

**ORDER DECLARING THE TERMS OF TRUST**

The Maori Affairs Act 1953 Section 438(5)

**DUPLICATE**

In the Maori Land Court  
of New Zealand  
Waikato-Maniapoto District

**IN THE MATTER** of the Maori Freehold land known as **Hauturu  
East 8 Block**

**AT A SITTING** of the Court held at Te Kuiti on the 2nd day of October 1990 before Glendyn Donald Carter Esquire, Judge

**WHEREAS** the Court at Te Kuiti on the 2nd day of October 1990 vested the land described in the Schedule pursuant to Section 438(2) of the Maori Affairs Act 1953 in **Walter Anderson, Whare Kohatu Wally Tane, Norman Tane, Sam Haumia Green, Joseph Paul Davis, Huia Davis, Rua Anderson and Te Aue Davis** (called "the Trustees")

**NOW THEREFORE** the Court **DOTH HEREBY ORDER AND DECLARE** that the Trustees shall hold the said lands upon the following Trusts pursuant to Section 438(5) of The Maori Affairs Act 1953

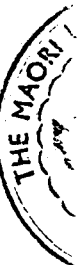
**A. Title and Interpretation**

1. The Trust shall be known as the **Ruapuha-Uekaha Hapu Trust** and shall apply to the lands set out in the Schedule hereto.
2. In this Trust order the word "beneficiaries" refers to all the descendants of the owners in whom the land was vested by order of the Court at Te Kuiti pursuant to Section 436 of the Maori Affairs Act 1953 on the 2nd day of October 1990.

**B. Objects**

Subject to the conditions set out in the re-vesting order dated the 2nd day of October 1990 and any express restrictions set out in this order, the objects of the Trust shall be:

1. To provide for the use, management and alienation of the lands and any other property or assets of the Trust to best advantage provided that no contractual arrangement pursuant to this clause shall extend beyond one year from the date of this order.
2. To conclude and to carry on any arrangements or agreements entered into in respect of the land binding on the claimants in the settlement of claim WAI 51 with the Crown under the Treaty of Waitangi Act 1975.



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3. To make such surveys, feasibility studies and enquiries within one year from the date hereof as to the future use, management and alienation of the land.
4. To ensure the retention and preservation of the Glow Worm Caves situated in and forming part of the land.
5. To represent and make provision for any special needs of the beneficiaries on all matters relating to the land and to the use, management and enjoyment of the facilities associated therewith.
6. To investigate the future form and direction of the Trust through meetings and discussion with the beneficiaries and the whanau comprising the Ruapuha-Uekaha hapu in particular:
  - (a) Whether the Trust should be a comprehensive Trust with full power to administer the land and assets of the Trust, and to apply the funds in such manner as the Trustees shall determine within the provisions of the Trust; or
  - (b) Whether the Trust should act to administer the land and be required to distribute the net proceeds each year to Trusts established for each of the whanau comprised within the hapu, each of which shall then deal with those funds in accordance with the conditions of its Trust.
  - (c) The appointment of Trustees and if there is to be any limitation on their term and whether they are to be appointed by Annual General Meeting of the hapu or by each of the whanau or a combination of both.
7. To retain and hold the net revenue derived by the Trust and to account to the beneficiaries for same in accordance with Clause 9 hereof and to disburse such funds as the Court shall by further order direct.

### C. Powers

#### General

1. In furtherance of the objects of the Trust and except as hereinafter may be limited, to do all or any of the things which they would be entitled to do if they were the absolute owners of the land PROVIDED HOWEVER that the Trustees shall not alienate the whole or any part of the fee simple.
2. The Trustees shall act personally or jointly PROVIDED THAT in the event of a decision amongst the Trustees the decision of the majority shall be deemed to be given by all of them and be binding on the minority SUBJECT to the provisions of paragraph 6 hereof.

#### Specific

Without limiting the generality of the foregoing but by way of emphasis and clarification, it is declared that the Trustees are empowered:-

#### 1. To Employ

To engage, employ and dismiss managers, secretaries, servants, agents, workmen, solicitors, accountants, consultants and other professional advisers required to carry out the powers of the Trustees and to fix their remuneration.

2. **To Enter**

To enter into any agreements or contracts for the purposes of any of the objects hereinbefore contained.

3. **To Invest**

To invest all of any of the money coming into their hands upon any securities in which Trust funds may be invested by Trustees in accordance with the Trustee Act 1956 or in accordance with any other statutory authority provided that the term of such investment shall be limited to one year from the date of this order.

4. **To Pay Own Costs and Taxation**

From the revenues derived from the operation of the Trust to pay any taxation incurred by the Trust and all costs, expenses and disbursements incurred by them including the costs of any person employed by them in the administration of the Trust and of any Advisory Trustees or in furtherance of any of the objects of the Trust.

5. **To Take Over Existing Obligations**

To assume all the rights, duties, powers and obligations heretofore held by the claimants under any agreement in settlement of claim WAI 51 with the Crown under the Treaty of Waitangi Act 1975 having force or effect of the land or of any part or parts thereof and to assume and to have all the rights, duties, powers and obligations that may have accrued to the claimants arising out of any such agreements.

6. **Personal Interest of Trustees**

Notwithstanding any general rule of law to the contrary no person shall be disqualified from being appointed or from holding office as a Trustee or as a representative of the Trust by reason of his or her employment as a servant or officer of the Trust or by his or her being interested or concerned in any contract made by the Trustees PROVIDED THAT he or she shall not vote or take part in the discussion on any matter that directly or indirectly affects his or her remuneration or the terms of his employment as a servant or officer of the Trust or that directly or indirectly affects any contract in which he or she may be interested or concerned.

7. **Protection of Minorities**

In any case where any Trustees or beneficiary feels aggrieved by any direction, determination or resolution of a meeting of the Trustees or of any action of the Trustees he or she may either:

- (a) Give to the Trustees notice of his or her intention to have the matter complained of referred to the beneficiaries and then PROVIDED THAT within 14 days thereafter he or she is able to file a requisition supporting that notice executed by not fewer than 20 beneficiaries then the Trustees shall fix a time and place and convene a general meeting accordingly in the manner hereinafter provided;



or

- (b) Give to the Trustees notice of intention to have the matter complained of referred to the Maori Land Court PROVIDED THAT he or she shall within 14 days thereafter file an application pursuant to paragraph (e) of Subsection 1 of Section 30 of The Maori Affairs Act 1953 and of Sections 49 or 68 of the Trustee Act 1956 for directions or the like AND upon and following receipt of a notice of intention as aforesaid and for as long as the matter remains unresolved, the Trustees shall take no steps or no further steps as the case may be to implement or otherwise give effect to or enable the continuance of the matter complained of.

8. **Meetings of Trustees**

- (a) Notwithstanding anything to the contrary hereinbefore contained or implied the Trustees shall exercise the powers vested in them only in the manner to be determined by the Trustees at Trust meetings and the Trustees may adjourn and otherwise regulate such meetings as they think fit.
- (b) All policy and proposals other than day to day administration and implementation of policy shall be determined at Trust meetings called for such times and places as the Trustees shall determine.
- (c) The Trustees shall elect a chairperson of the Trustees, appoint a secretary to the Trust estate and appoint some place to be the notified office of the Trust estate and from time to time thereafter shall in the like manner fill any vacancy in the office of the chairperson or secretary and may change the notified office. Particulars of such elections and appointments and all changes therein shall be supplied immediately to the Registrar of the Maori Land Court.
- (d) Meetings of the Trustees shall be called by the chairperson or may be held at such times and places as may be fixed by resolution of the Trustees. Any two members may at any time require the chairperson to summon a meeting. Not less than three clear days' notice of any meeting shall be given to every member of the Trustees.

9. **Accounts**

All monies payable in respect of any alienation or arrangement made pursuant to paragraph 2 hereof shall be paid by the Trustees into a properly audited Trust Account and the Trustees shall present proper accounts of all money that may have come into their hands or possession at the meeting of beneficiaries called pursuant to paragraph 11 hereof.

10. **List of Beneficiaries**

The Trustees shall establish and maintain an up to date list of beneficiaries and their addresses.

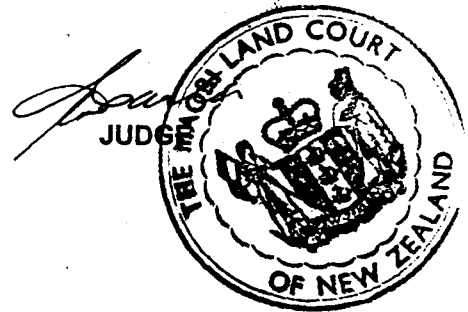
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**11. Meetings**

- (a) Within one year from the date of this order the Trustees shall call a General Meeting of Owners by posting such notice of the meeting to each and every owner at their last known address at least 14 days prior to the date of meeting.
- (b) The notice of meeting is to specify the date, time and place of the general meeting and the business thereof including details of any recommendations made by the Trustees pursuant to paragraph 2 hereof.
- (c) The General Meeting shall consider the future utilisation and administration and constitution of the Trust of the block under these provisions and move for a variation of this Trust order accordingly.
- (d) Such meeting shall consider the utilisation and disbursement of the balance, rents and revenues held in the above-mentioned audited Trust Account and pass a resolution accordingly.

**AS WITNESS** the hand of the Judge and the Seal of the Court



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