Te Rito Marae Charter

Otiria Road, Moerewa



MAORI RESERVATIONS - TE TURE WHENUA MAORI ACT 1993

1.0 Overview

Te Rito Marae is a unique taonga gifted by Te Arikihanara and Te Arani Ngawati for all whanau and whanui.

This charter will set out the responsibilities required to effectively and efficiently govern and manage the Marae. This charter applies to all who can claim as whanau of Te Arikihanara and Te Arani Ngawati. This includes the responsibilities of the Marae Trustees and guidelines for any Sub-Committees and/or Beneficiaries of the reservation (Te Rito).

This Charter will be presented to the Maori Land court and adopted as a Terms of Trust for this reservation.

2.0 Description

The Maori freehold land known as Te Rito 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.

The reservation is known as Te Rito Marae.

3.0 Beneficiaries

Hapu members of Ngati Hine together with all descendants shall be recognised as the beneficiaries of the Marae.

4.0 Responsibilities of Marae Trustees

4.1 Functions and powers of the Marae Trustees

Trustees are those who have been elected by the Beneficiaries at a Triennial Annual General Meeting (AGM) and further ratified by order of the Maori Land court. They shall manage the Marae.

4.1.1 The Marae Trustees

The role and responsibility of the Marae Trustees are as follows:

- To be Kaitiaki of the Marae and all its facilities.
- To uphold the spiritual and cultural values of the Whare tupuna and Marae.
- To hold and manage the land.
- To manage the facilities situated on the land and ensure their use is respectful of the cultural aspects of Marae tikanga and kaupapa.
- To manage and monitor the fundraising activities of the Marae.
- To ensure the buildings and chattels have appropriate insurance cover at all times.

4.1.2 The Marae Committee (Exec)

- The Te Rito Marae Committee are responsible for the day-to-day operations at the Marae.
- A Marae Committee of up to 5 shall be appointed at the Annual General Meeting (AGM). This will include a Chair, Secretary and Treasurer (who may also be Trustees).
- The Marae Committee (Exec) are responsible to the Trustees.

4.1.3 Duties of the Marae Committee include:

- They must 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 (Users of the Marae are responsible 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.
- Be authorised signatories to the cheque account and other financial / legal documents when required.(Treasurer and/or either the Chair or Secretary).
- 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 in 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.

4.1.4 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 referred to the Maori Land Court.

4.2 Marae Trustees Positions

4.2.1 Election of Trustees - Process

Trustees shall be nominated and/or selected by people who are present at a duly authorised, properly notified and constituted AGM. Nominations shall be in writing or from the floor. The nominees must then consent to his/her nomination. Voting shall be a show of hands. A nominee shall be selected by way of a simple majority. There are to be a maximum of 15 (fifteen) trustees and a minimum of 10 (ten).

A Trustees term shall be triennial unless disqualified for any reason set out in the section restrictions in this document. Trustees may offer themselves for re-election.

The Secretary shall apply to the Maori Land Court to have the Trustees appointed. The Secretary shall also publish the names of the Trustees as required in Section 4 of the Maori Reservation Regulations 1994.

4.2.2 Designated positions

The designated positions shall be Chairperson, Secretary and Treasurer and shall be determined by the Trustees at the first Trustee meeting following the AGM. *See Schedule 1 for position descriptions.*

4.2.3 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 third AGM when the Trustee may or may not stand for re-election.
- If the situation arises where a 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.

4.2.4 Restrictions

No person shall hold office as a Trustee or the office of a Trustee shall become vacant if,

- They don't satisfy the 'worthy appointee' recognised the Maori Land Court,
- Fails to attend 3 (three) consecutive meetings without reasonable explanation or,
- By a majority vote of the Trustees, he or she has failed to fulfil the duties of a Trustee or,
- The Maori Land Court remove them from such a position.

The Trustees shall at all times act and operate in good faith in exercising the powers of Trusteeship. The Trustees shall also ensure that they manage the Marae for the purpose for which it was created and in accordance with this Charter.

5.0 General Meetings

5.1 Annual General Meetings (AGM)

Subject to any Order of the Maori Land Court, the Trustees shall hold an AGM once per year. The Trustees must ensure:

- 21 days notice written notice shall be issued to Trustees including a notice in the local newspaper.
- A quorum of 20 beneficiaries, plus a majority of Trustees, is required at any AGM.
- 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

5.2 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 days notice shall be given.
- A quorum of 15 beneficiaries, including the Trustees, is required at any Special General Meeting.

5.3 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.

6.0 Voting

6.1 Chairperson Vote

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

6.2 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.

7.0 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/s and proceed following the election process.

8.0 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 AGM.

9.0 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.

10.0 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.

11.0 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 the Triennial Hui.

12.0 Viewing of the Charter

For safekeeping purposes, a copy of the Charter will be in the possession of the Secretary of the Trustees,
The Ngati Hine Runanga, and the Maori Land Court.

13.0 Use of the Marae

In line with the Charter, from time to time the Trustees may make, create and subsequently enforce such rules and or policies as may be necessary to ensure the ongoing efficient running of the Marae. These rules or policies may cover the requirements of the Maori Reservations Regulations 1994. The Trustees shall display these rules or policies somewhere on the Marae as per the Marae user agreement.

SHEDULE 1
Office Holders (Exec)

1. Chairperson

- Chairs all Trustee meetings. If unable to attend, the Vice Chairperson shall chair the meeting or the Trustees present shall select a Chairperson for the meeting who shall exercise all the powers of the elected Chairperson.
- At the AGM, 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. Secretary

- An Assistant Secretary may assist with any of the below duties if and when required.
- Call the Triennial AGM 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.
- 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. Treasurer

- An Assistant Treasurer may assist with any of the below duties if and when required.
- Be responsible to receive all monies due to the Marae Trustees and to pay all debts contracted by the Marae Trustees.
- Pay all monies received into the Trust's bank account/s as soon as is possible.
- Table for approval at a meeting of Trustees, all payments made from the Trusts bank account/s.
- Keep a full and accurate account of the financial receipts and transactions of the Marae Trustees and shall present for inspection at all Trustee meetings.
- Submit annual financial accounts, audited if required, to the Annual General Meeting. The auditor to be appointed each year at the Annual General Meeting.
- Undertake all such other lawful duties as may usually pertain to the office of Treasurer.