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Whiriwhiri (working with the people)

“Tumutumu parea, rākau parea, whānui te ara ki a Tāne”

(Ward off post and weapon so that the broad way to Tane is opened up)

(The pathway of life is often blocked by obstacles, which must be cleared out of the way)

Introduction

Now that you have an idea of what you want to do and an indicative response from the respective local authority, CONGRATULATIONS. You have now completed the first two significant steps. The next part of the journey requires you to pull on board the rest of the whanau. You'll need to start by calling a meeting with the landowners. The Māori Land Court staff are the best people to seek advice on how to do this.

On the following pages are some templates as to how to advertise a meeting of owners, set up an agenda and take minutes. Good record keeping is important because it documents the process, records the discussion and decisions made at the hui and makes things transparent and open to scrutiny.

From here we leave a relatively structured process and start dealing with a more fluid process.

This step will require a lot of relationship management and you will quickly realise the following are just guidelines. Some trusts have found this particular step is an organic process and may require many hui with the wider land owners, Māori Land Court and other government agencies. Also for some, a trust may already be established but for others a trust may need to be set up. There are slightly different processes for the two and these are outlined on the following pages. This step and the information gathered are also critical to progressing the vision for the papakāinga proposal.

You may also want to check with your iwi or hapu to see if they have a management plan for your rohe. If they do, review what it says about housing.

Touching base with the iwi or hapu also has the advantage of gauging early interest and possibly support. The iwi or hapu may also be able to assist you with funding applications to different trusts and agencies.

How this section is organised

You'll need to look through this step completely to see what applies to your Trust. Some blocks may already have a trust in place and others may not, both processes are outlined and it's up to you to see what is applicable. Once the Trust Order and trustees are established this step moves on to talk about building the capacity of that trust.

You'll note there is a lot of reading in this step and you may find that it is useful to talk to others who are going through this or have successfully done a papakāinga project.

The ultimate aim of this step is to have a Trust and Trust Order established that provides good governance support for your papakāinga proposal. It is likely that the Trust Order may need to be modified later in the process depending on the specifics of your project, but for now the emphasis should be on the right governance support for this step.

Where a Trust already exists

1. The Trust

You should have from the Māori Land Court the latest lists of owners, the memorial schedule that will tell you if a Trust has been established and other information if it is available. It is critical that your Trust and Trust Order are set up to support your Papakāinga vision, that they help rather than hinder the decision-making and discussion processes. The following parts provide suggestions and advice.

2. Meeting with the wider owner groups

Call a meeting of owners to let them know about the papakāinga project and seek initial support for the proposal. Owners may be located all around the country so you may need to have multiple hui in multiple locations. If costs are an issue it may be a better option to encourage owners to return to the whenua for a hui. The Māori Land Court can advise the trust on how to get everyone together and Māori Land Court Advisory staff can assist with the facilitation of the hui. It may also be useful to invite Te Puni Kokiri along to these early meeting so they can offer assistance where appropriate.

The resident owners of the block may have already been involved with the visioning, research and discussion of the proposed papakāinga. This type of meeting would be of great benefit to owners who live out of town or have had little to do with the property in the past to understand the whakaaro behind the development.

3. Trust Order

A Trust Order is the most important document for any Māori Land Trust because it defines what powers the trust / trustees have in carrying out the goals and objectives of the trust. The Trust Order also provides assurances to the shareholders / beneficial owners that the trust's decisions are made within the spirit of the Trust Order.

Some Trusts have found that they are not set up to do some of the things required for papakāinga housing such as the powers to erect buildings on the property, to grant occupation licences or borrow money. If you don't have these powers you may need to review your Trust Order. Your Māori Land

Court advisor can tell you how to do this. The first step in working out whether your trust has these capabilities is to review the Trust Order you obtained in step 2 and see what it says you can and can not do.

Once you have looked through the Trust Order and worked out what amendments may be required. It's timely to call a meeting of owners to discuss the position of the trustees, suggested changes to the Trust Order and the proposed papakāinga.

4. Reviewing your Trust Order to accommodate your vision

Your Trust Order may also suggest that you need to provide "annual accounts." Some trusts have found this can be a burden so you may want to consider changing this to triennial.

Voting is another area that some trusts have refined to allow proxies and postal votes enabling kaumatua and kuia to verify the votes.

When looking through the Trust Order you may want to review the number of trustees you have. Are there too many, too few? The next part of this section will talk you through some things you might like to consider when reviewing your trustees.

5. Reviewing your trustees

The Māori Land Court provides guidelines on the roles and responsibilities of trustees. The Trustees are responsible for all decisions and money received and spent in relation to the said property. Once you have identified your trustees or what skills are required from any potential new trustee, it may be useful to ask the following questions:

- Are all the trustees still alive?
- If so, are they still willing to be trustees?
- Have any trustees resigned? Do you have their resignation in writing?
- If you are in the position of needing to appoint new trustees it might be useful to identify what skills would be necessary for a trustee overseeing a papakāinga development.
- How much time would be required from the trustee?

- Do they live locally? This could be important if there is a lot of time required.

The Māori Land Court produces a booklet on trustees' duties and the Court will also be able to help on possible training for trustees.

6. Meet again with the owners

Once you've reviewed the Trust Order and trustees it's timely to talk with the owners again to go through the new Trust Order and ratify any changes. You may also need to go through the election for new trustees if this is required (Māori Land Court can provide this advice for you). If you decide to hold more than one hui (to make sure you cover all the owners) the key point is to get agreement to the amendments you wish to make.

7. Confirmation of new orders and trustees

Once you have sufficient agreement from the owners (this is a technical process Māori Land Court can assist you with) about amending the trust order and any new trustees, you can make an application to the Māori Land Court to have the order and trustees amended. This involves filing an application with the Māori Land Court to vary the Trust Order. You should now skip ahead in this section to "Developing the Trust's Capability".

Where no Trust exists

1. If no Trust is in Place

You may want to research the options of the type of trust that can administer the land. The Māori Land Court can help you choose (see the Māori Land Court brochure on Māori Land Trusts). You can call into your local Māori Land Court office or Māori Land Court advisory officers can come to you if there is no land court in your area.

Work out the criteria for establishing the trusts because there is different criteria for different trusts.

Look at potential trustees with the support from the owners. Get them involved in developing a Trust Order.

Call a meeting of owners to consent to the establishment of the trust and housing proposal. Depending on where the other owners reside you may need to advertise these hui in different locations to capture everyone. Māori Land Court advisory officers can assist with this.

Good record keeping is essential to progress your papakāinga proposal. The appendices in step 3 are examples of hui notices for the paper, agenda and minutes templates. You don't have to use these exact templates but they can act as a guide for what you are trying to do.

Make an application to Māori land court to establish the trust.

2. Developing the Trust's capability

Amending or adopting Trust Orders and orders can take a long time to be confirmed through the court process, so you may want to establish an interim body to be able to get going on your project, for example, a charitable trust might allow you to seek funding for the detailed design.

As soon as possible you should develop a funding strategy to help with different aspects of the papakāinga project. You can start by making a list of what funds are available, when and what the criteria is. The funding strategy is primarily about

the cost of progressing the project, noting that it could take up to 6–12 months longer. The strategy is not at this stage concerned with the actual costs of construction. Those costs will be considered and identified through steps 4 and 5.

3. Trust structure

It's important to develop the trust's capability because the government agencies that you may deal with, such as Housing New Zealand Corporation (HNZC) and Te Puni Kokiri (TPK) will want to see that you have strong governance in place.

Some aspects they might look for in good governance are:

- (a) Legal status
- (b) Financial status
- (c) Sustainability
- (d) Management
- (e) Strategic planning
- (f) Compliance

Te Puni Kokiri can offer assistance and programmes to support you in this area. You should contact your local office. See the appendices in this step for the office nearest you.

4. Technical support and advice

Once establishing the entity process is underway you should start talking with the Māori Land Court, HNZC and TPK about technical advice for housing and potential funding.

- TPK requires a legal entity or umbrella entity before it can offer any financial assistance.
- Housing New Zealand Corporation can provide advice about housing structures, governance models and feasibility structures.

See the appendices in this step for the office nearest you.

You should not proceed further unless you have established a trust and Trust Order that supports your Papakāinga development proposal. In addition the trust will need to be operating at a level of good governance that satisfies Housing New Zealand Corporation and Te Puni Kokiri for your development to have a maximum chance of support and success.

Checklist

Administration/leadership

- Hapu/landowner agreement to prepare a marae/ community plan
- Plan is consistent with Hapu or Iwi management plans
- Administration body to lead (Trust, Runanga, Iwi Authority)
- Project Team established
- Identification of resources required
- Hui to review existing environment
- Identification of existing documents (iwi/hapu management plans)
- Trust and Trust Order supporting the Papakāinga proposal
- Good Governance principles in action i.e.
 - Legal status
 - Financial status
 - Sustainability
 - Management
 - Strategic Planning
 - Compliance

References for governance

- Trustee training is available from your nearest Māori Land Court Office.
- Whakamau ki nga kaupapa – making the best of iwi management plans under the Resource Management Act 1991 – Ministry for the Environment.
- Māori Land Use – National Resource Kit Te Kete Matauranga Whenua - Te Puni Kokiri, Māori Land Development Trust, NZ Trade & Enterprise, Community Employment Group.
- Trustees' Duties: A guide - Māori Land Court, Ministry of Justice.

Contacts



Housing New Zealand Corporation
TAURANGA
97 Grey Street
Tauranga

ROTORUA
1143 Arawa Street,
Rotorua

WHAKATANE
30 Commerce Street,
Whakatane

For all offices please contact:
Ph: 0800 801 601
Fax: 0800 201 202
Web: www.hnzc.co.nz



Te Puni Kōkiri
ROTORUA
Te Puni Kōkiri House
1218-1224 Haupapa Street
Private Bag 3017
ROTORUA 3046
Ph: (07) 349 7810
Fax: (07) 349 0950
Email: tpkrotorua@tpk.govt.nz
Web: www.tpk.govt.nz

Te Puni Kōkiri
TAURANGA
Corner Christopher Street & 11th Avenue
PO Box 69
TAURANGA 3140
Phone: (07) 577 6254
Fax: (07) 577 6155
Email: tpk.tauranga@tpk.govt.nz
Web: www.tpk.govt.nz

Appendicies

Advertising your hui

Options:

1. You may want to check the Public Notices section of your local newspaper for other examples.
2. The panui section of Marae on TV One.
3. Local Iwi radio stations.
4. Iwi and hapu newsletters or websites.
5. Email the panui to your family, hapu and iwi networks that have large email addresses.
6. Identify key contacts in each family and ask them to pass the message on to their kaumatua, koroua, kuia, uncles, aunts, brothers and sisters.

The following is an example only. You may want to check the Public Notices section of your local newspaper for other examples.

Sample AGM Panui

[INSERT name of Trust or Hapu or Iwi]

Annual General Meeting

Notice is hereby given that the AGM of Beneficial Owners of [name trust, or land] will be held as follows:

Date: _____

Venue: _____

Time: _____

To conduct the following business:

- *[List the issues you will discuss]*
- Papakāinga housing project
- Election of trustees
- Review of Trust Order

Further information about the hui can be obtained from:

[Provide the contact details for the secretary or chairman]

Template for meeting agenda

Meeting Subject _____

Date _____

Time _____

Location _____

1. Karakia me nga mihimihi
2. Overview of agenda
3. Apologies
4. Minutes from previous meeting (include date)
5. Matters from the minutes
6. Financial Report (if available)
7. Present your proposal showing what you would like to do and why?
8. Discussion
9. Local council response (you may want to invite a representative to answer relevant questions)
10. What do landowners think? Is there support in principle for the proposal?
11. How many owners are able and want to be part of the proposal?
12. When do they expect to build a home?
13. How will we manage this project?
14. Role of the Trust?
15. Karakia whakamutunga

Template for meeting minutes

Meeting Subject _____

Date _____ Time _____ Location _____

1. Record the names and contact details of those present at the meeting

Name	Address	Phone	Email

2. List any apologies received here

3. Write here any matters arising from the last meeting (if applicable)

4. Write response to agenda item 3 here

Actions:

5. Write response to agenda item 4 here

Actions:

6. Write response to agenda item 5 here

Actions:

7. Write response to agenda item 6 here

Actions:

8. Write response to agenda item 7 here

Actions:

9. Write response to agenda item 8 here

Actions:

