

# Kai-a-te-mata Marae Reservation Charter



**Reviewed:** May 2015

**Approved:** By AGM – August 2015

Supersedes all previous versions

**In accordance with:**

**Te Ture Whenua Māori Act 1993**

**Marae Reservation Regulations 1994**

## Charter

### Marae Charter for Kai-a-te-mata Marae

Ko Maungatautari me Maungakawa ngā Maunga

Ko Topehaehae me Piako-iti ngā Awa

Ko Tainui te Waka

Ko Ngāti Hauā te Iwi

Ko Ngāti Werewere ki Kai-a-te-mata te Whānau

Ko Kai-a-te-mata te Marae

Ko Wairere te Tupuna Whare

Ko Tutekapua te Whare o Te Ora

Ko Te Hunga Tapu te Whare Karakia

Ko te Au o Waikato te Kohanga Reo

Ko Ngā Wairere o Te Ora Te Whare Whakapakari Tinana

### **Kai-a-te-mata Marae Charter Review**

In November 2014 the whanau of Kai-a-te-mata marae convened a strategic planning workshop to discuss and record their dreams and development aspirations for the Marae. As a consequence the Kai-a-te-mata 2025 Strategic Plan was produced and presented to whanau in April 2015. Whanau of Kai-a-te-mata marae prioritised a governance review as the starting point to begin their strategic development.

The objective of the Charter Review is to redefine the roles and responsibilities of Trustees within the requirements of the Te Ture Whenua Māori Act 1993 and the Māori Reservations Regulations 1994. In addition it is anticipated that changes to the Charter will match the requirements of external partners and stakeholders who may help achieve the development aspirations of the marae whanau.

### **Principles**

The Kai-a-te-mata 2025 Strategic Plan (appendix: 1) records the vision, mission and values for Kai-a-te-mata marae. These statements together with the requirements of the Te Ture Whenua Māori Act 1993 and Māori Reservations Regulation 1994 shall be the Principles to which Trustees will have regard in Relation to the Marae reservation

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# 1 Maori Reservation Regulation 1994

The following is an extract from the Māori Reservation Regulation 1994 and outlines the minimal requirements of a marae charter.

## Charter in respect of marae (Regulation)

Charter in respect of marae – (1) Subject to sub-clause (2) of this regulation, where a reservation is a marae, the trustees of that reservation shall draw up, in agreement with the beneficiaries of the marae, a charter for the reservation, which charter may include provision for the following matters:

- a) The name of the marae:
- b) A general description of the marae reservation (including a plan if appropriate):
- c) A list of iwi, hapu, or whanau (whichever is relevant) who are the beneficiaries of the marae reservation:
- d) The process for nominating and selecting marae trustees:
- e) Principles to which the trustees will have regard in relation to the marae:
- f) The manner in which the trustees are to be accountable to the beneficiaries:
- g) The process by which conflicts between beneficiaries and trustees are to be resolved:
- h) The recognition of existing marae committees:
- i) The appointment by the trustees of 1 or more committees for the purposes of carrying out the day to day administration of the marae:
- j) The procedure for altering the charter:
- k) Provision for the keeping and inspection of the charter:
- l) Subject to the provisions of the Act or any regulations made under the Act, such other matters as the beneficiaries of the marae may require.

## 2 Description

### 2.1 Background

Te Au o Waikato A5C2B2G1 was set aside as a Māori Reservation in Trust in accordance with Section 439/53 through a Memorandum of Understanding of the beneficial owners for the benefit Ngāti Werewere ki Kai-a-te-mata and Waikato tribes.

Extract from N.Z. Gazette, 22 May 1969, No. 31, page 963

**Redefining Purposes of Maori Reservation**

Whereas by Order in Council of 8 August 1955, published in Gazette, 18 August 1955, No. 24, p. 1309, the Maori freehold lands described in the Schedule hereto, were set apart as a Maori reservation for the purposes of a meeting place for the common use and benefit of the members of the Ngati Werewere tribe and the Waikato tribes in general; and whereas it is proposed to redefine the purposes for which the said lands were set apart as a Maori reservation:

Now, therefore, pursuant to section 439 (5) (c) of the Maori Affairs Act 1953, notice is given that the purposes for which the said reservation is set apart are hereby redefined to be those of a meeting place, and also a burial ground as to the rear portion of the Te Au-o-Waikato A. Sc 2a 2a 1 Block, 66 ft in depth.

**SCHEDULE**

**SOUTH AUCKLAND LAND DISTRICT**

All those pieces of land situated in Block VI, Maungatawau Survey District, and described as follows:

A. S. P. Being

0 1 25 Te Au-o-Waikato A. Sc 2a 2a 2a (part).

3 3 32 Te Au-o-Waikato A. Sc 2a 2a 1.

Dated at Wellington this 15th day of May 1969.

J. M. McEWEN,  
Secretary for Maori and Island Affairs.  
(M. and I.A. 21/3/293)

A. R. SHARLES, Government Printer, Wellington, New Zealand.

ENTERED BY *[Signature]*  
CHECKED BY *[Signature]*

Extract from N.Z. Gazette, 3 July 1969, No. 39, page 1197

**CORRIGENDUM**

In the notice redefining purposes of Maori reservation, dated 15 May 1969, and published in Gazette, 22 May 1969, No. 31, p. 963, for "Te Au-o-Waikato A. Sc 2a 2a 1" substitute "Te Au-o-Waikato A. Sc 2a 2a 1".

Dated at Wellington this 26th day of June 1969.

J. M. McEWEN,  
Secretary for Maori and Island Affairs.  
(M. and I.A. 21/3/293)

A. R. SHARLES, Government Printer, Wellington, New Zealand.

ENTERED BY *[Signature]*  
CHECKED BY *[Signature]*

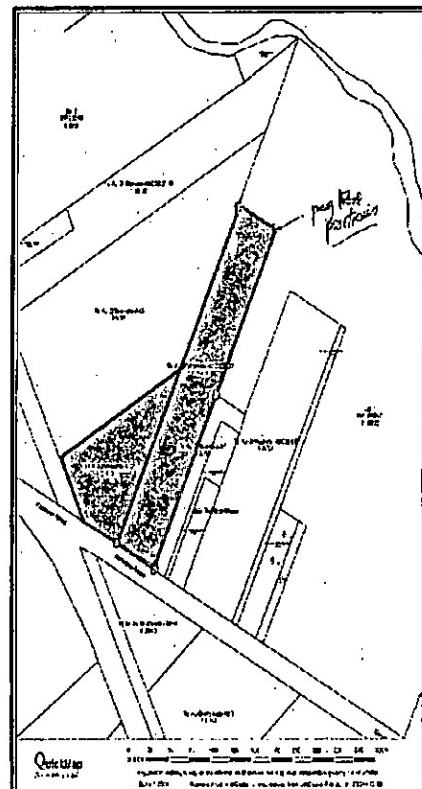
### 2.2 Name of the marae

When Te Koohi marae was relocated from its position by the river Piako-iti near Te Wairere o Parata in 1947 it is said that the old people looked out upon the new site and declared that the new location for the marae would be "He Kai-a-te-mata" a feast for the eyes. From that time the marae has been known as Kai-a-te-mata Marae

Te Au o Waikato A5C2B2G1 reservation is known as Kai-a-te-mata Marae

The physical address for proceedings and services concerning Kai-a-te-mata Marae is:

**Kai-a-te-mata Marae**  
Kereone Road  
Morrinsville 3371



### 2.3 Beneficiaries

The beneficiaries of the marae are Ngāti Werewere ki Kai-a-te-mata and Waikato Tribes

### 2.4 Process for altering the Charter

All changes, alterations and additions to this Charter are to be consulted with the beneficiaries and agreed to. Any changes, alterations are to be fully outlined and the reasons for the change/s. The Charter is to be subsequently updated and the updated version superseding the previous Charter

### 2.5 Provision for keeping and inspecting the Charter

A copy of the Charter shall be:

- Lodged with the Māori Land Court
- Maintained by the Trustee Secretary for perusal by the beneficiaries
- Issued to each Trustee member

### 2.6 Authority to issue

This Charter is issued in accordance with Regulation 7 of the Māori Reservations Regulations 1994 after consideration, compilation and endorsement at a meeting of Trustees and at a general meeting of beneficiaries of Kai-a-te-mata marae

On this ..... Day of .....2015

Name: Buddy Parāi Signature: B.P.Wilson  
Wilson  
Chairperson, Marae Trustees

## 3 Trustees

### 3.1 Guide for Trustees

The Trustees shall promote the effective administration and the preservation of tikanga and kawa of the Kai-a-te-mata marae reservation. The Trustees, in the exercising of their duties, shall consult with kaumatua regarding all matters of tikanga and kawa.

### 3.2 Marae Trustees

Marae Trustees are appointed by order of the Maori Land Court. Their term of office will commence from the date of the order, or from such other date as specified in the order. Their term will expire three years after their appointment unless The Court orders otherwise.

Trustees will be eligible for re-appointment unless removed by order of The Court and may retire upon giving notice to the Court. Trustees may also be removed from office by an order of the Court initiated after a special general meeting of the whanau of the marae

### 3.3 Trustees who cease to hold office

A trustee may cease to hold office:

- When they come to the end of their 3 year term and are not re-elected
- When they voluntarily resign
- Are deceased or who is medically incapacitated as assessed by a medical professional, and as a subsequence is rendered incapable of performing the role of trustee
- Are convicted of a criminal offence that results in a term of imprisonment
- When they have officially been declared bankrupt
- Absenting themselves from more than 3 consecutive meetings of the trust without tendering a good and reasonable excuse

### 3.4 Selection of Trustees

Marae Trustees are to be recommended for the appointment to The Maori Land Court. Nominations are to be submitted and confirmed at a properly constituted special general meeting or triennial meeting of Kai-a-te-mata marae.

Nominations can be submitted in writing or made verbally at a properly constituted special general meeting or triennial meeting of Kai-a-te-mata

Nominees are to be seconded (witnessed) and approved by the Hui attendees. The process of voting and selection will be determined by the chair with the successful replacement trustee/s approved by the Hui.

A maximum of seven (7) marae trustees may be appointed at any one time

Any person is eligible to be nominated for the position of trustee, to nominate a person and to vote, provided they are;

- Beneficiary
- Over the age of 18 years
- Have no mental disabilities
- Have never been declared bankrupt and are in good standing

### 3.5 Voting / Proxy vote

No proxy votes are permitted. Beneficiaries will have an equal number of votes as there are trustee vacancies. For example In the case of a single trustee vacancy beneficiaries are permitted one (1) vote, if there are two (2) vacancies a beneficiary can vote for two (2) nominees.

## 4 Duties and Responsibilities of Trustees

### 4.1 Duties

In accordance with the kaupapa of Te Ture Whenua Māori Act 1993, the Trustees primary duty is to ensure the development and management of the Kai-a-te-mata Marae Reservation for the enjoyment of the Ngāti Werewere ki Kai-a-te-mata marae and their manuwhiri.

It shall be the duty, at all times, of the Trustee to act in good faith in the exercise of their powers under the Māori Reservation Regulations 1994 and to administer the reservation in respect of which they are appointed in such a manner as will promote the purposes for which the reservation is set apart.

### 4.2 Responsibility

Every person who is appointed as a responsible trustee of a trust constituted under Te Ture Whenua Act 1993 (Māori Land Court) shall be responsible for:

- Carrying out the terms of the trust
- The proper administration and management of the business of the trust
- The preservation of the assets of the trust
- The collection and distribution of the income of the trust

### 4.3 Code of conduct

The following set of behaviours and attitudes describes the code of conduct that all trustees should commit to:

- Serve Ngāti Werewere ki Kai-a-te-mata to the best of their ability and be honest, reliable and fair in all matters relevant to their roles and responsibilities
- Be loyal to the Trustees and the Charter
- Maintain the confidentiality and trust vested in them
- Abide by any statutory obligation and act in accordance with the law when administering matters relating to the reservation
- Not act independently of the Trustees decision(s).
- Declare any conflict of interest in any matters associated with the conduct of their duties when administering the administration.

### 4.4 Powers of Trustees

The Trustees of the reservation may, subject to any order of the Court:

- Authorise activities on the reservation by any person(s) or organisation
- Issue permits in relation to any activity on the reservation
- Apply to the Court for any directions in relation to the administration of the reservation and the powers and obligations of the Trustees

- Call meetings of interested person(s) in relation to the administration of the reservation
- Appoint and employ on behalf of the Trustees, such advisers as the Trustees think fit, for the purpose of enabling their better administration of the reservation

## **5 Conflict Resolution**

Any conflict between a beneficiary/s and a Trustee/s that impact on the administration of the reservation should be in the first instance be brought to the notice of the Chairperson in writing by either party.

If only one party has written a letter of complaint, then the other party shall be entitled to respond to that letter in writing. Both letters shall be tabled at the next Trustees meeting. The Trustees should consider the issue with the parties present.

An independent working group will be appointed to hear the dispute. The group will consist of, a minimum of three Trustees and an independent beneficiary who is mutually agreed by both parties. A kaumatua will be appointed to the working group as the kaitiaki of the tikanga and kawa of the marae.

Both parties are entitled to have their whanau or a support person in attendance at the meeting. The working group must act without prejudice to any party and use reasonable efforts to achieve a resolution that assists both parties and that maintains and promotes the wellbeing of all beneficiaries.

If the matter is not resolved within 60 days from when it is first reported, it should then be referred to mediation before skilled independent Māori mediators. Any costs associated with the mediation process shall be met by the Reservation fund.

If the matter has still not been resolved to either party's satisfaction, it will then be referred to the Māori Land Court for a full and final decision which shall be binding on all parties to the dispute

## **6 Record of accounts**

The Trustees shall keep and maintain accurate and separate records that are up to date in relation to their administration of the reservation including all activities associated with any appointed committee/subcommittee or any other group formed to carry out an activity as directed by the Trustees relating to the reservation.

Trustees shall maintain a bank account in relation to the reservation and pay into such bank accounts all money received by the Trustees in relation to the reservation. All accounts associated with the reservation are to be independently reviewed annually by a qualified accountant. Trustee may choose to audit all accounts

associated with the reservation as required by external stakeholders. The audit will be carried out by an independent chartered accountant.

## **7 Meetings**

The Trustees shall meet not less than twice per calendar year. Meetings of the Trust are open to all beneficiaries, with copies of the agenda available. Notice of meetings is to be promulgated at least 10 working days prior to the meeting.

### **7.1 Meeting in committee**

The Trustees may determine that a restricted group is to be formed in order to hear a resolution or motion and non-Trustee attendees will be excluded from that part of the meeting. Where an item is discussed in committee records are to be maintained with access restricted for a period of not more than 12 months. Thereafter these records will become unrestricted.

### **7.2 Annual General Meeting of the Trust**

An annual general meeting is to be held each year, and give 21 days prior notice of the time and place of the meeting and shall be published within the Matamata Piako District.

An annual general meeting shall:

- Be open to the attendance of all beneficiaries
- Be chaired by a trustee
- Be conducted in such a manner as the chairperson directs
- Have minimum of a quorum of Trustees in attendance
- Maybe combined with a marae committee AGM or tri-annual general meeting, in which case items one of the agenda, is Trustees report.

Minutes of the meeting are to be maintained and made available upon request.

### **7.3 Quorum**

A quorum of three (3) marae trustees is required for a trustee meeting to be considered to be properly constituted.

## **8 Consideration of an application to conduct an activity**

Any person who wishes to hold an activity on the reservation shall require the prior written authorisation of the Trustee(s)

Activities requiring written authorisation are:

- The use of any building on the reservation

- The promoting or holding of any hui, meeting, or other large gathering of persons within the reservation, including recreational or sporting events
- Such other activities or events as the Trustees may from time to time determine require the prior written authorisation

An application shall state:

- The full name and address of the applicant
- The particular activity for which consent is sought
- The area of land, and buildings, that it is proposed be used or occupied, in relation to the activity
- The number of persons which the applicant expects to attend the activity and the arrangements the applicant proposes for admission to and control of the activity

The Trustees may, upon receipt of an application to conduct an activity, request further information from the applicant, and the Trustees shall not be required to consider the application until the Trustees have received that further information, and completed such inquiries, as the Trustees may in their discretion require or consider appropriate.

The Trustees shall meet to consider and determine any application as soon as practicable.

The Trustees may:

- Adjourn consideration of the application until such date as they think fit (being a date no later than the date on which the proposed activity is to take place or begin); or
- Grant the application; or
- Grant the application, subject to such conditions as the Trustees think fit; or
- Decline the application

## **9 Committees**

### **9.1 Marae committee**

The Trustees recognise and acknowledge the Kai-a-te-mata marae committee which has historically played an integral part in the management of the reservation. The Marae Committee is responsible to the marae Trustees and the wider Ngāti Werewere ki Kai-a-te-mata whanau for the responsible and diligent administration and management of the marae reservation and of Kai-a-te-mata marae business.

The marae committee is responsible for the day to day affairs of the marae including maintenance of the grounds, buildings, use of marae, the urupa, payment of accounts relating to the marae functioning and such other matters Trustees may request.

### 9.1.1 Kai-a-te-mata Marae Committee Executive

The Committee executive are to be appointed three-yearly at a Triennial General Meeting held for the purpose where the following appointments are to be made:

1. Chairperson
2. Secretary
3. Treasurer, and
4. Any other appointment deemed necessary for the efficient administration of marae matters.

Members of the marae committee executive, including other appointments will continue in office for three years until the next triennial general meeting when their appointments will cease. They may stand for another term if they wish.

### 9.2 Marae committee annual report

The Kai-a-te-mata marae committee shall provide an annual report to the Kai-a-te-mata Trustees annual general meeting

### 9.3 Other committees

Trustees also recognise the establishment of other committees to aid the efficient running of the marae and its buildings. These committees may be established to manager the various development aspects of the Kai-a-te-mata 2025 development plan.

#### 9.3.1 Terms of reference

Trustees may develop terms of reference for each marae committee which will be reviewed annually. All marae committees shall provide an annual report for and to the Kai-a-te-mata Trustee AGM no less than 10 days prior to the notified date of the AGM

#### 9.3.2 Appointment of committee members

Members of the reservation may be appointed in one or more committees. Trustees may themselves be a member of a committee but should not form more than a third of the committee

### 9.4 Meetings

Committees should convene a meeting of members no less than quarterly per 12 month period. Trustees however may determine the number of times a committee shall meet if it is required to meet more than quarterly.

### 9.5 Accounts and records for marae committees

All marae committees shall record and maintain minutes and financial accounts. Reports are to be provided to Trustees on an as required basis and delivered to the Trust secretary no less than 10 days prior to the advertised Trustee meeting.

## 9.6 Process for nominating and selecting committee members

The Trustees shall at an annual general meeting invite nominations for a particular committee. Nominations are to be seconded and carried. Trustee members may be represented on a committee however Trustees shall not represent more than a third of the committee members. The number of members is to be determined at the meeting. Any stakeholder of the marae who attends a marae committee meeting is eligible to vote at that meeting as a member of the committee.

## 9.7 Jurisdiction of committees

All committees and sub-committees (including working groups) set up within the jurisdiction of the Trustees will be responsible for the implementation of policies decided by the Trustees but shall not themselves develop new policies or decide on issues of tikangā. The Trustees may delegate the task of developing policies to a committee and other members of the iwi.

## 9.8 Disestablishment of a committee

The Trustees may determine the disestablishment of a committee. This should be recorded in the Trustee minutes and any final report by the committee included. Any financial accounts relating to the committee are to be reviewed or audited as required and be included in the next annual general meeting report.

# 10 Kaupapa Entities on the Reserve

Kaupapa entities provide resource and services for the improvement of Health and Wellbeing of whanau. They may include, but not be limited to; Education, through Kohanga Reo and Training providers, Health through Hauora and Rongoa service, Healthy Activities services and the provision of Aged Care services.

Kai-a-te-mata whanau have planned growth and development initiatives for the future of the marae. Consistent with Part: 4; (4.1) *Duties and Responsibilities of Trustees* of this Charter, Kaupapa entity may be established on the reserve. Marae Trustees shall formalise the relationship/s with each kaupapa entity through developing and endorsing a Memorandum of Understanding between the Marae Trustees and the Kaupapa entity. Where appropriate Trustees shall seek a legal opinion to ensure the MOU relationships with the Kaupapa entities is consistent with Te Ture Whenua Māori Act 1993 and the Māori Reservation Regulation 1994.

# 11 Policy

The following policies will be developed by the Policy Development Committee. Policies may include but not be limited to:

- A Tupeka Kore Auahi Kore – Tobacco Free, Smokefree Marae Policy

- Health and Safety Policy
- Risk Policy
- Finance and accounting Policy
- Fundraising Transparency and accountability Policy
- Communications Policy

