

# [NAME OF MARAE] Marae Charter

## **1 Name and location**

- 1.1 The name of the marae is [ ] Marae.
- 1.2 It is located at [ ].
- 1.3 The land on which the marae sits is a Māori Reservation set aside for the purpose of [STATE PURPOSE EXPRESSED WHEN THE RESERVATION WAS MADE].

## **2 Purpose**

- 2.1 This charter is made under the Māori Reservation Regulations 1994 to set out clearly the purpose of the marae and the role of the marae trustees in managing and running it.
- 2.2 The function and purpose of the marae is to:
  - 2.2.1 Provide suitable physical structures for beneficiaries to meet for hui, tangihanga, karakia, hui-ā-tau or for any other purpose that enables them to express themselves as whānau, hapū or iwi, and to host manuhiri;
  - 2.2.2 uphold whakapapa and kōrero pertaining to the marae and its beneficiaries;
  - 2.2.3 support hui and wānanga to advance the cultural, spiritual, physical, educational, and recreational wellbeing of the beneficiaries; and
  - 2.2.4 tautoko the beneficiaries and their whānau in times of need.

## **3 Trustees**

- 3.1 There shall be seven trustees.
- 3.2 All trustees must be beneficiaries.
- 3.3 Once elected, the trustees will appoint the chairperson, secretary and treasurer from among their number.
- 3.4 After the Annual General Meeting the trustees will confirm a physical address for the registered office of the marae each year so that the trustees can receive mail.

### *Term of office*

- 3.5 All trustees will serve for a term of 3 years, and two trustees will retire every year upon rotation. Retiring trustees may stand for re-election if they are nominated.
- 3.6 Only in the first year of the operation of this charter, the seven trustees elected will not all serve for a term of 3 years. Rather, two will serve for one year, two for two years, and three for three years. To determine for how long the first seven trustees will serve, at their first meeting they will draw from a hat numbers 1, 2 or 3 (with the hat containing two 1s, two 2s, and three 3s).
- 3.7 If any trustee resigns before serving a full term, or if a trustee passes away, the chairperson may either fill the vacancy by calling on the candidate with the next highest number of votes at the last election or wait until the next general meeting for the position to be filled by a newly-elected trustee.

### *Persons who are not allowed to be trustee:*

- 3.8 The following are persons not entitled to act as trustees:
  - 3.8.1 Persons under 18 years of age;
  - 3.8.2 Undischarged bankrupts;
  - 3.8.3 Persons subject to a Compulsory Treatment Order under part 11 of the Mental Health Act 1992;
  - 3.8.4 Persons convicted of an offence punishable by imprisonment for a term of 6 months and whose sentence has not yet been served;
  - 3.8.5 Persons disqualified as a director of a company registered under the Companies Act 1993 or its predecessor;
  - 3.8.6 Persons who have in the past been removed as a trustee of a trust by order of a Court.

### *Nominations*

- 3.9 Nominations must be in writing.
- 3.10 Nominations must be received by the secretary no later than 14 days before the Annual General Meeting or Special General Meeting at which the election will be held.
- 3.11 The secretary must reply to the person making the nomination to confirm they have received it.
- 3.12 The secretary must contact the nominee to ensure they consent to their nomination.
- 3.13 Candidates must attend the meeting for the election, and before the voting takes place must briefly address those present about why they would be a suitable trustee (skills, experience and commitment to the aims of the marae).

### *Voting*

- 3.14 Voting for election of trustees will be by a show of hands of those attending the meeting.
- 3.15 There will be no proxy voting.

### *Notice*

- 3.16 Notice of Annual General Meetings and Special General Meetings (collectively called 'general meetings') will be a minimum of 21 days.
- 3.17 The notice will state the date, place and time when the general meeting will occur, and will outline the agenda. In the case of a Special General Meeting, the notice will state first the reason for holding the meeting.
- 3.18 The notice will be posted on the Marae Facebook Page and any other relevant portals and will also be announced over iwi radio.

### *Quorum*

- 3.19 At meetings of trustees, four trustees must be present to have a quorum. If there is no quorum, the trustees may meet, but no decisions are effective until ratified by a majority of trustees at their next meeting.
- 3.20 At general meetings, four trustees and six beneficiaries must be present to have a quorum. If there is no quorum, the meeting may not proceed.

### *Maori Land Court*

- 3.21 The trustees must advise the Maori Land Court of the names of the trustees elected at any general meeting.
- 3.22 The election of trustees is subject to confirmation by the Maori Land Court.

## **4. Trustees' duties**

- 4.1 The trustees must do their best to:
  - 4.1.1 Manage and maintain the chattels, buildings and grounds of the marae;
  - 4.1.2 Obtain permissions and consents as necessary to enable the upkeep, restoration and new construction of buildings as required;
  - 4.1.3 Assess the need for and where possible provide other amenities that may be beneficial for the life of the marae;
  - 4.1.4 Maximise the assets of the marae, and minimise its liabilities; and
  - 4.1.5 Run the marae as efficiently and effectively as possible.
- 4.2 Trustees must attend regular trustees' meetings and any general meeting.
- 4.3 If a trustee cannot attend a trustees' meeting, they must give an apology to the secretary prior to the meeting.
- 4.4 A trustee will be deemed to have resigned if they:
  - 4.4.1 Miss three consecutive trustees' meetings without giving an apology; or
  - 4.4.2 Miss five consecutive trustees' meetings whether or not they have given an apology. In either case, the chairperson will inform the trustee in writing that they are no longer a trustee.

### *Finances*

- 4.5 The trustees will receive and apply monies due and ensure that accounts are properly kept so that there is at all times a good record of the finances of the marae.
- 4.6 The accounts need not be audited annually, but if serious questions are raised about the accounts, the trustees will ensure that an audit of the accounts is undertaken by a suitably qualified person.
- 4.7 In any event, the trustees will ensure that an audit is undertaken not less than every five years. The audited accounts will be presented to beneficiaries at the next general meeting.
- 4.8 The accounts must be available for trustees to inspect at every trustees' meeting.
- 4.9 The trustees will seek funding from relevant agencies to maximise the wellbeing of the marae.

### *Records*

- 4.10 The trustees will maintain and secure all records and property of value (including taonga).
- 4.11 The trustees will establish and maintain an up to date register of beneficiaries.

## **5. Meetings**

- 5.1 The trustees shall meet monthly.
- 5.2 The Annual General Meeting shall be held within three months of the end of the financial year (31 March).
- 5.3 At the Annual General Meeting:
  - 5.3.1 The trustees will present to the beneficiaries an account and balance sheet prepared by accountants;
  - 5.3.2 The chairperson will present a report outlining the events, achievements and issues of the past year;
  - 5.3.3 An election of trustees will be conducted;
  - 5.3.3 The beneficiaries will have the opportunity to discuss marae business and set objectives for the coming year.

## **6. Delegations of authority**

- 6.1 A chairperson who cannot attend a meeting may delegate the role to another trustee.
- 6.2 The trustees may co-opt people to assist them with any aspect of business, but a co-opted member may not vote.

### *Subcommittees*

- 6.3 The trustees may appoint subcommittees to oversee any aspect of Marae business.
- 6.4 At the time of appointing a subcommittee, the trustees shall set out in writing the terms of reference.
- 6.5 At least one trustee shall sit on any subcommittee.

## **7. Dispute resolution**

- 7.1 If disputes or disagreements arise about:
  - 7.1.1 Conflicts of interest;
  - 7.1.2 Allegations about trustee misconduct;
  - 7.1.3 The performance of a trustees or trustees;
  - 7.1.4 The practice of tikanga and/or kawa at the marae; or
  - 7.1.5 Interpretation of this charter;they shall be communicated in writing to the secretary.
- 7.2 The secretary shall acknowledge receipt of the communication within 7 days and shall refer the communication to the trustees at their next meeting.
- 7.3 In the first instance, the chairperson shall convene meeting(s) as soon as possible after the trustees discuss the communication, to try to resolve the dispute or disagreement.
- 7.4 The chairperson may at their discretion involve kaumātua/kuia in the meeting(s).
- 7.5 If the chairperson's meeting(s) do not achieve resolution, they must refer the matter back to the trustees at the next trustees' meeting.

- 7.6 After hearing the chairperson's report on their attempt to find resolution, the trustees must appoint two of their number and an additional person from among the beneficiaries to investigate the matter further.
- 7.7 When they have further investigated the dispute or disagreement, these three may recommend to the trustees that they engage a professional mediator or other person with the skills required to resolve the dispute.

**8. The [NAME OF MARAE] Charter**

- 8.1 The charter may be amended only at an Annual General Meeting.
- 8.2 To amend it, a 75% majority vote of the trustees and beneficiaries present is required.
- 8.3 The secretary will ensure that, every five years, a review of the charter will be included in the agenda for the Annual General Meeting.
- 8.4 A copy of the charter will be permanently available for beneficiaries to consult on the Marae Facebook Page or any other internet portal for the marae that may be used instead.

**9. Confirmation**

- 9.1 This charter was brought into effect at an Annual General Meeting of [NAME OF MARAE] Marae held on [DATE] upon a majority vote of the trustees and beneficiaries in attendance.

The trustees confirm the vote in favour of adopting this [NAME OF MARAE] Marae Charter:

(1) Trustee's full name:

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Signature: ..... Date: .....

(2) Trustee's full name:

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Signature: ..... Date: .....

(3) Trustee's full name:

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Signature: ..... Date: .....

(4) Trustee's full name:

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Signature: ..... Date: .....

(5) Trustee's full name:

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Signature: ..... Date: .....

(6) Trustee's full name:

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Signature: ..... Date: .....

(7) Trustee's full name:

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Signature: ..... Date: .....