextons and grave-diggers as they may think necessary.
- 14 The Board of Trustees shall cause to be made a plan of the Urupa, dividing the same up into sections and blocks, which shall be numbered or otherwise identified and shall set aside part of the Urupa for Ngati Whakaue as provided for in Rule 11 hereof. Such a plan shall be deposited in the office of the Rotorua District Council.
- 15 The Board of Trustees may sell either in perpetuity or for a limited period the exclusive right of burial in any part of the Urupa and any agreement to be executed in connection with such sale may be signed on behalf of the Board of Trustees by the Chairperson for the time being of the Board.
- 16 Subject to Rule 12 hereinbefore no person other than the sexton or one of his assistants appointed by the Board of Trustees shall dig any grave or open the ground for any burial in any part of the said Urupa.
- 17 No interment shall be made without a warrant for that purpose obtained from the Board of Trustees or from such person or persons as the Board may appoint in that behalf.

12 The four (4) Ngati Whakaue Trustees

- 16 Subject to rule 12 hereinbefore no person other than the sexton or one of his assistants appointed by the board of Trustees shall dig any grave or open the ground for any burial in any part of the said Urupa, save the board may permit family members to assist in the digging of the grave, but the sexton or his assistant must be in attendance at all times to ensure that all safety regulations are adhered to

- 18 In any case where interment is made without the warrant stipulated for in Rule 17 hereof, the Board of Trustees may seek an order for exhumation and, if necessary, determine the rightful place of interment within the Urupa.
- 19 In all cases of intended interment the person having the management or control of the same shall make application in the appropriate form to the Board of Trustees or its nominee.
- 20 The Board or its nominee shall upon such application being made grant to such applicant a warrant in the appropriate form on payment of the prescribed fee.
- 21 All graves shall be dug to such a depth as shall comply with the requirements, if any, of the Medical Officer of Health for the Health District in which the Urupa is situated being a depth not less than that prescribed in any Statute or Statutory Regulation now or hereafter in force in substitution or to like effect.
- 22 The warrant when received by the sexton shall be sufficient authority for such interment.
- 23 Funerals will only be allowed Monday to Friday between the hours of 8.00 am and 5.00 pm and Saturday between the hours of 8.00 am and 12.00 noon PROVIDED HOWEVER if the three Ngati Whakaue Trustees authorise the interment pursuant to Rule 12 hereinbefore then they may set a time outside these hours.
- 24 Any purchaser of the right of burial in perpetuity in any part of the Urupa in which no interments shall have taken place may, with the consent of the Board of Trustees and after payment of an amount as fixed in the scale of fees, transfer his or her interest in the said ground to any other person PROVIDED THAT if such right is held in that portion of the Urupa set aside for the interment of members of the Ngati Whakaue Tribe, transfer of the right of burial shall only be to the class of person referred to in Rule 11.

23 Funerals will be permitted Monday to Friday between the hours of 9am and 4.30pm. PROVIDED HOWEVER funerals may be held outside these hours, and include Saturdays, Sundays and Statuary Holidays, on the payment of additional fees, as set from time to time by the Board

- 25 The Board of Trustees shall keep a record-book in which it shall enter from time to time the number of every lot sold and the name of the purchaser thereof, together with the date of the sale of the same, and shall keep a record of the burials in the Urupa. The said record-book and plan of the Urupa shall be open for inspection by the public at the Rotorua District Council Office during ordinary office hours.
- 26 Erection of Memorials. The Board of Trustees shall construct or cause to be constructed a continuous concrete platform or berm at ground level, flush with the surface on which base or platform foundation work for all memorials will be placed. Cost of the platform should be included in the purchase price of the plot:
- 26.1 A space of 150mm clear of such memorial foundation base shall be maintained both front and back.
- 26.2 No erected memorials shall at the head of the plot be wider than 1 metre in the case of a single plot or 2 metres in the case of a double width (family) plot.
- 26.3 No erected memorial shall at the head of any plot be higher than .75 metre, such memorial should comply with sound engineering principles and shall be aesthetically acceptable to the Board of Trustees. The plans of such memorials shall be submitted to and approved by the Board of Trustees or its duly nominated officer before the erection of any such memorial be permitted.
- 27 All existing fences, enclosures, tombstones, headstones and other monuments left in a state of decay or broken down may at any time be removed from the Urupa by order of the Board of Trustees.
- 28 Any shrub planted in any portion of the Urupa, unless at all times kept trimmed to the satisfaction of the Board, may be removed or cut down by order of the Board and no person shall plant any trees in the Urupa without the consent of the Board first had and obtained

- 29 No person shall ride or drive any horse or vehicle otherwise than for funeral purposes within the Urua without the consent of the sexton.
- 30 That where these rules and regulations of the Kauae Cemetery Trust are silent, then the day to day regulations of the Cemetery shall be subject to the Rotorua District Council by-laws in operation at any given time.
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