TE KAUPAPA WHAKARITENGA MA TE MARAE

CHARTER IN RESPECT OF MARAE RESERVATION WAIHAUA A4 A

Ko Tokatoka te maunga

Kaipara te moana

Arapaoa te awa

Waihaua te marae

Kirihipi te whare

Mahuhu Ki Te Rangi te waka

Ko Rongomai te ariki

Te Uri o Hau te hapu

Ko Ngati Whatua te iwi



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1. CHARTER INTRODUCTION

Our cultural heritage is continually under stress to maintain its own identity and uniqueness while being open to the world outside of the Marae. Maori cultural living 'Lore' is subjected to the demands of societal structured 'Law' and as a result they appear to be continually at odds with each other.

Waihaua Te Marae is foundation for our cultural essence and integrity. It is, that intelligent sense of worthiness and acceptance that comes with being part of the whanau. Waihaua Te Marae is our identity, our pride and joy. It is our link with the past and gives us nourishment and confidence to manage the present, while providing the strength and guidance to help shape the future.

Nonetheless the process of <u>Law</u> is a given. The challenge is to manage the process without compromising the ethics of our cultural <u>Lore</u>. In addition, closer scrutiny would suggest that <u>Tikanga</u> generally seeks the same ends as <u>Law</u>, suffice to say they both promote 'the doing of the right things'.

Under Law, the Trustees of Waihaua Marae as appointed by the Maori Land Court are required to compile a charter. The charter is a tool to assist us in being more efficient, consistent, effective and accountable as appointed Trustees of Waihaua Marae.

The Trustees role is Governance. This charter adopts policies and guidelines, in consultation with the whanau, to assist with the management of activities that are borne from Waihaua Marae. Governance sets the guidelines; Management carries out the function as per management plan procedure.

Be it through the medium of Te Reo, Nga Waiata, Whakapapa, and Tikanga or otherwise, Waihaua Te Marae is the forum from which stimulating debate is derived as we work towards excellence in all the things we do. This documents challenges the descendants of Waihaua Marae and all the other peoples who are embraced within the bosom of our ancestral house:

Hold fast to the good and the great things of our Tupuna.

Your future well-being is the future betterment of Waihaua Marae.

Promote, enhance and maintain all things good to each other.

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2. NAME: WAIHAUA MARAE

3. DESCRIPTION AND LOCATION

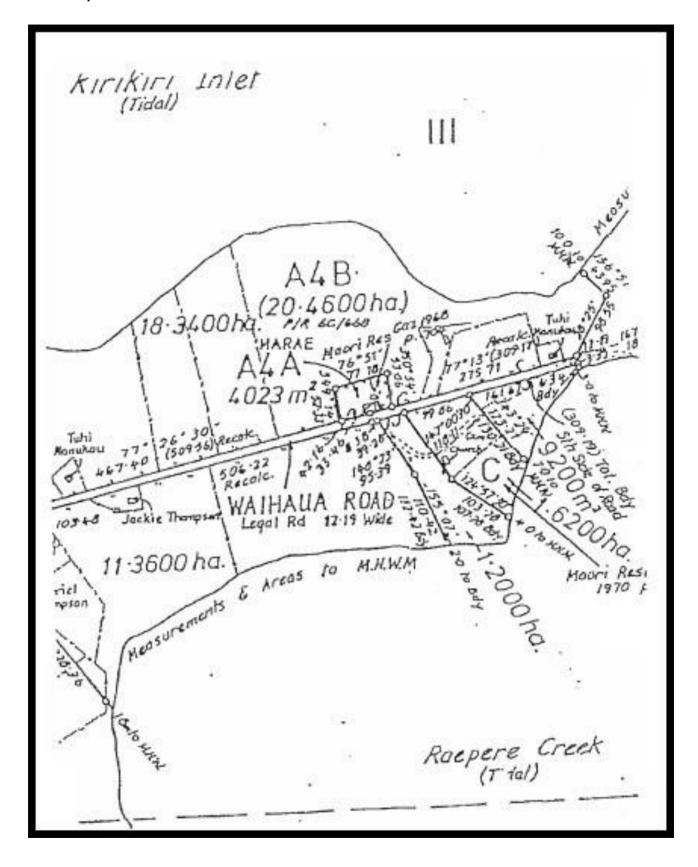
Waihaua A4 A Marae Reserve is located at the end of Arapaoa Road, facing North West overlooking the Kirikiri inlet towards Karakanui and beside the Arapaoa River. The Marae structures includes our recently upgraded 'Kirihipi', Te Whare Kai, ablution block and maintenance shed. To the south is Te Urupa and Whare Karakia



Waihaua Marae from Karakanui

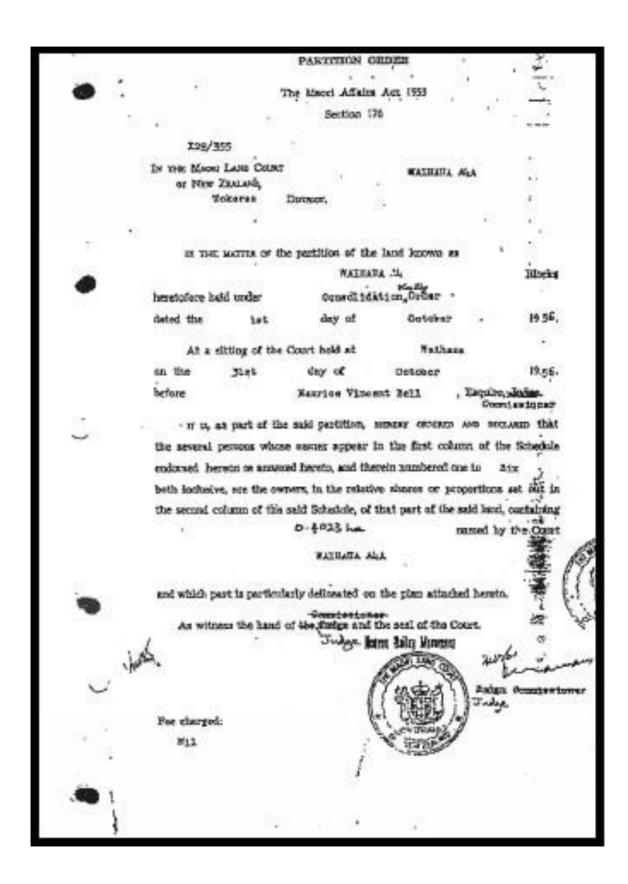
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3.1 Map Reference: Waihaua A4 A



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4. PARTITION ORDER



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WAY HALLA AM BLOCK

51g. tr. Zhp. aporox-

DESCRIPTION of boundaries of divisions of the above blocks

Partition Orders (2) en follows:

WATHAUA AbA - 1s. Or. COp. (The Wulhous Marns)

To be in means of Hustari Totone Manukan f. and others, equally. To be out out on North aids of Walhans Eczdway, where the Masting Hell and diming room have already been erected. To have a frontage of 4 chains to Ropdway commencing at a point approx. 150 links Bast of the buildings and extending Westward along Roadway for the 4 chains. Dapth from Roadway to be 250 links. North boundary to be parallel to Rosdway Ment and West boundaries at Right Angles.

WAIFAUA AND - 50s. 1w- Elsp. approx. (Plus a little ex Paiti). For: Eustari Tatens Kanuksu f. and six others. (175.00 shares). We be the residue of the Al block. Compromise Bate Cherce 53.11.10 apportioned wholly to Alm.

In present modern conditions Court sourcely favours a Morae Notio: in its precent situation, but was faced with the fact that the building was already erected and not more than two years past. Winer counsel should have prevailed. It is situated too for down the readery to point and not only is it not sentral for Enracement and Walhaus, but not even for Walhaus itself, and it is doubtful if the realway formation will over reach that for. At present, distance of mearly 60 chains through mud to and of metal. The people ere sivised in the future to seek another site, and if the nchool is closed its site might provide a solution. If wares moved at some time, the AhA site could then be eliminated by

Chief Surveyor, Audiland Valuation Dept. Whangarei (2) Rodney County Council.

cancellation of shove partitions.

X-29/355 31/10/56

HAT AT MARKET

5. GAZETTE NOTICE

Extract from N.Z. Gazette, 2 May 1968, No. 26, page 704

Setting Apart Maori Freehold Land as a Maori Reservation

ARTHUR PORRITT, Governor-General ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of April 1968

Present:

HON. J. R. HANAN, PRESIDING IN COUNCIL

PURSUANT to section 439 of the Maori Affairs Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council hereby sets apart the Maori freehold land described in the Schedule hereto as a Maori reservation for the purpose of a meeting-house site and marae for the common use and benefit of the Maori people of the district.

SCHEDULE

NORTH AUCKLAND LAND DISTRICT

ALL that piece of land situated in Block III, Hukatere Survey District and described as follows:

A. R. P. Being

1 0 0 Waihaua A 4A. P. J. BROOKS, Clerk of the Executive Council.

(M.A. 21/3/579)

R. E. Owin, Government Printer, Wellington, New Zealand

6. APPOINTED TRUSTEES

To be updated post Trustee AGM 26.7.15

BLOCK: Waihaua A4 A

AREA: 1:0:00 (0.4040 ha)

NAME: Waihaua Marae

APPOINTED TRUSTEES: 8.3.1977 WH48 / 271

1. Boy Ngakatoa White Puutu (Boots) Brown 2.

3. Puutu Thompson – deceased 4. **Graham Latimer**

5. Wati Hetaraka - deceased 6. Jackie Thompson

General Description: Setting aside as a Maori Reservation

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APPOINTED TRUSTEES 6.1

CHARTER IN RESPECT OF MARAE RESERVATION WAIHAUA A4 A

6.1 Appointed Trustees

ORDER CHANGING TRUSTEES OF A MACRI RESERVATION

Te Ture Whenua Maori Act 1993 Section 239 and Section 240 338(7)

MB Ref. 95 WH 273-274

THE MAORI LAND COURT

IN THE MATTER of the land known as WAIHAUA A4A being the land set aside as the WASHAUA MARAE RESERVE

At a sitting of the Court held at Whangarei on 9 March 1998 before Andrew Duncan Spencer, Esquire, Judge

WHEREAS trustees were appointed on 8 March 1943

AND WHEREAS three trustees have died and one resigned

AND WHEREAS application has been made to appoint new trustees in their place

THEREFORE THIS COURT being satisfied as to all matters DOTH HEREBY ER pursuant to Section 340 of Te Ture Whenua Maori Act 1993 that PUTLI (BOOTS) WN, PUUTU THOMPSON and WATT MANUKAU who have died and BOY KOTI WHITE, who has resigned are removed as trustees

AND IT IS FURTHER ORDERED pursuant to Section 338(7)of Te Ture Whenua Maori Act 1993 that TUHIRANGI MANUKAU, WIRLHETARAKA, WATARAUHI PARADNE, PIKI SLADE (SENIOR), GABRIEL THOMPSON, STEPHEN TIPENE WELSH, WIKIRIWHI WICKLIFFE HETARAKA and KUKI WICKLIFFE are appointed new inistees

AND FOLLOWING THE MAKING OF THESE ORDERS the Court DOTH HERERY VEST the said Maori reservation in GRAHAM LATIMER, JACKIE THOMPSON HAROLD TAUTAHI). TUHIRANGI MANUKAU, WIRI HETARAKA, WATARAJHII PARAONE PIKI SLADE ISENIOR). GABRIEL THOMPSON, STEPHEN TIPENE WELSH, WIKIRIWHI WICKLIFFE HETARAKA, AND KUKI WICKLIFFE as trustees to hold and administer the same on behalf of the Maori people.

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

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Review: July 2016

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7. PRINCIPAL STATEMENTS

Na te Atua i homai nana ano i tango atu

Ko te wehi ki a Ihowa

Ko te timatanga ki te matauranga

Whakamau e koe ki ou moemoea

Aroha atu me te manaaki ki te tangata

Ka tu pakari e te whanau

FOUNDING PRINCIPLES

Te Tiriti o Waitangi

Pono, Tika, Aroha, Manaakitanga, Kaitiakitanga, Rangatiratanga

THE VISION

The self-determination of Waihaua Marae and its beneficiaries in a manner that is consistent with our tikanga, our cultural expectations and our spiritual and physical well-being (Te Tinana, Te Hinengaro, Te Wairua).

THE MISSION

To work collectively as one whanau towards self-determination with respect and honour through the medium of sound organisational leadership, due diligence and understanding.

BENEFICIARIES OF WAIHAUA MARAE

Are those who whakapapa to Waihaua A4 A and those who whakapapa to Te Uri o Hau.

8. TRUSTEES

- 1. The Trust Board shall consist of no less than five (5), and up to a maximum of nine (9)
- 2. The trustee members shall hold office for a term of 3 years from the date of appointment at an Annual General Meeting, and/or by way of Order of the Maori Land Court. The member's office shall not be recognised as such until the Order is pronounced.
- 3. Trustees, after a three year term, are eligible for re-election;
- 4. The original members of the Trust Board shall retire as follows:
 - (a) At an Annual General Meeting of the Trust Board held on the third calendar year thereafter, all those Trustees who are up for retirement (who have served 3 years) are to retire, however, he/she is eligible for re-election. Election will be held for those positions only, up to a maximum of nine (9).
 - (b) Members shall rotate or be elected annually in this manner.

9. CRITERIA FOR ELECTION OF TRUSTEES

A Chairperson, Treasurer and Secretary shall be appointed by the Trustees

A quorum of 50% + one of all court appointed trustees is the minimum required needed to conduct any marae business or meetings. All court appointed trustees shall convene and hols a first meeting within 30 days of their appointment.

Trustees have a duty to ensure that the Marae operates for the benefit of the Marae beneficiaries and have the governance of the Marae as their main function.

Day to day management of the Marae maybe given to other committees, as trustees deem appropriate.

Trustees may recognise other existing committees on the condition that those committees:

- Submit regular progress reports on their activities as requested by the trustees.
- Keep regular minute books, financial records and submit these books, records to the trustees on request
- Marae committees and other existing committees allowed by the trustees to operate, that do not
 meet the above requirements, will be disbanded and shall have no function on the Marae. All
 assets and monies accumulated by the said committee will remain the property of the Marae
 trustees.

10. ACCOUNTABILITY OF THE TRUSTEES

Marae trustees to meet every 3 months

Beneficiaries may attend General meetings

Beneficiaries will not have voting rights at a General Trustees Meeting

Beneficiaries will have voting rights only at an Annual General Meeting

Trustees will be held accountable for any misdemeanours committed by the said trustee/s Trustees are to be always open and transparent in all dealings and negotiations in relation to Waihaua Marae

No absentee voting by proxy. Trustees must hold an Annual General Meeting at which a Balance Sheet must be submitted. Trustees are required to submit a written report on matters undertaken during the previous year.

Trustees are to provide beneficiaries with information about the progress of our Marae reservation at every three monthly meeting.

11. CHARTER ALTERATION ACCESS

- The charter maybe altered only at an Annual General Meeting or a Special General meeting called for that purpose.
- The alteration must be agreed by a quorum of all the appointed trustees. Quorum shall be 50% plus one of all trustees.
- Trustees will each keep the charter and a copy will be sent to the Maori Land Court.

12. ADMINISTRATION

Trustees shall keep true and accurate records of accounts and minutes

13. OFFENCES

- Misconduct of Trustees
- Misappropriation of funds
- Misappropriation of chattels
- Misdemeanours committed by trustees

.

Any criminal offences committed by members shall be disciplined. Any further action shall be dealt with by trustees.

14. EXECUTION OF DOCUMENTS

By a majority of all trustees

May sign a document to a resolution except in a case of a deed or other document that is required to be signed by all the trustees.

Where a deed or other instrument is signed in accordance with sub-clause 1 of this regulation by a majority of the trustees that a deed or as it would have been if it had been signed by all trustees.

15. POLICY WRITING

RATIONALE:

To provide direction for trustees, beneficiaries and Marae users in general, through clear written statements.

PURPOSE

To identify key issues and write policies for each.

To outline broad guidelines that are achievable.

- 1) Policy statements will outline the Marae stance on key issues and provide a framework for decision-making.
- 2) Clear, concise language should be used to write policies.
- 3) Wherever possible, policy statements will be limited to one page.
- 4) Policies to be kept in a policy book on Marae
- 5) The views of the beneficiaries will be taken into account when mandating policies.
- 6) All policies will be subject to regular review every 12 months.

16. MARAE PROTOCOL

The appreciation and satisfaction of our Tikanga / Marae protocol is gained through experiencing the practise and evaluation of the experience. No two hui are exact, and only by frequenting Te Marae may you truly value the varying dynamics of our culture / protocols. On that note no charter has the right to confirm in confidence our tikanga / Marae Protocol. All the same the following procedure is generally the formal welcoming process of Waihaua Marae.

MANUHIRI / VISITORS

Manuhiri (visitors) shall enter the Marae reservation area to park their cars and when ready assemble at the front of the courtyard (te Marae Atea). When the first call (karanga) by kaikaranga of the Marae is made, Manuhiri (Visitors) then proceed across the courtyard towards Te Whare 'Kirihipi'. Manuhiri may reply to the first call of the Kaikaranga before the second call is made. The kaikaranga will guide you into and towards the rear of the 'Whare' where respects can be made to the dearly departed.

After everyone is seated the Tangata Whenua will open the formal proceedings with a Karakia. The Tangata Whenua will then greet the visitors in speeches of welcome and on completion; manuhiri will be accorded the opportunity of reply. At the conclusion of the speeches, the Tangata Whenua will acknowledge that the speeches have ended and the kaupapa ends with the eating of kai.

GENERAL

- i. Nga Kaikaranga to manage proceedings in the whare
- ii. Kaikaranga and Te Taumata decide when manuhiri are called into Te Marae. Do not leave manuhiri waiting
- iii. Respect all areas of Te Marae. No women are to sit on the Taumata. If in doubt, please ask.
- iv. Do not sit on pillows or tables. Refrain from being in a position where people have to walk over you.
- v. If Manuhiri are circulating, make yourself in a reasonable position to meet.

17. CHAIRPERSON

PURPOSE:

To chair meetings in an orderly and amicable fashion as related to the charter and any rules adopted within the Marae Reservation.

RESPONSIBLE TO:

Internal: Marae Trustees

Marae Beneficiaries

External: Maori Land Court

- 1. To direct the process of meetings.
- 2. To sign minutes of meetings.
- 3. Where applicable/appropriate, to apply casting vote in order to decide for or against a resolution where votes are equal.
- 4. To liaise with sub-committee groups.
- 5. To comply with the Marae Reservation rules and regulations as set out by the Maori Land Court.
- 6. That the chair cannot influence the direction of the meetings and voting procedure but can bring clarity to points of contention.

18. SECRETARY

PURPOSE:

To minute all trustee meetings accurately and effectively.

RESPONSIBLE TO:

Internal: Trustees Chairperson

Trustees

- 1. To record all decisions and resolutions at meetings.
- 2. To deal with correspondence and other general administration matters.
- 3. To send minutes of Trustees meetings to all trustees.
- 4. To formulate beneficiary panui as required.
- 5. If also a trustee, they will perform trustee duties like any other trustee.
- 6. If not a trustee, they will perform as a secretary without any other real input to the workings of the trust and have no voting rights.

19. TREASURER

PURPOSE

To maintain true meticulous records of all financial transactions for the Marae.

RESPONSIBLE TO:

Internal: Trustees

Beneficiaries

External: Auditor (As required for legal compliance)

- 1. To comply with the charter as set out by Maori Land Court.
- 2. To ensure that all financial delegations as set out by the trustees are not exceeded.
- 3. To ensure funds are appropriately allocated.
- 4. To ensure budgets are maintained.
- 5. To ensure financial records are audited annually by a qualified independent chartered accountant prior to presentation at an A.G.M.
- 6. To provide accurate and concurrent financial reports at every Trustee meeting.

20. TRUSTEES

PURPOSE:

To fulfill obligations as a Trustee for Waihaua Marae Reservation.

RESPONSIBLE TO:

Internal: Trustees Chairperson

Beneficiaries

External: Maori Reservation Regulations

- 1. To comply with the charter as sanctioned by the Maori Land Court.
- 2. To attend all meetings. If a Trustee misses more than three (3) meetings without an apology or reasonable explanation for their absence, a disciplinary meeting of the trustees is required and course of action will be at the discretion of the trustees.
- 3. To promote the purposes for which the Marae is created.
- 4. To reflect the mission statement in its entirety.
- 5. Record of attendance for meetings by trustees will be kept.
- 6. Trustees may have a proxy to attend meetings and will have speaking rights only.

21. MEETING PROTOCOL

RATIONALE:

To ensure the future of Waihaua Marae and its beneficiaries in the main objective of all trustee meetings.

PURPOSE:

To provide Waihaua Marae with a recognised legal body.

To administrate the affairs relating to the reservation under, firstly Tikanga Maori (Waihaua) and secondly, as directed through the Trustees legal obligations.

- 1. That an Annual General Meeting be held each year at a date and time determined by the trustees.
- 2. That 21 days notice shall be given to trustees and beneficiaries prior to the date set for the annual general meeting and that this date shall be advertised in the paper; where the reservation is located and where a majority of the beneficiaries reside.
- 3. Trustees have at their discretion, the ability to call special meetings for specific issues.
- 4. Seven days notice shall be given to trustees of any special meetings required.
- 5. Beneficiaries may attend all trustees meetings but shall have speaking rights only, except at a meeting for the election of trustees.
- 6. The quorum for trustees meetings shall be 50% +1 of the total trustees.
- 7. Trustees shall consult and inform beneficiaries of all information regularly through;
 - a. Newsletters
 - b. Beneficiaries meetings
 - c. All media available including email, social media (Blogs, Facebook, etc.)

22. FINANCIAL MANAGEMENT

RATIONALE:

The Marae Trustees are responsible for all finances in the Marae in accordance with its governance obligations.

PURPOSE:

To maintain accountability for and control of the Marae financial matters.

- 1. The financial committee will produce an annual budget tabled at each Trustees Annual General Meeting.
- 2. The finance committee will keep expenditure within budget by means of appropriate procedures and regular monitoring.
- 3. Ensure all expenditure and commitment of expenditure is approved within the recognised delegation.
- 4. Payment of accounts to be tabled at trustees meetings.
- 5. Keep accurate and up to date record of all financial transactions.
- 6. Monies received by the marae must be documented with receipts.
- 7. Monies expended by the Marae must be documented with an invoice.
- 8. All sub-committees must adhere to the financial management policy and must submit an annual audit to the trustees annual meeting.
- 9. All sub-committees operating under Waihaua Marae must adhere to the financial management policy as set out within this charter.

23. BANK ACCOUNTS

- 1. Waihaua Marae Trustees will operate one working account.
- 2. Two of three signatures submitted to the bank and authorised at the Annual General Meeting shall operate the working account.
- 3. Waihaua Marae Trustees may also operate a Term Investment Account, the amount to be approved at a general meeting of the trustees.
- 4. Sub-committees of the Marae may operate a working bank account, with approval from the trustees at a general meeting.

24. SUB-COMMITTEES

RATIONALE:

To ensure that all activities that are operated under the Waihaua Marae have financial accountability and adhere to the Trust Charter.

PURPOSE:

To maintain the kaupapa of Waihaua Marae and obligations under the Maori Reservations Regulations.

- 1. Approval must be obtained from the Trustees before the Marae name may be used in any activities.
- 2. All sub-committees must operate in a respectable manner that reflects the Marae tikanga.
- 3. Sub-committee must at all trustees meetings submit their financial report.
- 4. The Trustees at anytime may disband any sub-committee
- 5. At least one member of a sub-committee must be a trustee.
- 6. All sub-committees must keep minute books, accurate financial records and transactions.

25. SMOKING

RATIONALE:

Beneficiaries health maybe affected by inhalants.

PURPOSE:

To respect the physical and spiritual health and welfare of Waihaua Marae beneficiaries.

- 1. Smoking is prohibited in the Whare Tupuna.
- 2. Smoking is prohibited on the Marae atea defined as the area from the ablution block to the far side of the Whare Tupuna.
- 3. Smoking is prohibited in the Whare Kai:
 - a. where food is prepared
 - b. when food is being consumed
 - c. where designated non smoking signs are located (Auahi Kore)
- 4. Smoke containers will be provided for the disposal of cigarette butts and other litter.

26. COMMUNICATIONS

RATIONALE:

The Marae shall provide avenues for open honest communication.

PURPOSE:

To establish and maintain regular patterns of communications.

To be informed of events that affect the Marae.

- 1. A Marae panui will be sent to whanau contacts.
- 2. Meeting agendas shall provide the opportunity for a two-way communication process.
- 3. Community and other organisations may use the panui to alert whanau of forthcoming events.
- 4. Whanau newsletters.
- 5. Trustees shall consult and inform beneficiaries of information regularly through;
 - a. Newsletters
 - b. Beneficiaries meetings
 - c. All media available including email, social media (Blogs, Facebook, etc.).

27. BUILDING AND GROUNDS

RATIONALE:

Buildings and grounds need to be maintained to a standard as set down by the Health and Safety Regulations.

PURPOSE:

To provide safe, stimulating and functional building and grounds.

- 1. Buildings shall be kept in a hygienic condition.
- 2. Grounds will be maintained to encourage the importance of a safe and clean environment.
- 3. The trustees will be responsible for the governance and regular inspections of buildings and grounds development.
- 4. The trustees may setup a sub-committee to oversee the buildings and grounds development.
- 5. The sub-committee may then formulate proposals for development to the annual Trustees meeting.
- 6. Responsibility for minor maintenance shall be clearly identified.
- 7. Dogs are not permitted on the Marae grounds at any time.
- 8. Trustees will ensure that the Marae is adequately insured.
- 9. Community and / or outside usage of buildings and grounds is by arrangement through the Marae Hirage Application.
- 10. Buildings and equipment is designed, setup and maintained to be safe for all Marae users.

28. EMERGENCY PROCEDURES

RATIONALE:

The trustees will ensure safe evacuation procedures are set out in the Marae insurance policy.

PURPOSE:

To provide safe evacuation procedure for all beneficiaries and Marae users.

- 1. An emergency plan including a specified assembly point shall be visible in each building.
- 2. Emergency fire equipment will be maintained to the fire safety board regulations.
- 3. A suitable emergency kit shall be made available.
- 4. Emergency contact information shall be displayed on the Marae Notice Board.
- 5. The Taumata are responsible for ensuring manuhiri are advised of the emergency information and procedures and these are followed in an emergency when the Marae is occupied.

29. ALCOHOL AND DRUGS AND SUBSTANCE ABUSE

RATIONALE:

There shall be restricted use of alcohol, and a total ban on illegal drugs and other substances within the Waihaua Marae Reservation.

PURPOSE:

To provide a safe environment for our young people and to ensure respect of the Tikanga of Waihaua Marae.

- 1. The trustees will ensure that there will be no use of illegal drugs and substances abuse within the Marae Reservation.
- 2. At least two trustees and two whanau members will manage a function, where alcohol is to be consumed, at all times in a responsible and safe manner.
- 3. All alcohol will cease by midnight.
- 4. The trustees may review the provisions of this policy at any time.

APPENDIX

Copy of the Maori Reservations Regulations