

Rakiura Maori Land Trust - Annual General Meeting September 2008 .

The Chairperson of the Trust called the meeting to order at 9.30PM on the 30th September 2008, location Rakiura, Venue Stewart Island Community Centre.

Karakia: Phillip Smith was asked to open the meeting with a Karakia

Welcome: The Chair welcomed owners and invited guests

Memorials: The Chair asked that the meeting observe a minutes silence for those owners who had passed away. Moved Theona Heaslip seconded Murray Shuttleworth

Confirmation of Chairperson:

Moved Dick Ryan **“That Stephen Hartevelde, Chairperson of the Rakiura Maori Land Trust, be appointed as meeting Chairperson of the RMLT AGM for 2008.”** Seconded Syd Stronach. Carried unanimously.

Appointment of Scrutineers and Tellers:

Moved Theona Heaslip **“That Mark Tynan be appointed Scrutineer, and that Gwen Neave and Bruce Ford be appointed tellers for the duration of the meeting”** Seconded Jan Ryan

Quorum: The Chairman asked the secretary to confirm that there was a quorum to hold the meeting. The secretary confirmed there was. The meeting proceeded.

Attendees: Ramari Fisher, Graeme Stewart, Jan Ryan, Susan Whitley, Ulva Amos (Goodwillie) Mary Apene (Bragg), Rodney Ryan, Anna Brown, Jill Skerrett, Sally Throp, Wendy Hallet, Stephen Hartevelde, Richard Manning, Theona Heaslip, Dick Ryan, Phillip Smith, Suzanne Spencer, Mark Tynan, Lyla Heaslip, Sir Tipene O'Regan, Lady Sandra O'Regan, Nuk Korako, Alison Mannell, Edward Mannell, James Arthur Williams, Elizabeth Williams, Ellen Johnson, Malcolm Johnson, Tim Smith, Mere Pohatu, Linnae Pohatu, Sarah Pohatu, James White, Sally Anne Bridgman, Sandra Young, Vicki McKenzie, Gaye McKenzie, Blair Sheat, Mac McKenzie-Sheat, Ruby McKenzie-Sheat, Jonty McKenzie-Sheat, Jason Mckenzie, Jeanette McKenzie, Jimmy McKenzie, Stefanie McKenzie, Anna McKenzie, James Stronach, Syd Stronach, Amanda Stronach, Julian Stronach, Nancy Stronach, Irene Wybrow, Marie Foster, Hugh Foster, Louise Stone, Paula Wade, Jayne Pakinga, Connie Rewiri, Terry Osborne, Zelle Wilke, Daphne Thwaites, Luke Thwaites, Tim Ready, Bobby Reedy, Sandra Clarke, Hinga Clarke, Shirley Palmer, Reginald Palmer, Tracey Tuffley, Eileen Tuffley, Brent Weir, Neville Ross, Joan Ross, Earl Shannon, Rosslyn Fogg, Harold Shannon, Jacqui McCullagh, John Bradshaw, Murray Shuttleworth, Christine Shuttleworth, Chris Luke, Anne-Maree Sanford, Brendan Thomas, Oti Murray, Raeta Thomas, Ann Fogarty, John Fogarty, Michael Fogarty, Joyanne Hope, Marguerita McDonald, Jim McDonald, Key Robertson, Evan Sadler, Helen Monard, Sally Throp, Durham Throp, Stephen Symons, Elizabeth Roberts, Nora Nia Nia, Peter Vella, Russell Vella, Beau-Zhon Vella, Carole Ashton, Simon Gomez, Nicola Taylor, Murray Elliffe, Lily Fraser, John McLauchlan, Laurel Toinette Mihailof, Michael Mihailof, Ann Rona Vali.

Standing orders:

Moved Murray Shuttleworth “**That the standing orders as covered in schedule 2 of the RMLT Trust Deed be confirmed as the Standing Orders for the RMLT 2008 AGM**” Seconded Syd Stronach. Carried unanimously

Confirmation of the Agenda:

Moved Alison Mannell “**That the Meeting Agenda as formally notified to beneficial owners prior to the RMLT AGM for 2008 be confirmed as the Agenda for the meeting.**” *Seconded Theona Heaslip. 2nd call, 3^d call, Carried unanimously*

Variation of Agenda items:

Moved Murray Shuttleworth “**that the Chairperson has the right, in accordance with section 2 “Order of Business within Schedule 2 of the RMLT Trust, to vary the order of the Agenda Items**”, Seconded Cheryl Palmer. Carried unanimously.

Meeting Material: The Chair confirmed with owners that they understood how to use the voting card they have received with their meeting material. This was explained as follows:

General: The trust is made up of a number of different sections and where a matter relates solely to a section or group of sections only those owners with interests in those sections will be able to participate within those discussions and vote on the outcomes. Before each item of business is opened for discussion by the Chair he will indicate which owners will be able to participate. To assist with this process everyone has been given a set of voting cards when they registered to indicate what discussions they will be able to participate in during today's meeting.

Voting Cards: Within your meeting material you will be holding a number of voting cards, which are as follows,

General voting Card: (Yellow) everyone who is an owner within any section or section within the Trust holds this card. This is the default card and covers all business that relates to the entire Trust.

Non-Lords River: (Pink) this relates to those owners who have an interest in land that is not included in the sections of land known as the Lords River Blocks. While you have a card for these other lands there is currently no specific business relating only to these sections so it is not anticipated that these cards will be used at this meeting.

Lords River: (Blue) this relates to those owners who have an interest in the land known as the Lords River blocks. There is business today that does relate only to these sections so you will be advised prior to the commencement of these discussions.

Proxy Voting Card: (White) for those people who have proxy votes allocated to them, the proxy voting card will indicate the number of votes that will be included in the tally when the person holding the proxy casts their personal vote. The proxy votes are cast in the same direction as the holder

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Speaking at the meeting: The Chair reminded the meeting to clearly state your name prior to starting to speak so the minute secretary can record this. Please wait until this has been confirmed before continuing to speak.

Voting Numbers: The Chair asked for the voting numbers to be confirmed by the secretary.

Present at the meeting: 40
Postal Votes Received: 31
Proxy Votes: 0
Alternates Appointed: 0
Total: 71
Invalid:

Double voting: The Chair informed the meeting of the rules regarding double voting.

Moved Ann Fogartey **“that if an owner has voted by postal, proxy, or appointed an alternate and is present at the meeting then only the vote they cast at the meeting shall be valid, and where an owner has voted by more than one means using postal, proxy, or appointed an alternate and they are not present at the meeting then their votes shall be declared invalid as covered on the voting papers”** Seconded Murray Shuttleworth. Carried unanimously

Apologies: The Chair explained apologies are just the people who have contacted the office to have an apology placed in the minutes not a list of people who haven't turned up. The Secretary read out those apologies received:

Moved Theona Heaslip **“that the apologies that have been received be recorded in the minutes of the meeting”** Seconded Dick Ryan

Valarie Alexander, Rex Ashwell, Roy Ashwell, Rhonda Field, Morehu Flutey Henare, Graham Lloyd, Arthur Rendall Miller, Phyllis Smith, Ariel Thompson, Alison Thomson, Rata Diamond, Bessie Hilderband, Nicholas Richards, Evonne Enoka, Vella Whanau, Neville Sinton, Shona Jarmin, Mirie McAvinue.

2007 Meeting Minutes: The Chair called for support from the meeting to have the minutes from last year's AGM as read.

Moved Rodney Ryan **“that the minutes of the 2007 Annual General Meeting of RMLT that have been circulated and available prior to the meeting be taken as read to the meeting”**, Seconded Simon Gomez. Carried unanimously.

The Chair sought approval from the meeting that the minutes for the 2007 AGM are taken as a record of that meeting through the following motion.

Moved Syd Stronach **“that the minutes of the 2007 RMLT AGM that have been presented to the meeting be taken as a true and proper record of that meeting”** Seconded Theona Heaslip. 2nd call, 3rd call, Carried unanimously.

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Matters arising from the minutes for 2007

The Chair called for matters arising from the above minutes that are not covered by a specific agenda item. The Chair called three times, no matters arose.

Trustees Report: The Chair asked the meeting for the right to present the report from the Trustees.

Moved Steve Hartevelde “**that the Chairman of RMLT Stephen Hartevelde be asked to present the report from the Trustees for the 2007-2008 year**”, Seconded Syd Stronach. Carried unanimously.

The Trust Report covered,

Five year review,

Governance,

Rules,

Advisory Group,

Business Improvement

- Hunting Operation
- Transportation
- Review
- Neck Project, stock removal, Boundary Fences, Photo point, Research Group, Urapas.

Land Management, National Park Strategy Paper, Review work with DOC, communication with owners,

First DVD,

Second DVD

Annual Report

Future direction of the Trust

Receiving the Trustees Report: The Chair sought support from the meeting for receipt of the Trustees Report by the Chairperson through the following motion.

Moved Simon Gomez “**that the Trustees report for 2007/2008 as presented by the Chairperson of RMLT Stephen Hartevelde, be noted as received by the meeting**”, Seconded Susan Whitley. Carried unanimously

Financial Statement: The Chair sought support from the meeting for the presentation of the Financial Statements by Mark Tynan through the following motion.

Moved Stephen Hartevelde “**that the Audited Financial Statements for the RMLT for 2007/2008 Year be presented to the meeting by Mark Tynan of Ashton Wheelans & Hegan**”. Seconded Murray Shuttleworth. Carried unanimously.

Mark Tynan presented the financial statements.

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Questions from the floor were:

Why were there sundry debtors – This could not be answered immediately, it was answered later that this represented accrued interest from investments.

Receive Financial Statements: The Chair called for support from the meeting for receipt of the Financial Statements by Mark Tynan through the following motion.

Moved Alison Mannell **“that the Financial Statements for 2007/2008 as presented by Mark Tynan of Ashton Wheelans & Hegan be noted as received by the meeting”**, Seconded Syd Stronach. Carried unanimously.

Auditors Report: The Chair sought support from the meeting for the presentation of the Auditors Report by Mark Tynan through the following motion.

Moved Murray Shuttleworth **“that the Auditors Report for RMLT for 2006/2007 be presented to the meeting by Mark Tynan of Ashton Wheelans & Hegan”**, Seconded Simon Gomez. Carried unanimously.

Mark Tynan presented the Auditor’s report.

Receive Auditors Report: The Chair called for support from the meeting for receipt of the Auditors Report by Mark Tynan through the following motion.

Moved Arthur William **“that the Audit Report for 2007/2008 prepared by Cook Adam Ward Wilson and presented by Mark Tynan of Ashton Wheelans & Hegan be noted as received by the meeting”**. Seconded Theona Heaslip. Carried unanimously.

Introduction of General Business:

The Neck: The Chair introduced the items put forward by the Trust for consideration by the Neck sections only.

The Chair asked Leon Fife to make a presentation on the item put forward by the Trustees to endorse The Management Strategy developed by the Trustees to implement the vision adopted by the Neck owners at the 2007 AGM through support of the following motion.

Moved Leon Fife **“That the beneficial owners of The Neck sections endorse the adoption of the Management Strategy of The Neck as presented to the meeting for the purpose of guiding the implementation of the Vision for The Neck as adopted by The Neck owners at the 2007 AGM”** Seconded Theona Heaslip.

The Chair provided the meeting the opportunity to speak on the motion.

Sir Tipene O’Regan spoke in favour of the restoration initiative. Benefit potential from the emission trading scheme. Support the aspiration of enhancing key species Kiwi and other native birds, long term project, natural processes to be restored, run argument Maori Treaty position.

Rodney Ryan, “what poison are they using”, ground based bait stations 1080. Leon said that he believed there was a lot of missed used information on this poison and that it had minimal impact on other species.

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Jane Ryan – corrected comments made about the Newton Cemetery, the Urapa was in fact the Cooper Cemetery and they allowed Newtons to be buried there.

Simon Gomez expressed the importance to remove the gorse, this would make a good nursery for native plants.

No further discussion

The Chair ensured the meeting understood that it was only open to Neck owners. The motion was put for a second third time. For 27, against 1. Motion carried.

The Chair asked for support of a procedural motion to have the Management Strategy taken as read to the meeting through the following motion

Moved Theona Heaslip **“that the Management Strategy for the Neck put forward by the Trustees that has been available and circulated prior to the meeting be taken as read to the meeting”** Seconded Simon Gomez.

Rule Change Objects: The Chair introduced the item put forward by the Trust for consideration by all owners, this related to rule changes through the following motion.

Moved Phillip Smith **“to amend the Rakiura Maori Land Trust Deed section 4 Obligations & Restrictions by adding the following new clause (c),** Seconded Dick Ryan.

4. Obligations & Restrictions

c) To maintain a Governance Policy

The Trustees shall develop and maintain an appropriate and formal governance policy to define the appropriate governance practices to govern the affairs of the Trust

The Chair ensured that the meeting understands that this business item is for all owners.

The Chair asked the meeting for questions from the floor.

The motion was put three times to the meeting.

The motion was passed, 71 votes in favour, 0 votes against.

Rule Changes Whanau Trust Voting: The Chair introduced the item put forward by the Trust for consideration by all owners relating to rule changes through the following motion

Moved Suzan Spencer “ **To amend the Rakiura Maori Land Trust order Section 5 General Meeting by inserting a new Clause (g) below and renumbering existing clause (g) to new clause (h) and providing a new definition of Owners as listed below in Schedule 2 Standing Orders of the Trust Order**” Seconded Theona Heaslip

5. General Meetings

(g) For the purpose of all provisions of this Trust Order, including the Standing Orders, beneficial or equitable owners or owners are those persons or trusts who have through the Maori Land Court succeeded to an interest in any block of land listed in the Schedule 1 of this Trust Order and who have notified to this Trust. Where any legal trust (“the Owners Trust”) succeeds to an interest in any block of land listed in the Schedule 1 of this Trust Order that Owners Trust shall only have one vote at any meeting or proceedings of this trust. An owners Trust shall appoint one person to represent it and speak and vote on its behalf at any meeting or proceedings of this Trust and must give notice to this Trust of the person so appointed by completing and lodging with this Trust at the addressed notified on the Notification of Whanau Spokesperson form (“the Notification Form”) to be provided by the secretary if this Trust in request. To enable the person appointed to represent and speak and vote on behalf of an Owners Trust at any meeting or proceedings of this Trust the Notification Form must be lodged at the notified address at least 72 hours prior to the starting time of the meeting or proceedings but once the Notification form is lodged and proceedings until it is revoked in writing for the Owners Trust.

(h) All meetings of owners shall be held in accordance with the Standing Orders of the Trust under schedule 2 of this Order. The Standing Orders schedule may be amended by a majority vote at any meeting of owners where the meeting has been requested to deal with the amendment and where the owners have had at least 14 days prior written notice of the intended change.

“Owners” are the beneficial or equitable owners or owners as defined in clause 5 (g) of the Trust Order”

The Chair opened the motion for discussion from the floor.

Jen Skerrett sort clarification on the spokes person being changed and that person staying in place. She also asked how big can be your share in a Whanau Trust.

Syd Stronach raised the question of a individual's suitability and that a alternative should be considered for greater flexibility, he supported a two persons provision.

The Chair put the offer of further discussion three times before confirming discussion closed.

The motion was past 51 votes in favour, 4 votes against.

Rule Change Upoko: The Chair introduced the item put forward by the Trust for consideration by all owners relating to rule changes through the following motion.

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Moved Richard Manning “ **to amend the Rakiura Maori Land Trust Deed section 6 Trustees by a new clause (j) as listed below, Seconder Dick Ryan**

(j) The trustees may from time to time appoint or remove an Upoko of the Trust. Before the Trustees make any appointment they shall take into account the ability, experience, knowledge and mana of the person to be appointed to ensure the fulfil the customary requirements associated with the role of Upoko. The Trustees shall apply to the Maori Land Court for the appointment of the Upoko as a responsible Trustee in addition to those responsible Trustees elected pursuant to clause 6 of this Trust Order. For the avoidance of doubt an Upoko appointment pursuant of this provision shall not be subject to the election process as provided in clauses 6 (c), (d), (e), (f) and (g) of this Trust Order.

The motion was passed, 68 votes in favour, and 0 votes against.

General Business

The Chair called for any additional items of general business.

Appointment of Auditors: The Chair requested the meeting to appoint the Auditors of the Trust for the 2008/2009 Financial Year

Moved Dick Ryan “**That the Beneficial Owners of the Rakiura Maori Land Trust wish to appoint Cook Adam Ward Wilson Business Advisers of Invercargill as the Auditors of the Trust for the 2008/2009 financial year.**” Seconded Syd Stronach. Carried unanimously

Appointment of Trustees: The Chair requested the meeting to confirm the continuation of the existing trustees for another three years.

Moved Trace Toughly “**That the meeting confirm Suzanne Spencer, Richard Manning, and Phillip Smith as Trustees for RMLT as the only three nominations received for the three vacancies and that these appointments are recommended to the Maori Land Court**” seconded Simon Gomez

Destroying the Voting Papers: The Chair requested the meeting to consider the following

Moved Alison Mannell “**that the voting papers used during today’s meeting be destroyed by the Scrutineer**” seconded Murray Shuttleworth.

Presentations

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Theona Heaslip made a moving gesture to Phillip Smith if he would be so honoured to become the Trust's first Upoko. He graciously accepted. Phillip was presented with a Korowai cloak.

Formally the motion was moved by Anne Forgety and Seconded by Elizabeth Ruben.

The Chair thanked everyone for their attendance.

Karakia: Phillip Smith

Dick Ryan on behalf of the trustees and owners thanked the Chair for his efforts in chairing another positive meeting.

The meeting was declared closed at 2.45PM

DRAFT