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Report to Trustees for Annual General Meeting, 18 November 2023

Ngāti Te Whiti Whenua Tōpu Trust

1. Below for your consideration is my report to Trustees for the purposes of the Ngāti Te Whiti Whenua Tōpu Trust (the Trust) Annual General Meeting for 18 November 2023.

Trust Review proceedings - Māori Land Court

2. In March 2023, the Māori Land Court heard further submissions from me concerning legal argument about the question of trustee liability. As a result, the Court has formally made orders in June 2023 granting the former trustees (except for Shaun Keenan) relief from liability and not imposing any period of ineligibility (468 Aotea MB 117). An extract from that decision of Judge Warren is here:

468 Aotea MB 135

Ngā Ōtā
Orders

[85] To avoid all doubt, I have decided to make a comprehensive final order per s 131 of the Trusts Act 2019. This order will grant all former trustees of the trust relief against liability relating to the fraud by Mr Keenan in all respects, including, in relation to any meeting fees received by the former trustees during the period of Mr Keenan's offending, and for the payment in lieu made to Mr Keenan.

[86] This order sits alongside the order already made by Judge Harvey at 437 Aotea MB 3 granting these same former trustees, relief against liability in respect of the trust funds lost because of Mr Keenan's fraud. Together, these orders seek to give these former trustees full relief from personal liability in terms of Mr Keenan's fraud.

[87] I make no order imposing a period of ineligibility for the former trustees to re-stand as responsible trustees of the trust.

3. The review case arising from Mr Keenan's offending is therefore now concluded. Mr Keenan continues to repay the reparation by way of instalments, back to the Trust.

Trustee Remuneration

4. Trustee remuneration (in line with market appraisal and supported by beneficiaries at the 2019 AGM) can be paid lawfully.

Ngamotu Marae

5. I have reviewed the proposed amendment to the Charter to provide for trustees of the Hapū Society and the Whenua Topu Trust to be “Initial Trustees” of the Marae Reservation Trust until the official opening of the marae, with elections thereafter. The amendment to clause 6 will align the Hapū Society and the Whenua Topu Trust in the common aspiration to complete the marae.
6. I have been requested to progress the application to the Charities Commission for the Marae Reservation Trust to be a charity, to assist with fundraising activities.

Noho ora mai,

Leo Watson