



TE RŪNANGA O TE RARAWA

## **New Constitution and Private Bill**

### **Background to resolutions for Te Rūnanga o Te Rarawa**

#### **Proposal**

As a necessary step for Te Rūnanga o Te Rarawa to change from a private trust to an incorporated body with enduring legal status, a new Constitution needs to replace our current Constitution when our Private Bill to Parliament is enacted later in the year.

It is also anticipated that, once incorporated, the Rūnanga will become the Mandated Iwi Organisation (MIO) for Te Rarawa under the Maori Fisheries Act. The Rūnanga has been discussing this process with Te Ohu Kai Moana and it is yet to be finalised. The resolutions that are being circulated reflect this intention.

#### **Background**

Te Rarawa achieved settlement of its historical Treaty claims and entered into a deed of settlement with the Crown on 28 October 2012. Due to Crown requirements for post-settlement governance entities the Crown would not settle with an incorporated charitable trust and Te Rarawa was required to establish a private trust to receive the settlement and act as the post-settlement governance entity body for Te Rarawa. This body was established on the 17<sup>th</sup> October 2012.

On 1 February 2014 a special general meeting of the post-settlement governance body was held at Toka Tumoana, the Rūnanga offices in Kaitaia. The members of Te Rarawa voted to support a private bill to achieve incorporation of the post-settlement governance body. This resolution was supported by 90 percent of Te Rarawa members who voted.

The Te Rarawa Claims Settlement Act 2015 received the royal assent on the 22nd September 2015 and settlement provisions came into force on the 17th December 2015. The Te Rarawa Claims Settlement Act 2015 provided for dissolution of the incorporated charitable trust and the transfer of assets and liabilities from the incorporated charitable trust to the post-settlement governance entity body. Although the Crown did not support making amendments to the settlement legislation to incorporate the post-settlement governance body, the Crown did acknowledge that Te Rarawa wished to incorporate the post-settlement governance body and agreed to support a private bill to achieve this outcome.





It is hoped that a Private Bill will be introduced into Parliament later in the year to provide for the incorporation of Te Rūnanga o Te Rarawa. The new constitution will empower Te Rūnanga o Te Rarawa to act as the principal governance body to administer the affairs of Te Rarawa including acting as the Mandated Iwi Organisation of Te Rarawa for the purposes of the Maori Fisheries Act 2004, acting as the Iwi Aquaculture Organisation for the purposes of the Maori Commercial

Aquaculture Claims Settlement Act 2004, to receive the Te Rarawa Treaty of Waitangi historical claim settlement and to receive any other settlements or resources that Te Rarawa may, from time to time, be entitled to.

### **How does the new constitution differ from the existing trust?**

The draft constitution is based on the existing trust deed which was approved by both Te Ohu Kai Moana and the Office of Treaty Settlements. It was also approved by more than 80% of Te Rarawa people who took part in the ratification process, voting to have Te Rūnanga o Te Rarawa as the post settlement governance entity. There are a few changes which are summarised below:

#### **Main changes**

Currently an unincorporated trust		Becoming an Incorporated trust
Move from a private, common law trust		To an incorporated statutory trust
Detailed mechanics in body of document		Shift to schedules or cross reference to legislation
Deal with a few problem areas in terms of structure and process		Clarification on structure, streamlining process, improvements and minor changes

#### **Significantly different**

##### **Process for Appointment and role of Alternates**

Refer to Schedule 2; section 2.3. Alternates to support Delegates and fill in as proxy when they are not available.

##### **Appointment of Executive**

Old provisions removed. Rely on Clauses 6.1 which provides for the Rūnanga to set up a sub-committee and delegate tasks.

##### **Areas clarified**

Multiple definitions for Trustees, Elected delegates, Iwi Council, Rūnanga, Board and PSGE simplified.

Role and responsibility of Marae Delegate: Reinforce reporting functions to marae.

Schedule 5: lining up of planning documents and reporting between Rūnanga and subsidiaries.

Refer to the full constitution on:

[http://www.terarawa.iwi.nz/uploads/7/4/6/3/7463762/te\\_runanga\\_o\\_te\\_rarawa\\_constitution\\_-\\_final\\_draft\\_22\\_august\\_2016.pdf](http://www.terarawa.iwi.nz/uploads/7/4/6/3/7463762/te_runanga_o_te_rarawa_constitution_-_final_draft_22_august_2016.pdf)