

Meetings

**As required for Māori
Land owners by Te Ture
Whenua Māori Act 1993**

by Jacinta Ruru

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FOREWORD

Whatunagrongo te tangata toitu te whenua tehei mauriora.

Ko tenei te mihi ki a koutou. Ka puta tenei hua no te rakau o Ngai Tahu, he koha tenei mo koutou katoa e mahi ana I roto I tena rohe. Ko te tumanako ma tenei hua ka tau te whakamarama e pa ana ki nga ture aa whenua, aa hui hoki kei raro I te ture o Tauwi. No reira, tena koutou, tena koutou, tena koutou katoa.

In 1993 the three local Ngai Tahu runaka, Otakou, Huirapa and Moeraki, established the Ngai Tahu Maori Law Centre, with support from the now named Legal Services Agency. The Ngai Tahu Maori Law Centre provides a free legal service to those who reside in the Ngai Tahu takiwa on issues pertaining to Maori land.

Over the years we have become increasingly aware of the need for a booklet such as this. This booklet has been designed to provide the law in an accessible manner in regard to meetings as required under Te Ture Whenua Maori Act 1993. With the publication of this booklet we hope that Maori land owners within the Ngai Tahu takiwa, and beyond, will be better empowered to manage and utilise their land.

Trevor McGlinchey
Chairperson

Frank Hippolite
Manager

INTRODUCTION

The aim of this booklet is to provide an insight into the statutory requirements for meetings held by owners of Māori land. This booklet discusses three types of meetings: meetings of assembled owners, informal family gatherings, and meetings of owners.

The information contained in this booklet is based on:

- Te Ture Whenua Māori Act 1993;
- Māori Land Court Rules 1994; and
- Māori Assembled Owners Regulations 1995.

Te Ture Whenua Māori Act 1993 (the Act) recognises that land is a taonga tuku iho of special significance to Māori people. The Act aims to promote the retention of Māori land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu; and to facilitate the occupation, development, and utilisation of Māori land for the benefit of its owners, their whanau, and their hapu.

This booklet aims to assist owners of Māori land to achieve the objectives of the Act by providing a summary of how owners can come together to meet and discuss proposals to better utilise their land.

The Māori Land Court is the principal court that deals with Māori land issues. In this booklet the Māori Land Court is referred to as 'the Court'.

The Māori Land Court Rules 1994 (the Rules) should be read alongside the Act. For example, the Rules state the information which must be presented to the Court before the Court will call a meeting of assembled owners.

The Māori Assembled Owners Regulations 1995 (the Regulations) concern only meetings of assembled owners. For example, the Regulations provide information on how notice of a meeting of assembled owners must be made, how to appoint a chairperson, what constitutes a quorum, and how to vote at a meeting of assembled owners.

If there are any technical terms in this booklet that you need clarified we recommend that you contact your nearest Māori Land Court office and ask for a copy of its free pamphlet: *Glossary: Te Ture Whenua Māori*. While the *Glossary* pamphlet has been designed to accompany Māori Land Court publications, it is an excellent reference and will help to clarify the technical terms used in this booklet. Otherwise, do not hesitate to contact the Ngāi Tahu Māori Law Centre if you live within the Ngāi Tahu takiwa for further clarification.

The information contained in this booklet is a reflection of the law as at 1 February 2003.

MEETING OF ASSEMBLED OWNERS

A meeting of assembled owners is a technical term used in the Act to mean owners of land assembled together in a meeting. The Act makes it explicitly clear when a meeting of assembled owners is required. If the Act merely refers to a 'meeting', do not make the assumption that this meeting must be a meeting of assembled owners. As an owner of Māori freehold land, you only need to come together with the other owners for the purpose of a meeting of assembled owners if the Act specifically requires this type of meeting.

Section 172 of the Act states what matters assembled owners may deal with at meetings. For example, this section states that owners must assemble together to discuss proposed resolutions to:

- alienate their block of land;
- establish a Māori Incorporation to manage their land;
- appoint an agent to investigate and consider any suggestion made by the owners for the utilisation or alienation of their land;
- apply money held on behalf of the owners for a specified purpose;
- vest the land or part of the land in a nominated tipuna;
- review the leasing of their land;
- pass a resolution of common interest; and
- pass a resolution when the Court has sought their opinion as assembled owners.

Below is a brief summary of what is involved in calling and holding a meeting of assembled owners.

1. How is a meeting of assembled owners called?

Section
173

A formal application must be made to the Court to ask the Court to call a meeting of assembled owners. In completing the formal application, the applicant (who is the person applying to the Court to call the meeting) must state:

- the purpose for the meeting; and
- the resolution(s) proposed to be submitted to the meeting.

Section
173(2)

Section
173(4)

The applicant may have to accompany the application form with a fee (see the Māori Land Court Fees Regulations 1993), and may also have to deposit with the Court Registrar a sum of money reasonable to meet the expenses of owners expected to attend the meeting.

Section
173(3)

If the purpose for the meeting of assembled owners is to consider a proposed resolution to alienate the land, then the alienee - the person who wishes to take certain rights from the owners of the land - must make the application to the Court. For example, if a person wished to acquire the right to purchase or lease Maori freehold land, then this person, being the alienee, must make the application to the Court to call the meeting of assembled owners. In filing the application, the alienee must also state whether he or she is a member of one of the preferred classes of

Rule
116(5)

alienees (for example, a blood relation to the current owners of the land). The applicant must also supply the Court with additional documents, such as:

Rule
116(2)

- a current search of the Court title to the land in question;
- a current copy of the schedule of ownership for the land;
- the addresses of the owners; and,
- an up-to-date search of the title to the land.

Rules
116(3)
& (5)

Most of this information can be obtained from the Court. After making this formal application to the Court to call the meeting, the alienee must apply to the Valuer-General for a special valuation of the land proposed to be alienated (for example, purchased, leased, or mortgaged). The Court is not able to call a meeting of assembled owners until the Court Registrar has received the valuation.

Rule
117(2)

Once any application has been made to the Court to call a meeting of assembled owners, the Court will call a meeting if it is satisfied that the meeting should be called. The Court may require the applicant or the owners to explain in person why the meeting should be called.

Section
174

The Court has the responsibility to set the time and place for the meeting, and to summon the owners to the meeting by notice. The Court must give notice at least

14 days before the meeting of assembled owners is to take place to people such as:

- every owner of the land; and
- every person who holds office as a trustee in respect of any interest in the land.

Regulation
3(3)

The Registrar of the Court may, at the cost of the applicant, give public notice of the meeting in a newspaper circulating in the district in which a number of the owners reside.

Rule
117(3)

If the resolution concerns a proposal to alienate the land to a person not within the preferred classes of alienees, then additional responsibilities lie with the Court and the proposed alienee. For instance, the alienee must insert at least twice, at intervals of not less than 7 days, a public notice in a newspaper circulating in the district where the land proposed to be alienated is situated.

Rule
117(4)

If a resolution proposes to alienate the land to a person not within the classes of preferred alienees, then any member within the preferred class of alienees has a right to exercise a right of first refusal. To exercise this right the person/s within the preferred classes of alienees must file in the Court his or her intention to appear at the meeting of assembled owners, and his or her intention to make an offer for the land.

2. Who is entitled to attend?

The following are among those who have a right to attend a meeting of assembled owners:

- all owners and any trustees of the block of land;
- all solicitors who have been appointed to attend the meeting by any owner or trustee;
- any person appointed as proxy for an owner or trustee;
- any person who claims to be beneficially interested in the land;
- any Registrar or other officer of the Court; and
- any person who applied to the Court to call the meeting of assembled of owners (that is, the applicant).

If the purpose for the meeting of assembled owners is to consider a resolution to alienate the land, then, in addition to the people listed above, the people below also have a right to attend the meeting:

- the proposed alienee and his or her solicitor or agent; and

- any person who belongs to one or more of the preferred classes of alienees who has filed written notice of intention to appear to the Court and intends to make an offer for the

3. What constitutes a quorum?

Different rules apply as to what constitutes a quorum depending on the purpose for the assembled owners' meeting. For each of the rules discussed below, the people who constitute the quorum are expected to be present throughout the entire meeting.

For transacting business:

Regulation
32(1)

The general rule is that no meeting of assembled owners may transact any business unless at least 3 persons who are entitled to vote and a Recording Officer from the Court are present throughout the meeting.

For passing a resolution (but **not** a resolution to sell, lease or incorporate):

Regulation
32(2)

The quorum for passing a proposed resolution at a meeting of assembled owners is those who together own, or represent the owners of at least 40 percent of the beneficial freehold interest in the land. But at least 40 percent of the beneficial freehold interest in the land *not being in any case less in number than 10 or one-quarter of the total number of owners (whether dead or alive) whichever is less* must be present to pass a resolution.

Example One

- Total owners: 100
- Application of quorum rule: must have at least **10** owners present who own or represent the ownership of at least 40 percent of the beneficial freehold land.
- Rationale: it is 10 owners, and not 25 owners, because 10 is less than 25 (25 being one-quarter of the total number of owners).

Example Two

- Total owners: 28
- Application of the quorum rule: must have at least **7** owners present who own or represent the ownership of at least 40 percent of the beneficial freehold land.
- Rationale: the 10 owner rule is ousted because 7 (7 being one-quarter of the total number of owners) is less than 10.

For passing a resolution to sell

Regulation
33

Special quorum rules exist if owners have assembled to meet for the purpose of discussing a proposed resolution to sell the land or any part of the land. The quorum required here is those who together own, or represent the owners of, at least 75 percent of the beneficial freehold interest in the land.

For passing a resolution to lease

Regulation
34

Special quorum rules also apply to proposed resolutions to lease. The rules vary according to the term of the proposed lease as is depicted below:

Term of proposed lease	Required quorum
More than 42 years	75 percent
More than 21 but more than 42 years percent	50
More than 15 but not more than 21 years percent	40
More than 7 but not more than 15 years percent	30
Not more than 7 years percent	20

For passing a resolution to incorporate

Regulation
35

If a meeting of assembled owners has been called to discuss a proposed resolution relating to incorporation, the quorum required is the number of persons who together own, or represent the owners of, at least 15 percent of the beneficial freehold interest in the land.

4. What if a quorum cannot be established?

Regulation
36(1)

If no quorum is present within one hour of the time appointed for the meeting of assembled owners, then the Recording Officer of the Court has the ability to adjourn the meeting to such time and place as he or she thinks fit. The Recording Officer must first consult with the persons entitled to attend and who are present at the meeting.

Regulation
36(3)

Also, if at a meeting of assembled owners and the Recording Officer from the Court has not turned up within two hours of the time fixed for the meeting, then the meeting must be adjourned.

5. Who chairs a meeting of assembled owners?

Regulation
38

At every meeting of assembled owners the persons present and entitled to vote must appoint someone to be chairperson. People who cannot be elected chairperson include:

- the person who applied to the Court to call the meeting; - any proposed alienee; and
- any person who belongs to one or more of the preferred classes of alienee and has filed written notice of intention to appear at the meeting to make an offer for the land.

6. Does the person who applied to the Māori Land Court to call the meeting have a right to talk to his or her proposed resolution?

Regulation
40(1)

Yes. Each applicant has a right to attend the meeting for the purpose of explaining and supporting his or her proposed resolution. If several people have made applications to the Court to call the meeting, then the

Regulation
40(2)

applicants have a right to be heard in the order in which their proposed resolutions appear in the notice for the meeting.

7. Do others entitled to be present at the meeting have a right to be heard?

Regulation
40(5)

Yes. Anyone entitled to be at the meeting has an opportunity to speak either in favour or against the proposed resolution. The chairperson must be satisfied

that everyone who wishes to speak has had the opportunity to do so.

8. What happens when the meeting is ready to vote on a proposed resolution?

Regulation 42(5) The chairperson must give those that are entitled to vote the opportunity to modify the proposed resolution before it is put to the vote.

Regulation 42(7) If the resolution is modified the change must be accepted by the applicant, being the person who applied to the Court to call the meeting. If that person agrees to the modification, then he or she must leave the room, and the chairperson will formally put to the meeting the resolution to be voted on. If the applicant does not accept the modified resolution, then the resolution is deemed to have been lost and will not be voted on.

9. What happens if the proposed resolution is to sell, gift or lease the land to a person outside the preferred classes of alienees?

If the proposed resolution being considered at the meeting is for the alienation by sale, gift, or lease of Māori freehold land to a person or persons outside the preferred classes of alienees then a slightly different procedure must be followed at the meeting.

Regulation 43(1) Once those entitled to vote at the meeting have considered the proposed resolution and decided upon

fair and reasonable terms and conditions for the alienation of the land, then those persons with a right of first refusal must be given an opportunity to exercise this right. Remember, a person that falls within a class of preferred alienees only has the right to exercise this right of first refusal if he or she has filed a notice with the Court stating his or her intention to appear and to make an offer at the meeting.

Regulation
43(4)

If the person invited to exercise his or her right of first refusal makes an offer to purchase the land or the lease on the same terms and conditions agreed to at the meeting, then the Recording Officer will declare the meeting to be closed. If this happens then all other proposed resolutions for the alienation of the land to persons outside the preferred classes of alienees will be deemed to have been lost.

Regulation
43(5)

But if no offer is made by the persons entitled to exercise this right of first refusal, then the chairperson will proceed to put the proposed resolution for the alienation of the land to persons outside the preferred classes of alienees to the vote at the meeting.

10. Who can vote?

Regulation
26

Only the owners and trustees can vote at a meeting of assembled owners. If an owner or trustee has appointed a solicitor or a proxy to represent them at the meeting, then the solicitor and proxy are also entitled to vote at the meeting.

11. How is the vote taken?

Regulation
44(1)

The vote is taken by a show of hands. The chairperson will call for the vote for those in favour and for those against.

Regulation
44(5)

If the vote is not unanimous, then the Recording Officer must record in the minutes to the meeting the names and shares of those entitled to vote who voted for and against the proposed resolution.

12. What vote is required to carry a resolution?

Regulation
45(1)

The general rule is that the resolution will pass if the persons who vote in favour of the resolution own, or represent the ownership of, a larger aggregate share of the land than the persons who vote against the resolution.

Example

- Total owners: 10
- Beneficial ownership:
 - owners 1 – 6 each own 5 percent of the land
 - owners 7 – 10 each own 17.5 percent of the land
- Those opposing: owners 1 – 6
- Those supporting: owners 7 – 10
- Outcome: Resolution passed
- Rationale: Even though only 4 of the 10 owners have voted to carry the proposed resolution, the resolution has passed. This is because those that voted in favour of the resolution own a larger aggregate share

of the land (here, 70%), than the owners who voted against the proposed resolution (here, 30%).

However, the general rule does NOT apply when the proposed resolution relates to:

- the sale of the land or any part of it;
- the leasing of the land or any part of it; and
- incorporation.

Regulation 45(3) A resolution relating to the sale of land will only pass if those in favour of the resolution together own, or represent the ownership of, at least 75 percent of the beneficial freehold interest in the land.

Regulation 45(4) A resolution relating to the lease of land will only pass if those in favour of the resolution together own, or represent the ownership of, at least the percentage of the beneficial freehold ownership of that land set out below:

Term of Lease	Vote required
More than 42 years	75 percent
More than 21 but more than 42 years	50 percent
More than 15 but not more than 21 years	40 percent
More than 7 but not more than 15 years	30 percent
Not more than 7 years	20 percent

Regulation
45(5)

A resolution relating to incorporation needs only the support of those in favour of the resolution who together own, or represent the ownership of, at least 15 percent of the beneficial freehold interest in the land.

13. What happens if the resolution is carried?

Regulations
46(1) & (2)

If the resolution is passed at the meeting of assembled owners then it must be recorded in writing by the Recording Officer, and signed by the chairperson and at least one other person present at the meeting and entitled to vote.

Regulation
47(1)

The Recording Officer then must inform all those that voted against the resolution of their right to sign a memorial of dissent. The memorial of dissent must be signed within 14 days after the date of the meeting.

Regulation
48

The Recording Officer must then report the result of the vote to a Māori Land Court Judge.

Section
175 &
Regulation
49 &
Rule 119

It is important to note that no resolution passed by the assembled owners has any force or effect unless and until it is confirmed by the Court.

Section
178

Also, the Court, on the application of any owner or the Recording Officer, may review the calling or conduct of any meeting of assembled owners. If the Court is satisfied that the meeting was called or conducted in a manner that was unfair to any owner or any group of owners, the Court may set aside any resolution that was

passed at the meeting and direct that the meeting be recalled to reconsider the resolution.

However, as section 174(3) states, no meeting duly summoned in the prescribed manner, and no resolution passed at any such meeting, shall be invalidated merely because any owner has not in fact received notice of the holding of that meeting.

INFORMAL FAMILY GATHERINGS

In some instances informal family gatherings, such as a tangi, wedding or reunion, can be utilised by the owners of Māori freehold land to discuss and reach agreements usually only discussed at a meeting of assembled owners. However, the Court is restricted as to when it will recognise an agreement, or a resolution of a kind, passed at an informal family gathering.

1. When will the Court consider a resolution passed at an informal family gathering?

The Court will only consider the resolution passed at an informal family gathering if:

- the owners of the land are sufficiently interrelated as to properly be considered members of the same family;
AND

- the owners take the opportunity afforded by a family gathering (such as a tangi, a wedding, or a reunion) to discuss any matter of mutual interest relating to the land;

AND

- as a result of their discussions, the owners pass a resolution of a kind that, having regard to the specified percentage of the beneficial freehold interest in the land that those owners owned or represented and to the provisions of the Act, those owners could have

Section
176(1)

passed at a duly constituted meeting of assembled owners.

2. What is the significance of the Court accepting a resolution passed at an informal family gathering?

If the Court does recognise the resolution agreed to at the informal family gathering, then the owners do not have to go through the onerous task of meeting as assembled owners.

Example One

- your family owns a block of Maori freehold land;
- your family comes together to celebrate your niece's wedding;
- at this wedding your family discusses incorporating the block of land as a Maori Incorporation;
- some of your family members think this is a good idea, some do not; and
- those that agree to the incorporation own 30 percent of the land.

Using these facts, is it likely that the Court will deem this discussion to be a resolution of a kind? Yes. Why? Because, remember, the meeting of assembled owners will only be avoided if the 'resolution' agreed to at the wedding had the support of the owners who together own, or represent the ownership of, at least 15 percent of the beneficial freehold interest in the land. The 15 percent threshold exists because this is the requirement for a proposed resolution concerning incorporation to be

passed at a meeting of assembled owners, and these same requirements exist in regard to informal family gatherings.

Example Two

- your family owns a block of Maori freehold land;
- your family comes together for your Uncle's tangi;
- at this tangi your family discusses leasing the block to the neighbouring farmer for a period of 10 years;
- some of your family members think this is a good idea, some do not; and
- those that agree to the leasing own 50 percent of the land.

Using these facts, is it likely that the Court will deem this discussion to be a resolution of a kind? Yes. Why? Because, remember, the meeting of assembled owners will only be avoided if the 'resolution' agreed to at the tangi had the support of the owners who together own, or represent the ownership of, at least 30 percent of the beneficial freehold interest in the land. The 30 percent threshold exists because this is the requirement for a proposed resolution concerning leasing for a 10 year period to be passed at a meeting of assembled owners, and these same requirements exist in regard to informal family gatherings.

Section
176(2)
Regulation
45(4)

However, just as for a resolution passed at a meeting of assembled owners, all resolutions passed at informal

Section
176(2)

family gatherings are of no force or effect unless and until it is confirmed by the Court.

MEETING OF OWNERS

Owners of Māori land do not always have to meet as assembled owners. Owners of Māori land only need to participate in a meeting of assembled owners if the Act clearly states that a resolution must be passed at a meeting of assembled owners. If the Act simply contemplates some sort of consent among the owners, then the owners may meet together in a less informal manner than is required for a meeting of assembled owners.

1. When should owners of Māori land meet?

There are many instances when the Court must be satisfied that there is some level of consent among the owners of Māori land before it will give effect to proposals put forward by the owners. For instance:

- Section 222(2)(b) The Court cannot appoint anyone to become a trustee of a Māori land trust unless it is satisfied that the appointment would be *broadly acceptable* to the beneficiaries;
- Section 215(4)(a) The Court cannot establish an ahu whenua trust unless it is satisfied that the owners of the land have had *sufficient notice of the application and sufficient opportunity to discuss and consider it*;

Section
288(2)(b)

- The Court cannot make any partition order unless it is satisfied that there is a *sufficient degree of support for the application among the owners*; and

Section
133(3)

- The Court can only make a status order changing the status of Māori land owned by less than 10 persons to general land if it is satisfied that the owners have had an *adequate opportunity to consider the proposed change of status and a sufficient proportion of the owners agree to it*.

These are only some examples of where the Act directs the Court to be satisfied as to the owners' knowledge and consent for a proposal.

The most useful way to convince the Court that the owners are aware and are supportive of the proposal is to provide the minutes of the meeting at which the proposal was discussed. This part of this guide therefore provides a brief summary of how owners of Māori land could call and conduct a meeting of owners. The notes below are intended as only a guide.

2. What is a meeting?

A meeting is defined simply as being:¹

... a gathering of persons convened to transact business, discuss matters of note or to act in a manner of common interest.

¹ Roger Pitchforth. *Meetings. Practice and Procedure in New Zealand. 2nd edition.* CCH New Zealand Limited, Auckland, 1994, at page 3.

3. How should a meeting be called?

Most importantly, if rules have been agreed to among the owners as to how a meeting should be called, then those rules must be followed. For example, if your land is managed by a Māori land trust, you should check your trust order to see if it stipulates how a notice for a meeting should be made known to those entitled to attend the meeting.

If there are no rules, then the points below may be of some help in calling your meeting:

- determine who is entitled to attend the meeting, and who else you would like to attend the meeting;
- send notice of the meeting in written form (if only a few people are entitled to attend the meeting it may be acceptable to simply phone those entitled to attend);
- your notice should state when and where the meeting is to be held, and what is the purpose for the meeting. The best way to inform owners of the purpose for the meeting is to send with the notice the agenda for the meeting;
- ensure that those entitled to attend the meeting have adequate notice of the meeting. For example, giving notice to someone a day before the meeting is to be held would not be adequate.

While it will depend on the nature of the business to be discussed at the meeting and its possible ramifications for the owners, aim to give at least 14 days notice of the meeting. However, it would be prudent to give longer than this especially if the proposal to be discussed at the meeting is anticipated to be controversial;

- ensure that the chosen time and place for your meeting will be acceptable to most of those entitled to attend the meeting; and,

- if there are any documents, letters, reports and so on that should be read before the meeting, ensure that these are sent out with the notice for the meeting to allow the people to adequately prepare for the meeting.

These points are simply suggestions you should take into account when calling a meeting. Remember, if the owners of the land have established rules for how a meeting should be called, then those rules must be followed.

4. What constitutes a quorum?

A quorum means the minimum number of those entitled to attend the meeting are present throughout the meeting so as to make the meeting valid. The number required to constitute a quorum may be stated in your trust order if your land is managed by a trust. If it is, then whatever is stated in the trust order must be complied with.

Remember, that if the purpose for the meeting is to prove to the Court that a *sufficient proportion of the owners agree to the proposal*, then it would be wise to ensure that as many owners as possible are present at the meeting. For example, if a block of land is owned by 100 people, and only 6 owners attend the meeting, it would be unlikely that this would be enough to convince the Court that a *sufficient proportion* agree, even if all 6 owners did agree to the proposal. And, it is also unlikely that with only 6 out of 100 owners present that a quorum would be established.

5. Who should chair the meeting?

It is wise to appoint someone as a chairperson for the meeting to ensure the smooth running of the meeting. Do not appoint the person who is putting forward the proposal to be discussed at the meeting as the chairperson. Ensure the person you appoint as chairperson is entitled to attend and vote at the meeting.

6. Should a secretary be appointed?

It is important that a secretary be appointed to record who is present at the meeting and what is discussed at the meeting. Often the Court will ask for a copy of the minutes of the meeting as evidence that the meeting took place, who attended the meeting, and what was discussed at the meeting. The minutes need to be

recorded in writing and represent a clear and accurate record of what occurred at the meeting.

7. How should the meeting be structured?

The meeting should follow the structure set out on the agenda for the meeting. A karakia may be said to begin the meeting. A chairperson and secretary should then be appointed. The secretary should note the time the meeting began, and list all the people present at the meeting. A record of people not able to attend the meeting, but who have sent in their apologies should also be made.

The chairperson should then state the purpose for the meeting and allow those at the meeting the opportunity to discuss the proposal/s being put forward. The person who has put the proposal forward should be given the opportunity to address those at the meeting and explain why the proposal has been put forward.

Once adequate time to discuss the proposal has been given, the chairperson should put the proposal to the vote. The result of the vote should be recorded. If that concludes the purpose for the meeting, the chairperson should move to end the meeting.

8. Who can vote?

Not everyone that is entitled to attend the meeting may actually be entitled to vote. Only those that are owners

of the land have a right to vote. If you are not recorded as an owner of the land, or have not been appointed by an absent owner to vote on the absent owner's behalf, then you have no right to vote.

9. How should the vote be taken?

There are no formal requirements as to voting at a meeting of owners. However, the Court has held if a consensus is sought then voting by a show of hands is appropriate.

If the vote is taken and it is not unanimous then the secretary should record who voted for, and who voted against, the proposal.

10. How should the meeting end?

If the meeting of owners has been called for the specific purpose of discussing a proposal, then the meeting should end after the proposal has been discussed and voted on. If part of the purpose for the meeting was to discuss general business, then those present at the meeting should be given an opportunity to raise and discuss any general business.

Before the meeting concludes it may be appropriate to set the time and place for the next meeting if another meeting has been agreed to be required. Someone may be asked to say a karakia to close the meeting. The secretary should record the time the meeting finished.

It would also be wise to ask the chairperson, and at least one other person at the meeting, to sign the minutes drafted by the secretary as a true and accurate record of the meeting. This is especially important if it is perceived that the minutes will be presented to the Court as evidence of the meeting.

The secretary should then make available the minutes to all those that were at the meeting, and entitled to be at the meeting but were absent.

CONCLUSION

This booklet has been designed to give owners of Māori land an overview of the meetings required for Māori land owners by Te Ture Whenua Māori Act 1993. Three types of meetings have been discussed in this booklet: meetings of assembled owners, informal family gatherings, and meetings of owners.

This booklet will hopefully provide owners of Māori land an insight into the procedures involved in calling and participating in the three types of meetings discussed in this booklet.

This booklet has not discussed meetings required by trustees of Māori land. This booklet has simply focused on the meetings contemplated in the Act for beneficial owners of Māori land.

For more information on the meetings discussed in this booklet, do not hesitate to write, phone or visit the Ngāi Tahu Māori Law Centre, if you live within the Ngāi Tahu takiwa. Your nearest Māori Land Court office will also provide you with information on the types of meetings discussed in this booklet.