

# SPECIAL RESOLUTIONS

THIS YEAR WE HAVE A TOTAL OF FOUR RESOLUTIONS TO PASS AT OUR AGM. TWO RELATE TO POTENTIAL CHANGES TO OUR TRUST DEED WHILE THE OTHER TWO ALIGN WITH OUR TAIAO (ENVIRONMENTAL) WORK IN PROTECTING THE HAPŪ'S SIGNIFICANT SITES.

## TRUST DEED RESOLUTIONS SOUGHT

*The MTT Trustees seek two changes to the Trust Deed (the Trust Deed is available on the website);*

### 1. SCHEDULE 3: ELECTION OF TRUSTEES

Resolution sought to insert a new clause, 1.1(b), with the wording: 'live in New Zealand', and move the current 1.1(b) clause with no changes to become 1.1 (c) so that the clause 1.1 reads;

#### 1. Eligibility for Appointment

##### 1.1 Trustee eligibility

**To be elected, a nominee for appointment must:**

- a. as at the closing date for nominations, be recorded in the Hapū Register as an Adult Registered Member; and
- b. live in New Zealand; and
- c. not:
  - I. be bankrupt, or ...
  - II. have ever been ...

### 2. SCHEDULE 2: PROCEEDINGS OF TRUSTEES

Resolution sought to amend the clause 4.1 from 'Five Trustees' to 'Four Trustees' so that the clause 4.1 reads;

#### 4 Quorum

- 4.1 Four Trustees shall constitute a quorum at meetings of the Trustees.

## Background to resolutions.

### 1. TRUSTEE ELIGIBILITY

Trustees have had on-going conversations over the past year regarding the role, expectations and performance of Trustees. After individual and board assessments and further discussion regarding the various sub committees, projects and stakeholder engagements, it was determined by trustee unanimous decision that a trustee living outside of New Zealand is unable to undertake and fulfil the expectations of a trustee. It is noted that one of the current Trustees does not live in New Zealand and agreed with this decision.

The term 'live in New Zealand' is used in the Companies Act 1993. This is the same as applied for the purposes of tax residency and considers the 183-day rule test (i.e. whether or not a person has physically been in New Zealand for 183 days) and also the personal place of abode test, which considers accommodation, personal and family ties, economic ties and employment and business ties.

It is important to highlight the consequences of this resolution given that a current trustee does not live in New Zealand and that a hapū member who has been nominated as a trustee in the current election process does not live in New Zealand. In the event that the amendment is passed, the trustee whom does not live in New Zealand will become immediately ineligible as a trustee. If the amendment is passed, the nominee seeking election will become ineligible for appointment. In the event that the amendment is not passed, status quo will remain.

## 2. TRUSTEE QUORUM

During the pre settlement phase, Maungaharuru-Tangitū Incorporation had a total of nine Trustees. The quorum at this time was five as it was over 50%.

Through the transition to post settlement the Trust now has seven Trustees. The quorum has remained as five Trustees being over 50%.

In order to conduct business and make decisions, the trust seeks to amend the quorum to 4 in order to progress Trust matters prudently yet efficiently and effectively. The proposed amendment maintains a quorum of over 50% (4/7 Trustees) as per standard business principles.

---

## TAIAO RESOLUTIONS SOUGHT

*The MTT Trustees also seek two resolutions by way of verbal resolution at the Annual General Meeting. These resolutions are detailed below.*

### 3. Taonga Property

#### 4. Marine and Coastal Area Application.

## 3. TAONGA PROPERTY

### Background

Resolution sought; The Hapū determine that the Lake Beds of Tūtira, Waikōpiro, Orakai and Opouahi and the land known as Opouahi Wilderness Camp are confirmed as Taonga Property.

*As per Clause 9 of the Trust Deed,*

- The Trustees have identified the Lake Beds of Tūtira, Waikōpiro, Orakai and Opouahi and the land know as Opouahi Wilderness Camp as property with special significance to the hapū.
- Consultation to determine these properties as Taonga property commenced at the Hui-ā-Hapū 16 March 2018 and via electronic communications.
- The Trustees seek to determine the above properties as Taonga Property and to be recorded on the Taonga Property register as per clause 9.4 of the Trust Deed.

## 4. CLAUSE 11.1, MARINE AND COASTAL AREA APPLICATION: CUSTOMARY MARINE TITLE (CMT) AND PROTECTED CUSTOMARY RIGHTS (PCR).

*Update on the application under the Marine and Coastal Area (Takutai Moana) Act*

### Background

The Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) provides for Māori groups to have their customary rights recognised in the marine and coastal area through a Customary Marine Title (CMT) and Protected Customary Rights (PCR). The marine and coastal area includes the seabed and the “wet” part of the beach. It is the area from the mean high water springs (roughly the highest point washed by the tide) to 12 nautical miles offshore.

A CMT recognises property rights in the marine and coastal area. To prove title in a particular area, a group must have had exclusive use and occupation of the area since 1840 without substantial interruption, and have held the area in accordance with tikanga. If granted, such title will allow the holder to, among other things:

- grant or withhold permission on activities requiring resource consent in that area;
- develop a plan for that area with objectives and policies which must be recognised and provided for by Regional Council in its plans; and
- own various minerals.

A PCR recognises and protects the customary activities in the marine and coastal area, such as collecting hāngī stones or launching waka. The activities must have existed at 1840 and have been continually undertaken since then. If granted, the holder of such rights will be able to carry out those activities without a resource consent or occupation charges. A resource consent cannot be granted in that area if it is likely to have adverse effects that are more than minor on such PCRs.

There are two pathways for groups to apply to have their customary rights recognised. Groups can apply to have their rights recognised by agreement with the Crown, or they can apply to have their rights recognised by an order of the High Court.

## SPECIAL RESOLUTIONS CONTINUED

### THE TRUST'S APPLICATION TO THE CROWN

At its Annual General Meeting (AGM) in June 2013, the Hapū authorised the Trust to file one or more applications under the Act. In February 2014 the Trust filed an application with the Crown for a recognition agreement for CMT and PCR in the marine and coastal area within our takiwā (traditional area). Our takiwā stretches from north of the Waitaha River southwards to Keteketerau. That application was ratified by the Hapū at the AGM in March 2014.

The Crown prepared a preliminary appraisal of the Trust's application and in 2015 the Crown signalled that it was prepared to engage with the Trust on PCRs but not on CMT, as in the Crown's view there were overlapping interests with our neighbours that would take a prolonged period to resolve, namely with Ngāti Pāhauwera to the north and the Ahuriri Hapū to the south. The Trust did not agree with that approach, and so discussions with the Crown have not progressed any further.

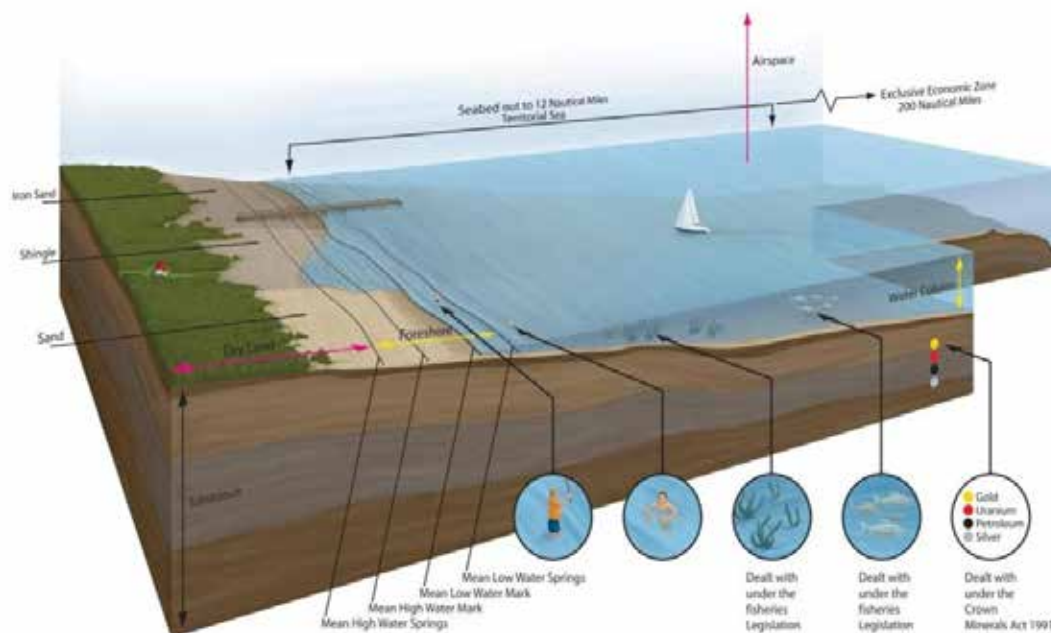
### THE TRUST'S APPLICATION TO THE HIGH COURT

At its AGM in March 2017, the Hapū authorised the Trust to file one or more applications with the High Court under the Act. The Trust filed an application with the High Court for CMT and PCR in April 2017. That application is largely the same as the earlier application to the Crown.

### PROPOSED RESOLUTION AT THE ANNUAL GENERAL MEETING

At the AGM on 16 June 2018, the Trust will propose the following resolution to ratify the application to the High Court:

*That the Hapū and whānau represented by the Trust ratify the application dated 4 April 2017 made by the Trust on their behalf under section 100(1) of the Marine and Coastal Area (Takutai Moana) Act 2011.*



*Copies of the applications made by the Trust and information about the Act are available on [www.tangoio.maori.nz](http://www.tangoio.maori.nz). A presentation and further information will be made available at the AGM.*