

**Kahukuraariki Trust Board Hui**  
**Wednesday 18 October 2021**  
**Zui, 5:30pm**

**Trustees in attendance:** Teresa Tepania-Ashton (Chair), Glendith Samson, Luana Poata, Makere Karatea, Norman McKenzie (Dep Chair), Roger Kingi  
**Staff in attendance/Recorder:** Geraldine Baker (GM), Rosie Conrad (BA)  
**Guest in attendance:** Toko Kapea (Legal Representation)  
**Meeting commenced @ approx.5:30pm; Meeting closed @ 7.10pm**

ISSUES	DISCUSSION	ACTION	RESPONSIBILITY
<b>Karakia/Mihi</b>	Makere Karatea		
<b>Apologies</b>	Sandra Heihei	Unable to connect (unstable wifi/service)	
	<b>Introduction</b>	Toko went through the advice and the feedback from the Review/Roadshow hui a iwi held over the last year, there were 6 key themes which were discussed: 1. Membership – who is ‘Ngatikahu ki Whangaroa’. 2. Ownership of the land at Stony Creek Station. 3. Trustee elections and nomination process. 4. Wahine/Tane co-chair roles in the Trust. 5. Te Roopu Kaumātua. Composition and role clarification. 6. Specific Letter addressed to the Trustees (last hui held at Waitaruke/Taemaro).	
	<b>Trustee Election Process</b>	The current process as set out in the trust deed is as follows: 1. KTB sends out mailout to all registered beneficiaries setting out the election process for new trustees, this is usually approx. 3 months prior to the AGM/SGM 2. Marae may nominate a person to stand as that Maraes representative. The nomination must be endorsed by 3 KTB adult beneficiaries registered under that Marae. 3. Outside of the Marae process, Individual persons may be nominated. Their nomination must be endorsed by 3 registered KTB adult beneficiaries registered under that marae. 4. If there is only one nomination for to represent a marae, there does not have to be an election for that marae, but if	

		<p>there are more than one nomination for the one Marae, then elections must occur.</p> <ul style="list-style-type: none"> <li>• Teresa has already discussed this issue with her marae committee, they are aware of the way the Trust Deed currently reads. Waihapa did not want it to change, they wanted it to stay as it is. She likes the idea of the Marae nominating a representative, but only where each marae has a formal structure and charter that sets out how it operates – accountability, fairness and how disputes will be managed. Waihapa is such an entity but not sure about the other marae.</li> <li>• Norm stated that Waitaruke Marae would like the Trust Deed changed so the nomination as representative to KTB be through Marae only and that nominations be signed by the Marae chairperson and 2 other marae beneficiaries present at that hui (Marae AGM). If there is only one nominee from a marae then an election for that marae is not needed.</li> <li>• Geraldine would like the Trust Deed to be more explicit and easy to understand. In its current form it is confusing – as demonstrated by the Trustees differing understanding of it. Toko to provide clear amendment to streamline the process, and make it easier to understand.</li> <li>• If the marae does not want to have a trustee on the board, then a beneficiary who has had their nomination signed by 3 other registered members from that marae can then represent that marae.</li> <li>• Norm noted that recommendation 2 page 15 in Toko’s report states:  <b><i>Seek an amendment to rule 6.6 of the Second Schedule to require all trustee candidate nominations forms to be signed by the chairperson and two trustees of the Marae that the trustee candidate nominee is purporting to represent.</i></b>  Norm is seeking support for this recommendation</li> <li>• Roger stated he would like the intention within the current Trust Deed to remain, that is – 2 options available to beneficiaries – a nomination can come from the Marae itself (committee or from AGM hui), and/or individuals can be</li> </ul>	
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		<p>nominated. As long in either case each nomination is tautoko'd by 3 adult registered members under that Marae. The reason being – not all Marae are properly constituted and not all Iwi members participate through their Marae. Need to keep that flexibility.</p> <ul style="list-style-type: none"> <li>• Makere agrees. She would like to intent to remain the same remain as is stated in the trust deed.</li> <li>• Glendith – remain as is stated in the trust deed (tautoko Roger)</li> <li>• Luana was at first confused. Not understanding the discussions. At first she agreed that nominations should come through the marae process but then changed her mind to keep the status quo.</li> <li>• Teresa wanted the intent of the Trust Deed to remain as is.</li> <li>• The marae must have clear and open processes/rules, hence why each marae should have charter/constitution. You could say where there is a deed for the marae then there should be no other course for nomination but in the KTB's case – not all Marae do.</li> <li>• There is currently no reference to marae committee in the current Kahukuraariki Trust Deed.</li> </ul>	
<p><b>Resolution 01:</b> <i>That the election process for Trustee Representation on the Board, remain as per the Kahukuraariki Trust Deed. Clause 6.6 Nomination in writing: The nomination of a candidate for election as a Trustee on behalf of a marae shall be in writing signed by not less than three (3) Adult Registered Members whose primary marae affiliation is to the marae for which the candidate is nominated.</i></p> <p><b>Moved:</b> Roger Kingi <b>Tautoko:</b> Makere Karatea  <b>Against:</b> Norman McKenzie  <b>CARRIED</b></p>			
	Trustee Election Process Continued	<ul style="list-style-type: none"> <li>• There is some confusion about the marae vs the 3 nominators, Waihapa did not want it to change they wanted it to stay as is</li> <li>• Norm stated Waitaruke wants a change to the Trust Deed as per the discussion, that marae should nominate their trustee representative to KTB.</li> </ul> <p><b>Norman left the hui</b></p> <ul style="list-style-type: none"> <li>• Operations are working towards ensuring the Iwi register is as robust as it can be. This is crucial to voting on the recommendations from both reviews and election of</li> </ul>	

		<p>Trustees.</p> <ul style="list-style-type: none"> <li>• The current clause needs to be amended and made crystal clear in the Trust Deed. It needs to be simplified so it is understandable for all who read it, to stop all the confusion. Toko has been tasked with re-writing that clause.</li> </ul>	
	Who is Ngatikahu ki Whangaroa	<ul style="list-style-type: none"> <li>• The membership is clearly articulated in the Deed of Trust.</li> <li>• If there is a Kaumatua/Kuia Roopu then if they do not agree membership be changed then it remains as is.</li> <li>• In any event, to change this will require a high threshold – 75% agreeable to the change.</li> <li>• There is also a process to add or remove marae, however, same high threshold applies - 75% of votes to agree to a change.</li> <li>• The Trustees agreed – no need to change anything and to leave this as currently is in the Trust Deed.</li> </ul>	
	Stoney Creek Review	<ul style="list-style-type: none"> <li>• The Trust Deed is clear that a review of the ownership is required and 75% must agree to a change or status quo remains. Again, this is a high threshold.</li> <li>• The current ownership is vested in the Kahukuraariki Trust Board.</li> <li>• Roger is happy for this to go the vote, but there must be some korero and alleviate the “nawe” currently on our shoulders. The quicker we get the review of ownership the better off we are all going to feel and Kaitangata are going to be.</li> <li>• Have the conversation with the people, who owns the block? Kahukuraariki Trust Board or hapu ownership.</li> <li>• There will be a discussion about which hapu own the block but that is a different discussion that needs to be had.</li> <li>• There should be one resolution for beneficiaries to consider and vote on – that the ownership of Stoney Creek Station lies with Kahukuraariki Trust Board. A vote yes or no. Lets keep it simple. If the majority vote no, then that will initiate another round of hui to determine who should own it.</li> <li>• Toko recommends that the Trust get the endorsement from the people that the Trust retains ownership of Stoney Creek Station.</li> <li>• What if on the day a hapu turns up and wants it all in the</li> </ul>	

		<p>name of Ngati Aukiwa? Therefore, a preamble needs to be sent out with notification of and prior to the SGM explaining the situation and the decision that needs to be made.</p> <ul style="list-style-type: none"> <li>• Major Transaction notification is 90 days' notice (3 months), but if the Trust is recommending status quo remain – the Stony Creek Station remain in ownership of the Trust, then there is no need to provide 90 days notice.</li> <li>• 21 days' notice of a hui to be held in any case for either – AGM/SGM</li> <li>• The letter tabled at the last hui (Waitakure/Taemaro), that stated hapu then it states marae in brackets. It also stated that only hapu who whakapapa directly to Waikohatu have mana whakahaere to that block.</li> <li>• Toko will do another separate paper detailing information leading up to the options.</li> <li>• The vote will require 75% of the returned votes, not 75% of those present at the hui.</li> <li>• Are there going to 2 voting forms? Trustee elections, Trust Deed Review amendments and Stoney Creek Ownership. All need to be advertised and confirmed at SGM/AGM.</li> <li>• If more than 75% say no, then who do they want it to go to? we may not get to this point (one resolution).</li> </ul>	
	Co-Chair recommendation	<ul style="list-style-type: none"> <li>• Having 2 Co-Chair's is a good idea for the Trust.</li> <li>• It needn't be wahine Tane – but the best 2 options for the roles.</li> <li>• Other Iwi operate in this manner – one Co-Chair lives in the rohe and oversees the hua kainga matters, whilst the other lives outside of the rohe and participates in National matters.</li> <li>• Recommendation that one of the Chairs should be resident in the rohe and one outside of the rohe. Tautoko from Glendith, Makere, Luana, Teresa, Roger.</li> <li>• Remove the male/female part of the recommendation.</li> <li>• This is small change to the Trust Deed - instead of deputy change to Co-Chairs</li> </ul>	

	Kaumatua/Kuia committee	<ul style="list-style-type: none"> <li>• There was no korero about the change but more about the Trustees appointing members to the Roopu Kaumatua.</li> <li>• The suggestion is the marae committee appt the members, this does not require a change to the Trust Deed.</li> <li>• The Trustees agree that ultimately they have the appointment rights, however it make more sense to ask each Marae to appoint their respective members to Roopu Kaumatua.</li> </ul>	
	Portacom	<ul style="list-style-type: none"> <li>• Last hui a motion was moved that the board gift the Portacom to Taemaro Marae.</li> <li>• After conversations with both Sandra and Norm, and subsequent emails following on from that resolution concerning the welfare of the whanau living in it and paying rent to buy (approx. \$50 per month), this has created uncertainty around which Marae should be gifted the Portacom – Taemaro or Mangatowai.</li> <li>• Makere would like to gift it to the whanau who are currently living in the Portacom, so we don't put anyone out of a home.</li> <li>• The reason it was to be gifted to a marae was to take the ongoing responsibility of ownership away from the Trust. At the current rate of repayment it would take approx.. 10 years to pay off. During this time, it would remain the property of the Trust. High risk and meanwhile there is R&amp;M and health and safety issue to consider.</li> <li>• Sandra had indicated that Taemaro Marae is not in favour of the whanau currently residing in the Portacom (and others residing on the farm), continuing to occupy the whenua. Fear that if the Portacome was gifted to Taemaro, the whanau may be evicted.</li> <li>• Luana said ownership could come to Mangatowai but the reality is that it will remain on the farm.</li> <li>• Glendith recommends it be given to Mangatowai so it will remain with the whanau, Roger agrees for Mangatowai to have ownership of the Portacom.</li> </ul>	

**Resolution 02:** *Glendith rescinds her tautoko, of the previous resolution to gift the Portacom to Taemaro Marae, as do the Trustees who agreed with it – Teresa, Roger and Luana. Therefore, the board now agrees to gift the Portacom to Mangatowai Marae.*

**Moved:** Glendith Samson **Tautoko:** Roger Kingi

**CARRIED**

*The meeting finished @ approx. 7.10pm with karakia from Roger Kingi*

## Summary of Resolutions

**Resolution 01:** *That the election process for Trustee Representation on the Board, remain as per the Kahukuraariki Trust Deed. Clause 6.6 Nomination in writing: The nomination of a candidate for election as a Trustee on behalf of a marae shall be in writing signed by not less than three (3) Adult Registered Members whose primary marae affiliation is to the marae for which the candidate is nominated.*

**Moved:** Roger Kingi **Tautoko:** Makere Karatea

**Against:** Norman McKenzie

**CARRIED**

**Resolution 02:** *The Board agrees to gift the Portacom to Mangatowai Marae and not to Taemaro Marae as previously resolved..*

**Moved:** Glendith Samson **Tautoko:** Roger Kingi

**CARRIED**