

Te Ti Waitangi Marae Charitable Trust Charter

Background:

- A.** The Maori freehold land known as Part Te Ti A Block (ID 29967) was set aside as a Maori Reservation.
– Gazetted 1957
- B.** The trustees and beneficiaries of the reservation have reached agreement as to the terms of a Charter under which the powers and responsibilities of the trustees are recorded for the effective and efficient administration of **Te Ti Waitangi Marae**.

Therefore, It Is Recorded As Follows:

1. Charter Document:

This document shall be the Charter of **Te Ti Waitangi Marae** and sets out the functions, powers and responsibilities of the Trustees, and beneficiaries of the Reservation.

2. Name:

The name of the Reservation shall be more commonly known as **Te Ti Waitangi Marae**.

3. Beneficiaries:

The members of all Ngati Rahiri Hapu, and in particular, the Hapu of Ngati Rahiri, shall be recognized as the beneficiaries of Te Ti Waitangi Marae.

4. Address/postal details:

The physical address of the Marae is: 25 Te Kemara Ave, Waitangi

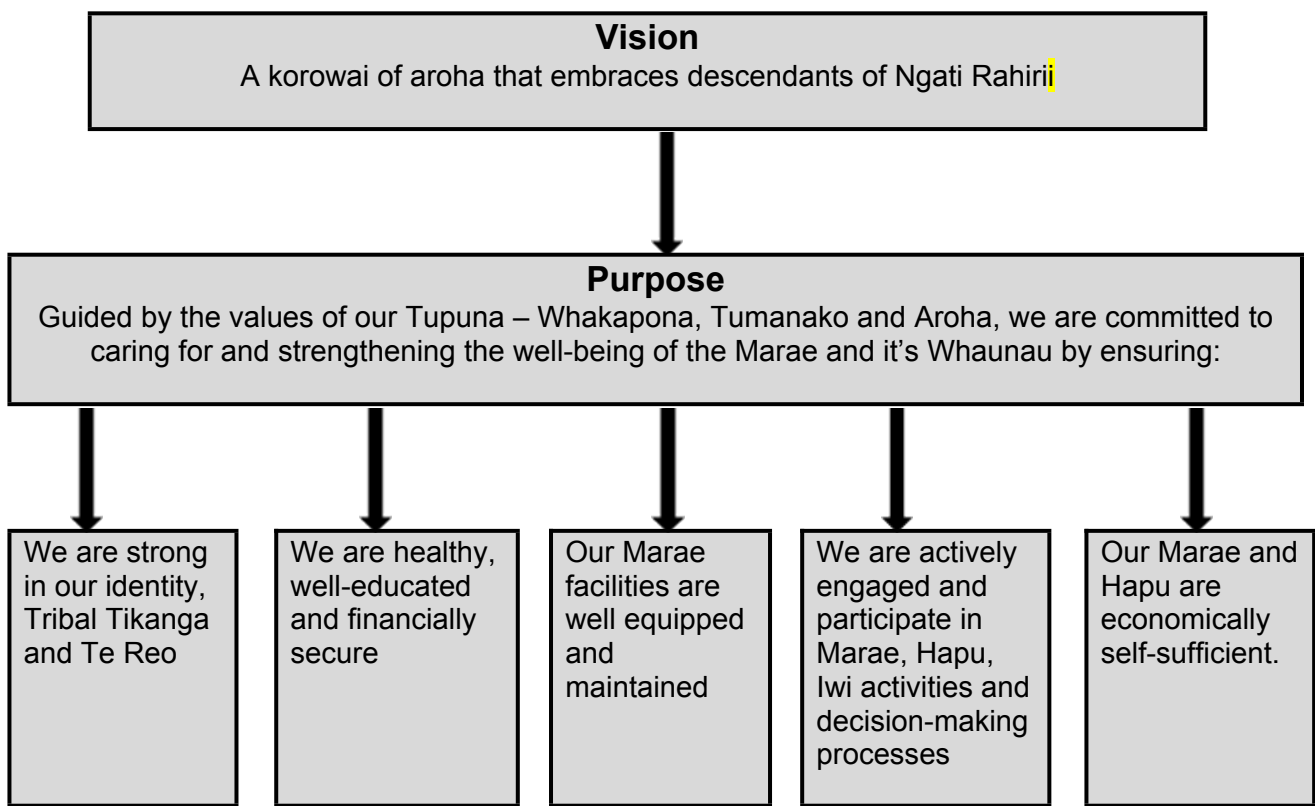
All postal mail should be forwarded to - **The Secretary, P.O Box** 151 Paihia 0247

5. Legislation:

The rights and responsibilities of the Marae Trustees and the Reservation beneficiaries shall at all times be subject to the provisions of Te Ture Whenua Maori Act 1993 and subsequent amendments, the Maori Reservations Regulations 1994, any order issued by the Maori Land Court in relation to the operation of the reservation and to the general law of New Zealand.

6. Objects of the Trustees:

The objects of the Trustees shall be to administer and preserve Te Ti Waitangi Marae for the benefit of the beneficiaries and to apply income received in relation to the Marae, for the purposes of promoting cultural, health, social, economic, education, training /employment and general advancement in the life of the beneficiaries.



7. Functions and Powers of Trustees:

The Marae shall be governed by Trustees who have been duly elected by beneficiaries at a Special General Meeting, for the purpose of electing Marae Trustees, and further ratified by order of the Maori Land Court. They will hold office in accordance with the following provisions;

- a) To be Kaitiaki and have full authority over the Marae and all its facilities.
- b) To be guardians and conveyors of Marae protocol, kawa and tikanga.
- c) To hold and govern the reservation, its assets and all monies derived there from
- d) To oversee the management of all activities on the reservation.
- e) In the case of any conflict or dispute, be they internal or between the Trustees and the beneficiaries, this shall firstly be dealt with by way of a special hui-a-lwi. In recognition of **Tino Rangatiratanga and Ngati Rahiritanga**, matters that are unable to be resolved by this process shall be referred to the Maori Land Court for resolution.
- f) To hold and govern all monies derived
- g) To invest and use the funds of the Marae as follows;
 - i. To maintain any real or personal property of the Marae for improved facilities and enhancement of service.
 - ii. To acquire by purchase, hire, lease, or otherwise any further real or personal property or whatsoever kind provided that it is for the benefit of the Marae
 - iii. To engage in, prosecute, defend, and otherwise take any legal action or proceedings on behalf of the Marae and for that purpose to expend such monies to employ solicitors, counsel and other advisors as the Marae may think necessary. Furthermore, the Trustees are expected to utilise this provision in cases of misappropriation the Marae.

- iv. To open any bank accounts, on behalf of the Marae, as necessary for the functions of the Marae.
- h) To control the hire or lease of any real or personal property of the Marae provided that there shall be no power to sell or dispose of the land and provided that such powers are subject to restrictions on alienation imposed under **Section 338 of TeTure Whenua Maori Act 1993** i.e.
 - Section 338 (12) "The trustees in whom any Maori reservation is in vested may, with the consent of the Court, grant a or lease or occupation licence of the reservation or any part of it for any term not exceeding 14 years, upon and subject to such terms and conditions as the Court thinks fit".
 - Section 338 (13) "The revenue derived from any such lease or occupation license shall be expended by the Trustees as the Court directs".
 - Section 338 (14) "Any /ease granted pursuant to subsection (12) of this section for the purposes of education or health may, notwithstanding anything in that subsection, be for a term exceeding 7 years and may confer on the lesser or licensee a right of one or more terms
- i) To borrow money over the chattels and upon such conditions as the Trustees may think fit providing no illegal activities are taking place with affiliation to the reservation. The Trustees are to oversee all fund-raising for the Marae, ensuring that ventures are operating upon consent (permit) of the proper authorities.
- j) The Trustees shall hold an Annual General Meeting in June each year.
- k) The Trustees shall convene prior to the Annual General Meeting of each year, before commencement of the said meeting and upon conclusion of the same to ensure that administrative functions are seen to and endorse the Audited Annual Financial accounts.
- l) The Trustees may delegate any of the above powers to any other person or persons provided that these delegated powers are overseen by the Trustee Body and it is further understood that the Trustee Body is held accountable for any misappropriation regarding delegated powers.

8. Requirement s of Trustees:

- a) The Trustee Body shall consist of up to a maximum of seven Trustees.
 - i. Such persons shall be members of Ngati Rahiri hapu
 - ii. The Board of Trustee shall also include persons who have attributes that include;
 - A person of standing on the Marae knowledgeable in matters of kawa and tikanga
 - A person with financial, technological, legal or other such skills and attributes
- b) A Trustee shall hold office from the date of appointment by way of Order of the Maori Land Court and shall not be recognised as such until the Order is pronounced.
- c) The Trustees shall appoint a Chair to preside over all! Trustee meetings.
- d) The Trustees Chair shall preside over all Special General Meetings.
- e) Trustees shall hold office for a three-year term. However, they are eligible to offer themselves for re-election if they wish. The election process shall be set up in such a way that there is an annual rotation of live trustees and that these three vacancies be announced in the annual AGM public notice. Candidates shall be nominated/selected at a duly authorized. properly notified and constituted Annual General meeting. Nominations shall be from the floor, voting will be by a show of hands, with the nominee being selected by way of a majority. Note: clause 15 (a) in relation to nominations exceeding the number of vacancies.
- f) A Trustee shall be expected to attend ALL scheduled monthly Marae meetings. If any trustee misses three consecutive monthly meetings (three months) without a reasonable excuse and apologies, the Trustee Body may request that they stand down from this position.

9. Duties of officeholders:

a) Chairman: -

- i. The Chairman shall chair all Trustee meetings and Annual General meetings.
- ii. At the Annual General Meeting, the Chair shall submit:
 - (a) An Annual Report of the preceding 12 months regarding the Marae affairs duly approved by the Trustee Body for acceptance of the beneficiaries.
 - (b) A proposed Annual Report of the Marae affairs as approved by the Trustee body regarding the forthcoming 12-month period for acceptance of the beneficiaries.
- iii. The Chair shall be the Marae's official spokesman on all matters concerning the Marae in the Marae's dealings with the press or other news media.
- iv. Should the occasion arise, either due to absence or otherwise whereby any of the Marae Trustees are temporarily unable to fulfil their obligations the Chair shall have the authority to nominate someone in a 'relieving' capacity until such time as the designated officer resumes his/her duties.
- v. If any position is vacated by a Marae Trustee, the Chair shall have the authority to nominate someone in an 'acting' capacity until such time as a Special General meeting is convened to elect a replacement.

b) Secretary: -

- i. The Secretary shall, call all Annual General Meetings and give **21 clear days** prior notice of the time and place of the meeting-
 - By publishing, in a newspaper circulating in the district where the Reservation is situated, a notice giving particulars of that time and place; and
 - By providing written notice of the same to each Trustee of the Marae.
- ii. The Secretary shall, call all Special General Meetings and give **14 clear days** prior notice of the time and place of the meeting-
 - By publishing, in a newspaper circulating in the district where the Reservation is situated, a notice giving particulars of that time and place; and
 - By providing written notice of the same to each Trustee of the Marae.

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- iii. The Secretary shall call all Trustee meetings as scheduled by the Trustee Body other than those convening on the date of the Annual General Meeting of which **14 clear days**' notice shall be given in writing to each Trustee of the Marae.
- iv. The Secretary shall upon consultation from the Trustee Body, provide an Agenda prior to the commencement of any meeting, whereby there is reasonable opportunity for the respective forum to view the same.
- v. The Secretary shall keep correct minutes of all General Meetings and all Trustee meetings and shall forthwith distribute copies of the said minutes to each Trustee within two weeks from the date the meeting took place. At the commencement of any meeting, the Secretary shall read the minutes of the previous meeting for acceptance of the relative forum.

- vi. The Secretary shall ensure that a list of beneficiaries and trustees in attendance of any meeting is compiled and attached to the respective minutes of that meeting.
- vii. The Secretary shall receive, dispatch, file and supervise all documents, records, and communications regarding the reservation, or copies thereof, for report and or inspection at the next meeting of Trustees.
- viii. The Secretary shall provide for the safekeeping of the Marae Charter, maintaining any amendments to the same. The Secretary is required to keep an up to date schedule listing the Marae Trustee appointments, their contact details and their term of appointment. A copy of the aforementioned Charter, any amendments and the schedule listing the Marae Trustees is to be made available for inspection on the Marae at all reasonable times
- ix. The Secretary shall file any application to the Maori Land Court or any other relative agency, on behalf of the Trustee Body as required in relation to the reservation and shall act as applicant ensuring that all correspondence is strictly monitored. Application to the Maori Land Court for ratification of Trustee Body appointments or removals must be lodged within 10 working days of the respective meeting or as soon as reasonably possible to comply with this provision

c) Treasurer: -

- i. The Treasurer shall be responsible to receive all monies due to the Marae and to pay all debts contracted by the Marae.
- ii. All monies received by the Treasurer on behalf of the Marae shall forthwith be paid to the credit of the Marae bank account/s. All payments from the Marae bank account/s shall first be approved at a meeting of the Marae committee. All authorised signatories on cheques and withdrawal slips drawn on the Marae bank account/s shall be held by the Treasurer, Chairperson and one other officer as ratified by the Trustee body.
- iii. The Treasurer shall generally keep a full and accurate account of the financial transactions of the Marae and shall have the same present at all Trustee meetings for report and or inspection.
- iv. The Treasurer shall submit an audited set of financial accounts to the Annual General Meeting. The accounts of the Marae shall be audited by an auditor as appointed each year at the Annual General Meeting.
- v. The Treasurer shall do and perform all such other lawful duties as may usually pertain to the office of Treasurer.

10. Trustee Body Meetings:

The Trustees shall meet monthly and as otherwise scheduled. The quorum shall be four Trustees.

11. Duties of the Trustees:

- a) To prepare the Marae for all hui, including but not limited to:
 - i. Use by beneficiaries or members of the public of any facilities on the Marae
 - ii. School visits
 - iii. Ngati Rahiri hui
 - iv. Cultural exchanges
 - v. Sports Festivals
 - vi. Celebrations. functions and entertainment

- b) To organise catering, provisioning and cleaning of the Marae.
- c) To maintain the Marae grounds and facilities ensuring that the same is kept in clean and tidy condition.
- d) To manage/monitor the Social and Fund-raising activities of the Marae.

12. Rights of the Beneficiaries at Meetings:

- a) All beneficiaries of the Marae shall be entitled to attend all Marae Trustee meetings
- b) All beneficiaries of the Marae shall be entitled to attend and speak at any General Meeting of the Reservation.
- c) All beneficiaries who have attained the age of 18 years shall be entitled to vote either in person or by proxy at any General Meeting of the Marae.

13. General Meetings:

- a) **Annual General Meeting:-** The trustees shall hold an Annual General Meeting in June each year, of which 21 clear days' notice is issued and that must be held within two months of the end of the financial year - the financial year being from 01 April until 31 March of the following year. The physical presence of 15 beneficiaries entitled to vote at any General Meeting shall form a quorum. All Trustees must be in attendance unless an apology has been received.
- b) **Special General Meeting: -** A Special General Meeting of the Marae of which 14 clear days' notice shall be given shall be called as and when required by the Trustee Body. The physical presence of 15 beneficiaries entitled to vote at any General Meeting shall form a quorum. All Trustees must be in attendance unless an apology has been received
- c) No failure by the Trustee Body to notify every single beneficiary who is entitled to receive notification of any General Meeting shall invalidate the procedures undertaken or decisions reached at such meetings provided there has been reasonable compliance with these provisions.

14. Chairman's Vote:

At all official meetings of the Marae, whether General or Trustee meetings, the Chair whose ruling shall be final, shall have a deliberative vote. and in the event of equality of voting, a casting vote.

15. Mode of Voting:

- a) Subject to voting by proxy, the mode of voting at all meetings of the Marae shall be on voices or by show of hands and the declaration of the Chair that any resolution has been carried, shall be deemed conclusive evidence of that fact unless a poll is demanded immediately following such declaration. All elections of Trustees at General Meetings, where nominations exceed the total number of vacancies, shall be by secret ballot.
- b) The instrument which appoints a proxy must be in writing and be signed by the appointer or by his attorney who is authorised in writing. The person appointed as proxy must be a Beneficiary or Trustee of the Maree. The instrument which appoints a proxy must be handed to the Secretary before the commencement of the respective meeting.

16. Removal of Trustee/s:

- a) A trustee may be removed from office should the beneficiaries of the Marae and the Maori Land Court be satisfied that;
 - i. The Trustee has failed to carry out the duties of a trustee satisfactorily; or
 - ii. Because of lack of competence or prolonged absence (re: clause 8f) the trustee is or will be incapable of carrying out those duties satisfactorily
- b) The Trustee Body of the Maree, subject to ratification of the Maori Land Court, may be removed as a body or individually, notwithstanding the provisions herein regarding notice of General meetings and quorums, by the votes of at least two thirds of the Beneficiaries present at a Special General Meeting called for that purpose. In the case of such removal, the Chair for the time being shall forthwith call for nominations to fill the vacancy or vacancies as the case may be and an election shall be held forthwith if nominations received exceed the numbers of positions available. The Trustee Body as then constituted shall, subject to ratification by the Maori Land Court, carry on the business of the Marae.

17. Alteration to the Charter:

The provisions of this Charter shall not be altered, amended or rescinded except by Order of the Maori Land Court. Application will not be made regarding alteration unless a resolution supported by the Trustee Body, notwithstanding the provisions herein regarding notice of General Meetings and quorums, together with at least two thirds of the beneficiaries present and voting at an Annual General Meeting or Special General Meeting called for that purpose.