
NGĀTI RONGOMAI IWI CHARITABLE TRUST DEED

INTRODUCTION

Ngāti Rongomai is an Iwi derived from the confederated tribes of Te Arawa and is located on the southern shores of Lake Rotoiti, Rotorua.

In November 2013, four new Trustees of the Ngāti Rongomai Iwi Trust were elected and it was these new trustees who prompted for the establishment of the Trust's 2020 strategic vision which is to:

- have our marae to continually remain as the beating hearts of our identity
- be an effective and efficient Iwi Trust governance
- have our Iwi enjoy the physical, emotional, spiritual and cultural well-being
- improve our communication to our beneficiaries of Ngāti Rongomai
- have all Iwi members participate in Iwi affairs and activities
- ensure that our taonga tuku iho are protected and living through taiao that strengthens our leadership
- develop our commercial redress assets and further enhance our investment(s)
- participate and improve our environmental, social and educational aspirations
- develop and innovate Ngāti Rongomai Iwi

The long-term sustainability of Ngāti Rongomai Iwi Trust is a key objective that will ensure Ngāti Rongomai Iwi Trust remains available to our future generations. Openness, responsiveness and awareness to our beneficiaries are seen as key attributes to achieving this objective.

As always Ngāti Rongomai Iwi Trust remains committed to supporting matauranga Māori, protecting our taonga tuku iho and revitalising our marae. Ngāti Rongomai Iwi Trust understands that kotahitanga is our greatest strength therefore togetherness is the only forum which we can work together in order to move forward as one.

In November 2014, the aspirations of the current trustees of the Ngāti Rongomai Iwi Trust was to establish the Ngāti Rongomai Iwi Charitable Trust. This Charitable Trust is a new entity in providing charitable purposes for Ngāti Rongomai Iwi descendants.

The Ngāti Rongomai Iwi Charitable Trust will also assist in achieving Ngāti Rongomai Iwi Trust's 2020 vision.

- 4.2.1.1 by assisting Ngāti Rongomai Iwi to obtain, maintain and improve their vocational, and educational, provided that such assistance is for the public benefit and in the public interest, and provided further that any individual benefit is incidental to the Trust's charitable purposes
- 4.2.2 Promote and further the cultural, social development of every person of Ngāti Rongomai Iwi descent and their whanau, with a particular emphasis on Iwi development;
- 4.2.2.1 by educating and otherwise heightening the awareness of Ngāti Rongomai Iwi in respect of the cultural heritage of Ngāti Rongomai Iwi and the wider public in general;
- 4.2.2.2 by organising or participating in environmental projects designed to:
- preserve and protect flora and fauna
 - preserve, protect and restore lakes, and to
 - improve the Ngāti Rongomai Iwi land and environment
- 4.2.3 Promote and maintain the health of all those of Ngāti Rongomai Iwi descent and their whanau;

No non-charitable objects and purposes

- 4.3 The objects and purposes of the Trust shall not include or extend to any matter or thing which is or shall be held or determined to be non-charitable within the laws of New Zealand and the powers and purposes of the Trustees.

6. TRUSTEES

Numbers

- 6.1 The Trustees of Trustees (“the Trustees”) shall consist of not less than three (3) and no more than five (5) members, except that the Initial Trustees named in Schedule 1 of this Deed are the duly appointed Trustees at the date of this Deed and those Initial Trustees shall remain in office until their term expires.
- 6.2 These five appointed trustees of the Ngāti Rongomai Iwi Charitable Trust will owe their fiduciary duties and obligations to their beneficiaries of Ngāti Rongomai Iwi.

Trustee Appointment

- 6.3 The Ngāti Rongomai Iwi Charitable Trust Trustees will consist of;
- 3 trustees from the Ngāti Rongomai Iwi Trust
 - 1 trustee from the Nga Pumanawa Marae Trust and
 - 1 trustee from the Rakeiao Marae Trust
- 6.3.1 The Ngāti Rongomai Iwi Trust will appoint three of their representative trustees onto the Ngāti Rongomai Iwi Charitable Trust.
- 6.3.1.1 All three appointments must be controlled firstly by the Ngāti Rongomai Iwi Trust Chairperson (or their delegated appointee).
- 6.3.1.2 Each appointment must be put through a motion and supported in the meeting minutes.
- 6.3.1.3 Upon appointment from the Ngāti Rongomai Iwi Trust the appointed trustees must forwarded to the Ngāti Rongomai Iwi Charitable Trust the supported meeting minutes as evidence that the appointment process was adhered to.
- 6.3.2 The Nga Pumanawa Marae Trust and the Rakeiao Marae Trust will each appoint one of their representative trustees onto the Ngāti Rongomai Iwi Charitable Trust.
- 6.3.2.1 Both appointments process must be controlled firstly by their Marae Trust Chairperson (or their delegated appointee).

7. TRUSTEES DUTIES

- 7.1 The Trustees must always act in good faith in accordance with their fiduciary duties and obligations and in a manner the Trustees believe on reasonable grounds are in the best interests of the Ngāti Rongomai Iwi Beneficiaries.
- 7.2 A Trustee shall;
- 7.2.1 Attend all Trustee meetings unless otherwise excused and must;
 - 7.2.1.1 Have a working knowledge of this Deed and standing orders;
 - 7.2.1.2 Adhere to the Trust's procedures; and
 - 7.2.1.3 Be able to articulate responsible views in Trust discussions.
 - 7.2.2 Plan for, attend, and actively participate in all Trustee development workshops;
 - 7.2.3 Have a basic understanding of the issues presented to the Trust at each meeting; be able to analyse and priorities issues, and be willing and able to make informed decisions; and
 - 7.2.4 At all times apply the Tikanga and values of Ngāti Rongomai Iwi in his or her Trustee role.

Powers of Trustees

- 7.3 To achieve the purposes of the Trust;
- 7.3.1 The trustees shall have in the administration, management and investment of the Trust Fund all the rights, powers and privileges of a natural person.
 - 7.3.2 In addition to the powers implied by the general law of New Zealand or contained in the Trustees Act 1956, the Trustees shall have the full power and authority to manage and order the Trust fund in all respects as if the Trustees were the absolute beneficial owners of the Trust fund. Any specific powers set forth in this Deed are in aid of such power and shall not derogate from its generality.

8.3 In the absence of the chairperson and deputy chairperson from any meeting, the Trustees present shall appoint one to preside at that meeting as temporary chairperson.

8.4 The Trustees may appoint a secretary for such a term, on such conditions, and at such remuneration (if any) as the Trustees may think fit. The secretary so appointed may be dismissed by the Trustees. The secretary need not be a Trustee.

Voting

8.5 All questions before the Trustees shall be decided by consensus. However, where a consensus decision cannot be reached on a question, it shall, unless otherwise specified in this Deed, be put as a motion to be decided by a majority of votes. If the voting is tied, the motion shall be lost.

Accounts and Audit

8.6 The Trustees shall keep true and fair accounts of all money received and expended disclosing all financial transactions and assets and liabilities of the Trust Fund and all such other matters necessary for showing the true state and condition of the Trust.

8.7 Nothing in clause 8.6 shall derogate from any other obligations of the Trustees in respect of accounts and audits.

Minutes

8.8 The Trustees (or secretary if appointed) shall keep minutes of all Trustee meetings which shall be available for inspection by Trustees at all reasonable times.

Telephone/Video Conference

8.9 Any meeting of the Trustees may be held by telephone or video conference.

Right of Attendance

- 9.4 Ngāti Rongomai Iwi beneficiaries shall be entitled to attend any Annual General Meeting and any other General Meeting of which public notice has been given in accordance with this Deed and to vote at such meetings on any matter requiring a registered Ngāti Rongomai Iwi adult Beneficiary vote.

10. TRUSTEES REMUNERATION

- 10.1 In respect of the remuneration of Trustees:
- 10.1.1 The Trustees may in their discretion, after seeking external professional advice about suitable remuneration, recommend reasonable remuneration for the Trustees;
 - 10.1.2 Unless prescribed by a third party in the terms of any funding contract.
 - 10.1.3 Such remuneration may be prescribed and approved in the form of a meeting fee or as a total payable per annum.
 - 10.1.4 The remuneration for the Trustees, who will be appointed before the first annual general meeting, may be set by the Trustees for the period they hold office as Trustees on the basis of external professional advice.
- 10.2 This clause does not apply to any remuneration paid to any Trustee in his or her capacity as a director, trustee or board member of any Trust Entity.

11. BENEFICIARIES REGISTER

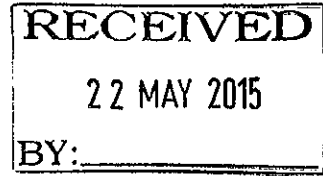
- 11.1 Every person registered with Ngāti Rongomai Iwi Trust is a Beneficiary of the Ngāti Rongomai Iwi Charitable Trust.

12. TRUSTEES LIABILITY AND INDEMNITY

- 12.1 No Trustee is liable for the consequence of any act or omission, or for any loss, unless the consequence or loss is attributable to his or her dishonesty, or to the wilful commission by him or her of any act known by him or her to be a breach of trust or to the wilful omission by him or her of any act when the omission is known by him or her to be a breach of trust.

SCHEDULE 1 –

THE INTIAL TRUSTEES



IN WITNESS OF WHICH this Deed has been executed:

SIGNED by Trustee: *G. Papara*

GEORGE TE ATATU EPAPARA of 41 Hona Road, Ngapuna, Rotorua,

SIGNED by Trustee: *W. Emery*

WILLIAM GRAHAM WHAKATAKI EMERY of State Highway 30, Rotoiti

SIGNED by Trustee: *H. Morrison*

HOWARD WHAKATAKI MORRISON of 535 Ohauti Road, RD3, Tauranga

SIGNED by Trustee: *F. Curtis*

FRANCES TEINAKORE-CURTIS of 420 Te Ngae Road, Owhata, Rotorua

SIGNED by Trustee: *M. Savage*

MEREHIRA MAMAEROA SAVAGE of 5 Apollo Place, Rotorua

in the presence of:

Witness's signature: *D. Wells*

Full name of witness: Owen Minarapa Mitai-Wells

Occupation of witness: Accountant

Residential address of witness: 499 Bennetts Road, Kaiti, Rotorua
.New Zealand.