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CHARTER FOR RĀPAKI MARAE

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THE MARAE

1. The Rāpaki Marae is governed by:
 - a) This charter;
 - b) The Maori Reservations Regulations 1994;
 - c) Te Ture Whenua Maori Act 1993; and
 - d) The Trustee Act 1956.

2. A copy of the Maori Reservation Regulations is attached to this charter.

3. The Marae is located on the Rāpaki No 19 block and the Rāpaki No 20 block.

4. The physical address for the Marae is:

Rāpaki Marae
37 Rāpaki Drive
Rāpaki
Lyttelton 8971

5. The postal address for the Marae is:

Rāpaki Marae
PO Box 107
Lyttelton 8841

BENEFICIARIES

6. The beneficiaries of the Marae are the Hapū of Ngāti Wheke.

TRUSTEES

Number and replacement of trustees

7. There shall be no more than 7 trustees. There shall be a rotating trusteeship as set out below.
8. At the first trustee meeting held after the date of this charter, the trustees shall determine the order for rotation of the trustees. If agreement cannot be reached, the trustees shall draw numbers out of a hat. The numbers so drawn shall determine the order for rotation.
9. At the annual general meeting following the third anniversary of the date of this charter, the first four trustees in the order for rotation shall resign as trustees, and new trustees shall be appointed pursuant to the provisions set out below.
10. At the annual general meeting following the seventh anniversary of the date of this charter, the remaining three trustees in the order for rotation shall resign as trustees, and new trustees shall be appointed pursuant to the provisions set out below.
11. Subject to clauses 9 and 24, each trustee appointed pursuant to clauses 13 to 21 below, shall:
 - a) Have a 7 year term unless he or she vacates that position earlier; and
 - b) Assume the place in the order of rotation of the trustee that he or she replaced;
12. Nothing shall prevent a trustee who has resigned pursuant to these provisions for rotation from being nominated for a position of trustee at the same annual general meeting in which the trustee has resigned or at any other general meeting in which trustees are being elected.

Nominations for replacement trustees

13. Not less than nine weeks before a general meeting is held for the election of a new trustee or trustees, notice shall be given calling for nominations for the position of the trustee or trustees to be replaced. The notice shall include:
- a) Advice on the number of trustees to be replaced;
 - b) The deadline for making nominations; and
 - c) Contact details where information can be obtained on the requirements for nominations pursuant to clause 14, and who is entitled to make nominations pursuant to clause 16.
14. Nominations must be made in writing and provided to the existing Chairperson of the trustees within four weeks of the notice in clause 13 being provided. Nominations shall include:
- a) The name and contact details of the nominee;
 - b) The name and contact details of the nominator;
 - c) Relevant information on the whakapapa, background and experience of the nominee; and
 - d) Signed consent by the nominee to stand for the position.
15. Notwithstanding any other provision in this charter, all nominees must:
- a) Be resident within Waitaha (commonly known as the Canterbury Region); and
 - b) Descend from the Hapū of Ngāti Wheke.
16. Those entitled to make nominations shall be the same as those entitled to vote as set out in clause 19 below.

Voting on replacement trustees

17. Not less than three weeks before a general meeting is held for the election of a new trustee or trustees, notice shall be given of the general meeting. In addition to the notice requirements set out in regulation 19 of the Maori Reservations Regulations, the notice shall also include:
- a) Advice on the number of trustees to be replaced; and

- b) Contact details where the following information can be obtained:
 - I. Forms for postal voting;
 - II. The voting process including who is entitled to vote; and
 - III. The information on the nominees as set out in clause 14 above.

18. Votes can be cast by those entitled to vote:

- a) In person at the general meeting; or
- b) By postal vote.

Provided that:

- c) All postal votes are made on approved forms made available pursuant to clause 17, and that such forms are provided to the Chairperson of the trustees at least 2 days before the general meeting.

19. Those entitled to vote shall be for all trustees all members of the Hapū of Ngāti Wheke. Provided that any such member or descendant entitled to vote must be over the age of 18.

20. The nominee who receives the most votes from those who are entitled to vote (whether in person and / or by postal vote) shall be duly elected to that position of trustee.

21. As soon as practicable after the general meeting, the Chairperson of the trustees shall apply to the Maori Land Court to replace the resigning trustee(s) and appoint the new trustee(s).

Notice

22. The notice referred to in clauses 13 and 17 shall be advertised:

- a) In a local and national newspaper;
- b) On Tahu FM or other local radio station; and
- c) On the Te Hapū o Ngāti Wheke Incorporated website.

Vacation of office of trustee

23. If for any reason, a position of trustee becomes vacant prior to the next election of trustees, that position shall remain vacant until a new trustee is appointed at the next election provided for in the rotation process, unless an earlier election to replace the vacant position of trustee is requested:
- a) By a majority of the remaining trustees in office; or
 - b) By at least 10 beneficiaries of the reservation.
24. If a trustee is to be elected pursuant to clause 23, then the provisions set out in clauses 13 to 21 shall apply as far as practicable.
25. Any trustee elected pursuant to clause 23 and 24 shall assume the order in the rotation of the replaced trustee.

Meetings

26. The trustees shall meet at least once every three months at Rāpaki Marae. These meetings shall be open to all beneficiaries to attend as observers.
27. The quorum, voting and appointment of officers shall be undertaken pursuant to regulation 17 of the Maori Reservations Regulations.
28. Annual general meetings shall be called in accordance with regulation 19 of the Maori Reservations Regulations with the further additions referred to above where new trustees are to be elected.

Principles to which the Trustees will have regard in relation to the marae

29. The Trustees will, as far as possible, have regard to the principles of Tikanga o Ngāti Wheke when exercising their powers in relation to the Marae, provided that no such decision shall contravene any applicable law.

MARAE COMMITTEE

30. Clauses 31 to 34 of the charter are to be read in conjunction with the Memorandum of Understanding, and the Licence to Occupy, between the Trustees and Te Hapū o Ngāti Wheke Incorporated.
31. Te Hapū o Ngāti Wheke Incorporated shall carry out the following day to day administration of the Marae on behalf of the trustees:
- a) Take all bookings for the use of the Marae.
 - b) Receive all booking fees for the use of the Marae.
 - c) Undertake all maintenance, repairs and/ or cleaning required to the Marae grounds, and/ or any buildings on the Marae.
 - d) Maintain all utilities and insurance as required under the Licence to Occupy.
 - e) Pay all outgoings in relation to the Marae as required under the Licence to Occupy.
32. All booking fees received by Te Hapū o Ngāti Wheke Incorporated shall be held and used to pay the outgoings referred to in clause 31(e).
33. At the end of each quarter, Te Hapū o Ngāti Wheke Incorporated shall provide to the trustees a set of accounts showing all booking fees received and outgoings paid with respect to the Marae.
34. Upon receiving notice from the trustees, a representative of Te Hapū o Ngāti Wheke Incorporated shall attend any meeting of the trustees to answer any questions the trustees may have, and to provide any supporting information or documents the trustees may request, in relation to the accounts referred to in clause 33.

CONFLICT RESOLUTION

35. If any dispute or question shall arise between the trustees, the beneficiaries and/ or Te Hapū o Ngāti Wheke Incorporated in relation to this charter, the Marae and/ or the reservation, the following shall apply:

- a) The parties shall meet together and attempt to resolve any such dispute 'kanohi ki te kanohi' and in good faith.
- b) If the matter cannot be resolved pursuant to clause 33(a), the parties shall attempt to resolve any such dispute through mediation. The parties shall agree on a mediator and if agreement cannot be reached, a mediator shall be appointed by the President of the New Zealand Law Society.
- c) If the matter cannot be resolved pursuant to clause 33(a) or 33(b), the chairperson of the trust shall apply to the Court for directions pursuant to regulation 8 of the Maori Reservations Regulations.

ALTERATION OF THE CHARTER

36. This charter cannot be altered unless any such alterations are approved:

- a) By a majority of trustees in office at the time; and
- b) By a majority vote of beneficiaries called at an annual general meeting or a special general meeting provided that no such alterations shall be approved unless a quorum of no less than 35 beneficiaries (over the age of 18) are either present at the meeting and / or are represented by postal votes.

37. Any such proposal to alter the charter must be included in the notice for the annual general meeting or a special general meeting.

DISPLAYING THE CHARTER

38. An up to date copy of the charter and the Maori Reservation Regulations shall be kept at the Marae and shall be available for inspection by any trustee or any beneficiary.

MISCELLANEOUS

39. This charter shall be binding upon the parties and their respective successors and personal representatives and references to the parties shall be construed accordingly.

40. Words importing one gender include the other gender and words importing the singular number include the plural and vice versa.

Dated at Rāpaki this 10 day of July 2011
Donald Wilkin te Rangī Coult
TUTEHOMUKU KORAIO
Trustees of the Rāpaki Marae