

# OMAH A MARAE TRUST

05 September 2020

## Meeting Minutes

**Present:** Claude Dennis , Annie Baines, Sam Williams,  
John Chand, Myra Aitken, Te Ao Rosieur, Christine Baines, Moira Brown, Robyn  
Greenwood via phone Roi M caba , Wendy Brown

**Apologies** Ruben Williams, Mona Harris , Marama Gossage

**1. Karakia / Mihi - Sammy Williams**

**2. APPROVAL OF MINUTES (05/09/20)**  
**Minutes Approved by All**

**3. FINANCIALS - For July 2020**

**01 Account - \$ 169497.51**

Credit \$ 293.00- Koha from whanau and Ngati whatua Runanga

Debit \$ \$1437.25- Insurance Valuation . With holding Tax and Bank fees.

**50 Account - \$ 108283.74**

Debit -\$ 109.43 Genesis (power )

Credit - \$ 20.00 Koha Transfer

The Transfer of \$100k to the interest bearing account has not happened due to covid . Banks were not accepting cheques . Will try to transfer through Smart ATM .

Annie acknowledges the need to get the books audited ASAP . Marae Trust and committee.

**4. MAINTENANCE UPDATE - Sammy**

Roofing will start as soon as there is a good stretch of weather . They are also wanting to Insulate the whole marae at the same time . It will cost approx. \$5k which includes installation .

Secondly-A new rd, new fencing of the Urupa and new Drainage etc needs to be done urgently . We have a cost of \$26k. The guys are ready to go ahead - which will mean it will all be done before xmas .

Claude : We need the audit done before we spend any money.

John : We need to put everything on hold .

Annie : We are not going to put it on hold . This Roof situation has been going on for 3 years. In that time it has gone from \$ 40k to now \$50k. It needs to be fixed - and it makes sense to insulate the marae at the same time . The books will be audited . A financial report is always provided - with copies of the bank statements attached.

RESOLUTION: To go ahead with the insulation of the roof ( immediately) .

We also need to do the driveway and fencing to the Urupa . John, Te Ao Claudia and Moira want it noted that they don' t want that to go ahead until the books are audited . The other Tupuna whanau are happy for it to go ahead .

Seconded by Annie

MOVED

## 5. CHARTER AMENDMENTS

Annie to provide Moira with copy of the Charter with added amendments so she can speak with her whanau as Moira was not at last hui .

John Chand has some feedback he wants tabled **from WI taiawa whanau**. ( See Attached )

Annie : We had a charter hui that was attended by the **WI taiawa** Trustees at the manua. We all went through the charter and agreed on these amendments. I don't want to go backwards. It was a good hui I thought.

Robyn : Why are we even changing the charter?

Annie : I think its best for you to go back and deal with your whanau . This trust is made up of 7 tupuna whanau . 5 or 6 of the whanau are ready to proceed and 1 is not . I found Ambers email somewhat of a threat to our Trust . Do as I say or else . There has to be some give and take .

So - lets try again . Go back to your whanau show them our amendments we agreed on at the Manua. See if t here is anything they want to change/ not change - and we as a Trust can go through and decide.

The Trust decides to do this as a Special Meeting for the Charter only . Will discuss a date and time and the next hui .

Roi McCabe gives a brief background on our Charter and how it came about .

## 6. INWARDS CORRESPONDENCE

We have an email from Jason Pou who is the Lawyer for the Ngati Manuhiri Settlement Trust. ( attached )

Trustees take time to read it .

Annie : As the letter was from a Lawyer - I thought it was in the best interest of the OMT to also show it to a lawyer. After taking into consideration our Charter - the lawyer advised me that there is no need to respond as there is no enforceable agreement between the Marae and this NMST. Also - on a literal reading of the NMST Settlement Act -the assets which the Settlement Trust are entitled to receive are only those covered in the Act . The monies from Kaipara do not fall into that category . The NTB also got a legal opinion - and came to the same conclusion .

For everyones clarity re the Kaipara Sands:

The agreement with Kaipara Sands re Dredging off the Pakiri Coastline is between Ngatiwai Trust Board and Kaipara Ltd . ( 1998 )

Ngatiwai is a Marae based Trust . We are one of the 14 Marae affiliated to the Ngatiwai Trust Board. The deal at the time was done by Uncle Laly Haddon - who was our representative on the board at that time.

Ngatiwai Trust board have sole discretion as to the use and/ or distribution of those sand Royalties. NTB has used that discretion to pay Omaha Marae 50% of all Sand Royalties.

Omaha Marae has a legal contract with the NTB in relation to the royalties. This contract can only be changed by a high court ruling.

I wanted to read an excerpt from Uncle Laly Re Kaipara Sands Deal:

*"The boards Kaupapa on Tino Rangatiratanga and mana whenua rests with the Tangata whenua. In this case - the whanau of Pakiri. All of the whanau of Pakiri affiliate to Te Kiri Marae"*

So we are not-in Breach . Ngatiwai Trust Board are not in Breach .

As beneficiaries the marae is answerable to them . Their first port of call is through their Trustees. Although the books have not been audited since before the Maori Land Court- I have every invoice statement etc - and I am quite **happy** for them to view them . We also have our financial reports that are provided at every meeting that they can also look at .

My only concern about this was that Ringi and Vern were never included on any of the emails from the Lawyer as a beneficiary- Only Mook.

Myra Aitken : Why do they want to see all this?

Annie : Because they want the sand Royalties to go the Ngati Manuhiri Settlement Trust.

Robyn : I don't think we should give them any information as it doesn't pertain to them . (NMST)

Annie : As beneficiaries they are entitled to see the financials -And I am happy to do that.

## 7.GENERAL BUSINESS

Jessie Chapman our Ngatiwai Rep said they now have a new chair and they are currently having a forensic Audit and making a few changes - so not a lot going on at the moment.

Lawns - Please make sure when its your whanau turn that you please do it. It just makes it easier for the next whanau . Do appreciate all the whanau who make this happen .

Food Parcels:

Ngatiwai had more food parcels for the marae . These were earmarked for John Chand to collect - but unfortunately Auckland went into Covid Lockdown again which made the logistics are little hard. Thanks to Kurt Williams, Rueben Williams and Angela Aitken who collected and distributed to as many whanau in the Whangarei region as the could .

Talk of getting our website back up and running again . Good place to share our minutes etc. Let the whanau know whats going on at the marae, who the Trustees are etc. Renovations. Will look into it - and update at the next hui .

We do need a Secretary. Thanks to Rubes for helping out. Will discuss further at the next hui .

**Date for next hui : Saturday 31 October 2020**

Karakia Whakamutunga

*aBaies*





Teao Rosieur &lt;rosieur74@gmail.com&gt;

---

**OMT CHARTER ( with changes ).pdf**


---

Amber Rosieur &lt;amberrosieur@gmail.com&gt;

Thu, Aug 27, 2020 at 3:54 PM

To: John Chand &lt;John.Chand@lakesdhb.govt.nz&gt;, Teao Rosieur &lt;rosieur74@gmail.com&gt;

Cc: Heremaia Rosieur &lt;rosieur2@gmail.com&gt;, Josie Rosieur &lt;mjrosieur@gmail.com&gt;, Moana &amp; Charlie Sherman &lt;charlie.sherman@yahoo.co.nz&gt;, Mook Hohneck &lt;m.hohneck@ngatimanuhiri.iwi.nz&gt;, Peter &amp; Robyn Rosieur &lt;rosieur52@gmail.com&gt;, Tanekaha Rosieur &lt;tamahunga@gmail.com&gt;, Vern Rosieur &lt;papa.rosieur@gmail.com&gt;

Kia ora korua

Thank you for your mahi representing the interests of our Wi Taiawa whaanau whaanui. We appreciate your efforts and sacrifice you make for all of us.

With respect to the proposed amendments to the Omaha Marae Charter I note with extreme concern that there appears to be a **serious deP-arture** from the amendments endorsed by the Maori Land Court **in consultation and agreement by our Ngaati Manuhiri whanau whaanui** (under facilitation). It is also apparent that clauses in the Charter which were to be **discussed and resolved by our kaumatua** in relation to tikanga, kawa and whakapapa (pepeha) has not been undertaken in the appropriate forum by our pou tikanga.

Taking the above concerns into consideration **I and my whaanau do not SUf:U::!Ort** any of the amendments made in the draft Charter provided.

We would also like to question why it has taken 18 months for Trustees to address this mahi when it should have been made the highest priority together with auditing of the financial records which I understand has still not been completed.

With the exception of our Wi Taiawa maangai, it is deeply concerning that the Omaha Marae Trustees have failed to prioritise critical aspects of their obligations which are fundamental to the successful and cohesive operation of our marae for the benefit of Ngaati Manuhiri.

Jgaa manaakitanga  
Amber

---

**From:** John Chand <John.Chand@lakesdhb.govt.nz>
**Sent:** Thursday, 27 August 2020 12:52 PM**Cc:** Te Ao Rosieur <rosieur74@gmail.com>**Subject:** OMT CHARTER ( with changes ).pdf

[Quoted text hidden]

Nga mihi  
Amber

**CONFIDENTIALITY NOTICE**

This message may contain privileged, confidential or copyrighted information intended only for the use of the recipient(s) named above. If you are not an intended recipient you may not read, use, copy or disclose this email or its attachments. If you have received this message in error you must delete the email immediately and contact the sender at [amberrosieur@gmail.com](mailto:amberrosieur@gmail.com). Any views expressed in any email or its attachments, are those of the individual sender and may not necessarily reflect the views of the entities that the sender represents.

9/4/2020

Gmail - OMT CHARTER ( 'with changes ).pdf



Teao Rosieur <rosieur74@gmail.com>

---

**OMT CHARTER ( with changes ).pdf**

---

Amber Rosieur <amberrosieur@gmail.com>

Thu, Aug 27, 2020 at 4:29 PM

To: John Chand <John.Chand@lakesdhb.govt.nz>, Teao Rosieur <rosieur74@gmail.com>

Cc: Heremaia Rosieur <rosieur2@gmail.com>, Josie Rosieur <mjrosieur@gmail.com>, Moana & Charlie Sherman <charlie.sherman@yahoo.co.nz>, Mook Hohneck <m.hohneck@ngatimanuhiri.iwi.nz>, Peter & Robyn Rosieur <rosieur52@gmail.com>, Tanekaha Rosieur <tamahunga@gmail.com>, Vern Rosieur <papa.rosieur@gmail.com>

Arohamai, just for clarification, if the current Trustees attempt to adopt the draft Charter they are opening themselves to legal proceedings. We request a financial audit be undertaken without further delay and copy of same be provided to beneficiaries.

Nga mihi

Amber

[Quoted text hidden]



Teao Rosieur &lt;rosieur74@gmail.com&gt;

---

**Charter Draft**

---

m rose &lt;mjrosieur@gmail.com&gt;

Mon, Aug 31, 2020 at 12:26 AM

To: John.Chand@lakesdwb.govt.nz

Cc: rosieur74@gmail.com

Kia Ora John and Te-Ao

First and foremost i would like to take this opportunity to thank you both for the effortless work and time you have done as our representatives on the Omaha Trust. You have shown transparency in all that has been addressed within the Omaha Marae on our behalf along with our concerns.

In saying it is very clear that there has been failure in positions and lack of confidence held within the trust. The minutes reflect that. To the point that our last Omaha Meeting held by the Trust given out to the beneficiaries was August 2019, was not signed off till November 2019. No minutes have been seen since? Very disheartening and disappointing on those holding these positions!

I also note that in minutes up to August of last year requests from myself and other beneficiaries have asked when auditing would be done. According to minutes up until June it was would be followed up in next meeting August? Its now August 2020!

Furthermore , the fact that a trustee has commented " the minutes to be sanitised "leaves to question to those in position? What are we as beneficiaries receiving as minute reports? By sanitising the minutes it is FALSE AND MISLEADING to beneficiaries and owners alike who have given trust to those in position.

Finally..the drafted charter. I have reviewed all the MLC documentations in regard to the original and amended requirements . I have seen what should have been amended still in the draft . Some completely overlooked and implemented as Amber has addressed. I tautoko Ambers reply.

As our representatives John, let me say again, how proud i am of you both and how much you both have endured and undertaken to this point under difficult circumstances.

Thank you both so much for bringing this to our attention and hope that our feedback given as tools will enable you to address at the next meeting

Kind Regards  
Josephine Rosieur

Tu Pono Legal Limited  
1222 Eruera Street  
ROTORUA 3010  
P.O. Box 1693  
ROTORUA 3040  
DX JP30025  
  
TEL 07 348 0034  
FAX 07 347 2933  
EMAIL [admin@tuponolegal.co.nz](mailto:admin@tuponolegal.co.nz)



**Tu Pono**  
L E G A  
T

19 August

Trustees of Omaha 1 Maori Reservation

by email: Chairperson Annie Baines [annie.baines\\_amaill.com](mailto:annie.baines_amaill.com)  
  
cc: Trustees Kororia (Claudia) Dennis [claudezdenis@amaill.com](mailto:claudezdenis@amaill.com)  
Te Ao Rosieur [rosieur74@amaill.com](mailto:rosieur74@amaill.com)  
Reuben Williams [rubesbro@amaill.com](mailto:rubesbro@amaill.com)  
Christine Baines [chrisandbill.baines@slinasho\\_t.co.nz](mailto:chrisandbill.baines@slinasho_t.co.nz)  
John Chand [john.chand@slinasho\\_t.co.nz](mailto:john.chand@slinasho_t.co.nz)  
Marama Gossage [maramaaoss@hotmail.com](mailto:maramaaoss@hotmail.com)  
Myra Aitken [myraiane46@amaill.com](mailto:myraiane46@amaill.com)  
Mona Nimmo [nimomona@gmail.com](mailto:nimomona@gmail.com)  
Jessie Rose Chapman [chapman.iessie@hotmail.com](mailto:chapman.iessie@hotmail.com)  
Moira Brown [moirabrown838@amaill.com](mailto:moirabrown838@amaill.com)  
Sammy Williams [Q\\_akiriwarrior@h\\_otmail.com](mailto:Q_akiriwarrior@h_otmail.com)

Tena koutou

#### **SAND ROYALTIES RECEIVED FROM NGATIWAI TRUST BOARD**

I have been instructed by the the trustees of the Ngati Manuhiri Settlement Trust ("the Trustees"). Collectively, the Trustees are the elected and mandated representatives of Ngati Manuhiri. Individually, they are beneficiaries of the Omaha Marae Committee. My instruction from the Trustees is in both capacities.

The Trustees have, for some time expressed concern relating to the cultural liaison fees received by the the Ngatiwai Trustboard as a result of the Deep Water Sand Project Agreement ("**Project Agreement**") dated 23 September 1998. The Project Agreement sets out that the fee is to be allocated with due regard and in consultation with the hapu of Ngatiwai most affected by the project. As the project relates to sand extraction *off* the Pakiri Coast, Ngati Manuhiri are the hapu most effected. As is mentioned earlier, the Ngati Manuhiri Settlement Trust is the mandated representative of the hapu.

The Trustees have endeavoured for some time to have these matters dealt with rangatira to rangatira throught the respective chairs of the Ngatiwai Trust Board and the Omaha 1 Maori Reservation ("**Marae Reservation**"). These efforts have been effectively rejected and engagement has been denied.

As a result of the refusal to engage with the Settlement Trust, the Trustees consider the Ngatiwai Trustboard to be in breach of the Project Agreement. It follows that they consider that any allocation of cultural liaison fees that it has made are also in breach of the Project Agreement.

Director: Jason Pou



The Trustees therefore seek to initiate an investigation into the receipt and allocation of the cultural liaison fee with a view to seeking that they be accounted for and paid to Ngati Manuhiri in accordance with the Project Agreement.

The Trustees are aware that a portion of the cultural liaison fee received by Ngatiwai Trustboard have been allocated to the Marae Reservation.

In this regard, the Trustees seek:

1. Confirmation that the Maori Reservation Trust has received funds relating to the sand extraction off the Pakiri Coast, and if so, the amounts paid and records of all associated bank account transactions;
2. Bank statements confirming that these funds are still held by the trustees of the Marae Reservation

The Trustees are, of course, entitled to this information as they are beneficiaries of the Marae Reservation.

In setting out these matters, the Trustees of the Marae Reservation can consider themselves to be on notice that recovery is being sought of any funds that have been inappropriately allocated. In light of this notice, it is important to inform the trustees of the Marae Reservation that any use of these funds could mean that they would need to be accounted for by the trustees jointly and severally.

We seek your undertaking, therefore that the funds held will not be spent until the investigation is complete.

A response is sought as soon as is possible and is expected prior to the end of the month.

Naku noa, na

**JAA**

Jason Pou  
Director

cc

