

TE WHARE O TOROA MARAE CHARTER

MAORI RESERVATIONS; TE TURE WHENUA MAORI ACT 1993

1.0 GENERAL

The charter sets out the responsibilities and relationships required to effectively and efficiently govern and administer the marae.

1.1 History & Background

The name of the marae is Te Whare o Toroa Marae. The Wharenuī is Wairaka. The Wharekai is Tamatea Ki Te Huatahi. The hapu are Ngati Hokopu and Ngati Wharepaia. The iwi is Ngati Awa.

1.2 Description

The Maori freehold land known as Wairaka A40 was set aside as a Maori Reservation for the purposes of a meeting place, building site, recreation ground and place of historical and scenic interest for the common use and benefit of the Maori people of New Zealand generally and Gazetted 27 April 1967.

The reservation is more commonly known as Wairaka Marae.

Legal description: Wairaka A40 Block Area: 5778 m²

1.3 Beneficiaries

Hapu members of Ngati Hokopu, Ngati Wharepaia and owners of the Wairaka A40 Block together with all their descendants shall be recognised as the beneficiaries of the Marae.

1.4 Address for Service

The physical address for proceedings and service concerning Te Whare o Toroa Marae is 97 Muriwai Drive, Wairaka, Whakatane.

All postal correspondence should be addressed to:

The Marae Committee Secretary
Wairaka Marae & Trustees
PO Box 316
WHAKATANE

1.5 Legislation

The rights and responsibilities of the Marae Trustees and the Marae beneficiaries shall 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. As stipulated pursuant to Section 338 (17) of Te Ture Whenua Maori Act 1993, *“All Maori Reservations set apart under the corresponding provisions of any former Act and subsisting at the commencement of this Act shall be deemed to be Maori Reservations made under this section”*.

Pursuant to Section 338(7) of Te Ture Whenua Maori Act 1993, the Maori Land Court, Whakatane vested the Maori Reservation in trustees as evidenced by the copy of the attached orders, herein called the Trustees, in trust to hold and administer the same for the benefit of the hapu of Ngati Hokopu, Ngati Wharepaia and Ngati Awa generally.

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 the Te Whare o Toroa Marae.

1.6 Objects of the Trust

The objects of the trust shall be to govern, administer and preserve Te Whare o Toroa marae with the tautoko of the beneficiaries and the application of any income received in relation to the marae, for the maintenance and upkeep of Te Whare o Toroa marae or for a charitable purpose such as the promotion of health, social, cultural, spiritual or educational wellbeing.

2.0 RESPONSIBILITIES OF MARAE TRUSTEES

2.1 Functions and Powers of the Marae Trustees

Trustees who have been duly elected by beneficiaries at a Triennial Annual General Meeting and further ratified by Order of the Maori Land Court shall administer the Marae. Their function and powers involve the following provisions;

2.1.1 The Marae Trustees

The role of the Marae Trustees:

- To be Kaitiaki of the Marae and all its facilities
- To uphold the spiritual and cultural values of the Whare tupuna and Marae complex
- To hold and administer the land
- To manage the facilities situated on the land and ensure their use is sensitive to and respectful of the cultural aspects of Marae tikanga and kaupapa. Note that prior authorisation of the Trustees is not required in relation to tangihanga.
- To ensure the appropriate insurance cover for the buildings and chattels

2.1.2 The Marae Committee

- The Wairaka Marae Committee is responsible for the day-to-day Marae operation
- A Marae Committee of up to 5 shall be appointed at the Annual General Meeting. This will include a Chair, Secretary and Treasurer who may also be trustees, but may not hold these same positions as marae trustees.
- The Marae Committee is responsible to the Trustees.

2.1.3 Duties of the Marae Committee may include but are not limited to:

- Maintain minutes of all meetings and written record of all inwards and outward correspondence including financial information
- Take bookings for the Marae
- To prepare the Marae for all hui
- Organise catering, provisions and cleaning of the Marae, note that the users of the marae are responsible for these tasks when engaged for a function.
- To maintain the Marae grounds and facilities in a clean and tidy condition.
- Receive koha for the Marae
- To open and operate bank accounts as necessary for the functions of the Marae
- Authorised signatories; there are to be two signatories to the cheque account and other financial and other legal documents when required; the Treasurer and one of either the Chairperson or Secretary as ratified by the Committee at the change of office.
- To invest and use the funds of the Marae to;
 - maintain and develop the property of the Marae
 - acquire by purchase, hire, lease, or otherwise any further real or personal property or business of whatsoever kind for the benefit of the Marae.
 - assist any charity or charitable purpose for enhancement of the Marae
 - apply for and acquire any licences, permits or orders necessary for the operation of the Marae.
- To raise money by means as the Committee may think fit providing no illegal activities are undertaken, to endorse and oversee fund-raising projects for the Marae, ensuring that ventures are operating upon consent (permit) of the proper authorities.
- To perform such other functions as agreed upon with the Trustees

The Committee may delegate any of the above powers to any other person or persons provided that these delegated powers are overseen by the Committee and it is further understood that the Committee is held accountable for any misappropriation.

2.1.4 Conflict Resolution Process

In the case of any conflict or dispute within the Marae, the Trustees shall convene and facilitate a meeting(s) within one month of receiving written notice following Maori protocol, including kaumatua/kuia with all parties concerned in order to achieve a resolution. If no agreement can be reached at that meeting then the matter is to be referred to the Maori Land Court.

2.2 Marae Trustees Positions

2.2.1 Election of trustees process

- Nominations shall be received in writing before the Triennial Annual General Meeting.
- Nominations are to be seconded and agreed to by the person nominated.
- There are to be a maximum of 8 trustees and a minimum of 5.

2.2.2 Designated positions

- The designate positions shall be Chairperson, and Secretary and shall be determined by the Trustees at the first Trustee meeting following the AGM

2.2.3 Term of office

- Trustees term of office shall be 3 years, unless directed otherwise by the Maori Land Court, from the AGM date of election until the 3rd AGM when the Trustee may or may not stand for re-election.
- If the situation arises where the large majority of the Trustees are due for re election at the same time, a rotation (by lot or agreement) process will be implemented to ensure that no more than one-third of the Trustees are replaced each year. This is to be determined by the Trustees prior to the AGM each year.
- Following the AGM application is to be made to the Maori Land Court to register the new Trustees.

2.3 Office Holders

2.3.1 Chairperson

- The Chairperson shall chair all Trustee meetings. If unable to attend, the Trustees present shall select a Chairperson for the meeting who shall exercise all the powers of the elected Chairperson
- At the Annual General Meeting, the Chairperson shall provide for the approval of the Beneficiaries:
 - an annual report of the preceding year's Marae affairs
 - a proposal regarding the activities planned for the forthcoming 12-month period
- The Chairperson, in consultation with kaumatua/kuia shall be the Marae official spokesperson with the press or other news media on all matters concerning the Marae Trustees

2.3.2 Secretary

The Secretary shall;

- Call the Triennial Annual General Meeting as scheduled by the Trustees, and give 21 clear days prior notice of the time and place of the meeting by providing written notice to each Trustee member and public notification by way of a notice at the Marae and local Maori radio panui.
- Call all Trustee meetings as scheduled or required by the Trustees, preferably in writing to each Trustee member.
- Circulate an agenda prior to the commencement of any meeting, ensuring reasonable opportunity for the respective forum to view the same.
- Keep accurate minutes of all General Meetings and all Trustee meetings and shall distribute copies to each Trustee within three weeks of the meeting. At the commencement of any meeting, the Secretary shall read the minutes of the previous meeting and seek confirmation from those in attendance at that meeting.
- Include in the minutes a list of beneficiaries and trustees in attendance of any meeting
- Receive and action communications regarding the Marae, file all documents and make information available to the Trustees.
- Retain a copy of the Charter document with amendments and make available to beneficiaries on request within reasonable time

- Keep an updated schedule listing the Marae trustees, their contact details and their term of office to ensure that all correspondence is strictly monitored
- Apply to the Maori Land Court for ratification of Trustee elections or removals as soon as reasonably possible.

3.0 GENERAL MEETINGS

3.1 Annual General Meetings

- Subject to any Order of the Maori Land Court, the Trustees shall hold an Annual General Meeting in each year
- 21 clear days notice shall be issued by way of written notice to Trustees, a notice at the Marae and local Maori radio,
- A quorum of 20 beneficiaries, plus a majority of Trustees, is required at any General Meeting.
- All Trustees must be in attendance unless an apology has been received.
- The AGM shall present to the beneficiaries an;
 - annual report of the preceding 12 months
 - outline of activities proposed for the forthcoming year
 - annual financial report

3.2 Special General Meeting

- A Special General Meeting of the Marae Trustees can be called for a specific purpose as and when required by the Trustees or beneficiaries.
- 14 clear days notice shall be given.
- A quorum of 15 beneficiaries, including the Trustees, is required at any Special General Meeting.

3.3 Trustee Meetings

- The Trustees shall convene regularly ensuring a meeting is held at least 3 times per year or as required to carry out administrative functions.
- The quorum shall be 5.

4.0 VOTING

4.1 Chairperson Vote

- The Chairperson whose ruling shall be final, shall have a casting vote in the event of tied voting.

4.2 Mode of Voting

- Voting at all Trustee meetings shall be on voices or by show of hands and the declaration of the Chairperson that any resolution has been carried, unless a poll is demanded immediately following such a declaration. All elections of Trustees at General Meetings, where nominations exceed the total number of vacancies, shall be by secret ballot.

5.0 REMOVAL OF TRUSTEE/S

A Special General Meeting is to be called for the purpose of discussing the removal of a Trustee from office. With the Trustee in attendance the meeting shall try to facilitate a resolution in regard to the concern based on:

- The ability of the Trustee to continue to undertake the required duties satisfactorily; and

- The commitment of the Trustee to attend and participate fully in future Trustee business.

Only if the matter cannot be resolved will the Maori Land Court be advised. Where a Trustee vacancy results, the Chairperson at the time shall call for nominations to fill the vacancy(ies) and proceed following the election process.

6.0 ACCOUNTABILITY TO HAPU & BENEFICIARIES

The Marae Trustee meetings are open to members of the hapu and the beneficiaries are presented with an annual report of activities undertaken and an annual financial report at the Annual General Meeting.

7.0 RIGHTS OF THE BENEFICIARIES AT GENERAL MEETINGS

- All beneficiaries of the Marae shall be entitled to attend and speak at any General Meeting of the Marae.
- All beneficiaries who have attained the age of 18 years shall be entitled to vote in person at any General Meeting of the Marae Trustees.

8.0 ASSOCIATED COMMITTEES

The Marae Committee is recognised as the management committee of the Trustees acting upon delegation of particular powers and duties provided by the Trustees.

9.0 PROCEDURE TO ALTER CHARTER

The provisions of this Charter shall be reviewed from time to time and alterations/additions made as agreed to and minuted at an Annual General Meeting.