

Maori Fisheries Act 2004

Subpart 2—Te Kawai Taumata

55 Establishment of Te Kawai Taumata

- (1) The chairperson of the board of Te Ohu Kai Moana Trustee Limited must by written notice request those with responsibility under [clause 1](#) of Schedule 8 to commence the process to appoint the members and alternate members of Te Kawai Taumata.
- (2) The duty under subsection (1) must be completed not later than 6 months before the term of office expires under [section 45\(4\)](#) for 3 directors of Te Ohu Kai Moana Trustee Limited.
- (3) [Schedule 8](#) applies to the members and alternate members of Te Kawai Taumata.

56 Sole function of Te Kawai Taumata

- (1) The sole function of the members and alternate members of Te Kawai Taumata is to appoint and remove directors of Te Ohu Kai Moana Trustee Limited in accordance with—
 - (a) the requirements of this Act; and
 - (b) the constitution of Te Ohu Kai Moana Trustee Limited.
- (2) In carrying out their function under subsection (1), the members and alternate members of Te Kawai Taumata,—
 - (a) are not subject to directions from the board of Te Ohu Kai Moana Trustee Limited or any of its directors; and
 - (b) may collectively seek advice from any source they consider appropriate; and
 - (c) must act in a manner that is consistent with achieving the purpose of Te Ohu Kai Moana; and
 - (d) must receive audit reports under [section 113](#) and review reports under [section 125](#), and may comment on the review reports as provided for by [section 127\(1\)](#), to the extent that the review reports are concerned with the role, activities, or performance of Te Kawai Taumata.

57 Membership of Te Kawai Taumata

- (1) Te Kawai Taumata must have not more than 11 members, and not fewer than 6, together with an alternate member for each member.
- (2) One member of Te Kawai Taumata, and an alternate for that member, may be appointed, in accordance with [clauses 1 to 3](#) of Schedule 8, by—
 - (a) each of the groups of iwi set out in column 1 of [Schedule 3](#); and
 - (b) the group of representative Maori organisations listed in [Schedule 5](#).
- (3) All members of Te Kawai Taumata and their alternates must be Maori.

58 Alternate members of Te Kawai Taumata

- (1) An alternate member may act in place of the member, but only if the member is unable by illness, absence, or other reason to act as a member.
- (2) The death, resignation, or removal from office of a member does not cause the removal from office of that member's alternate member, until the new member and his or her

alternate member are appointed, which must not be later than 6 months after the death, resignation, or removal from office of the member.

59 Eligibility for membership of Te Kawai Taumata

(1) Any Maori is eligible for appointment as a member or alternate member of Te Kawai Taumata if —

- (a) in the case of a person appointed by mandated iwi organisations, a majority of the mandated iwi organisations in the group have voted for that person; or
- (b) in the case of a person appointed by the representative Maori organisations, a majority of those organisations have voted for that person; or
- (c) in the case of the person appointed by Ngapuhi, a majority of the directors, trustees, or office holders of the Ngapuhi mandated iwi organisation have voted for that person.

(2) A person is not eligible to be a member or alternate member of Te Kawai Taumata at the same time as he or she is a director of—

- (a) Te Ohu Kai Moana Trustee Limited; or
- (b) Aotearoa Fisheries Limited or any other subsidiary of Te Ohu Kai Moana Trustee Limited; or
- (c) a subcompany; or
- (d) Te Putea Whakatupu Trustee Limited; or
- (e) Te Wai Maori Trustee Limited.

(3) If subsection (2) is breached, the member or alternate member of Te Kawai Taumata must, within 5 working days, resign as a director of any company listed in that subsection.