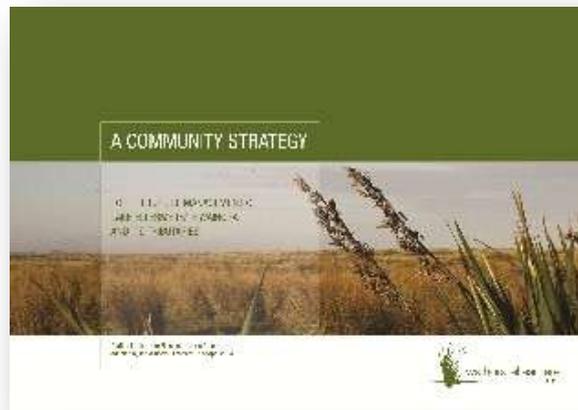




2003 – 2010
An update on



*A Community Strategy
for the future management
of Lake Ellesmere/Te Waihora
and its tributaries*

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PART 1

2003 – 2010

An update on '*A Community Strategy for the future management of Lake Ellesmere/Te Waihora and its tributaries*'

1. Introduction

The development of the *Community Strategy for the future management of Lake Ellesmere/Te Waihora and its tributaries* has made a contribution to many projects associated with Te Waihora/Lake Ellesmere and its catchment, including the formation of Waihora Ellesmere Trust in 2003. The vision, goals, targets and actions identified in the *Community Strategy*, many of which were aspirational and will require work to be undertaken over an extended period, were given a timeframe of being achieved in the period 2004 – 2010. It seems timely (or overdue) to report back to the community on what has happened since 2003.

The *Community Strategy* is available on the WET website <http://www.wet.org.nz/wp-content/uploads/2009/10/WETCommunityStrategy.pdf>

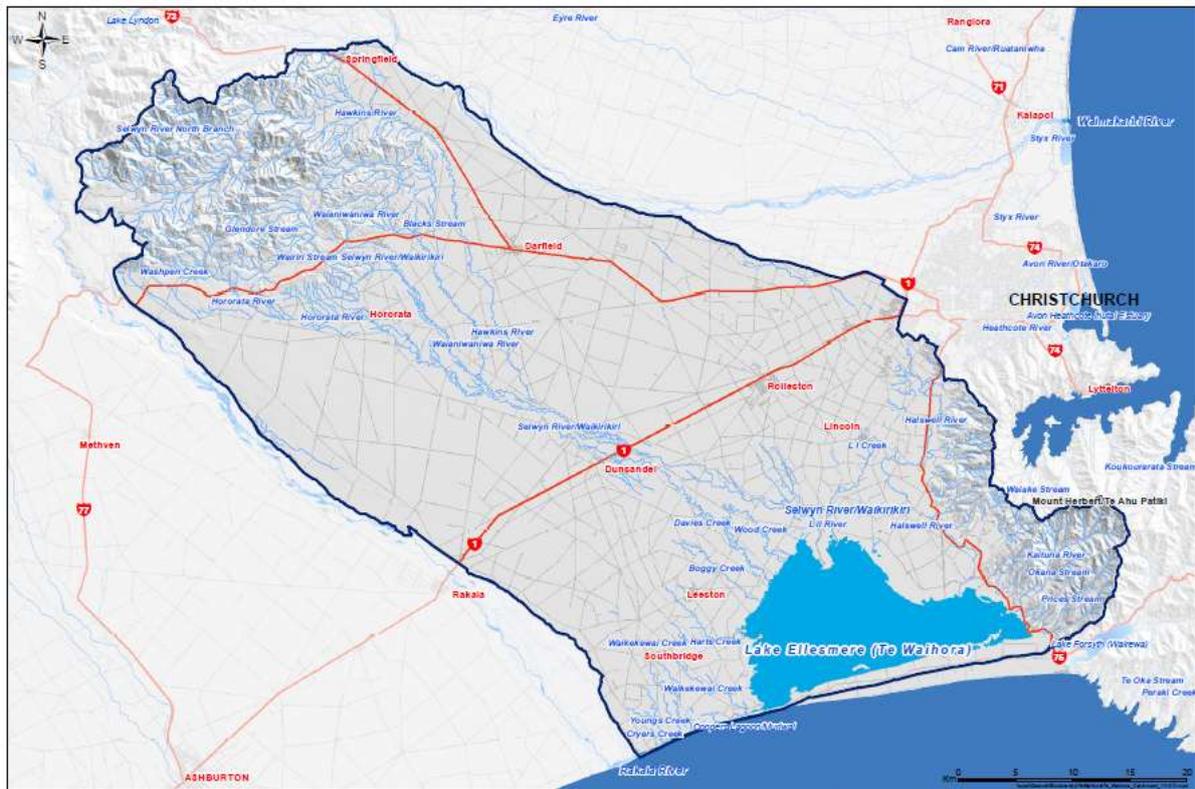
It must be noted that all the agencies and others who have been, and continue to be, involved in projects in the catchment have reported to the community over this period in many forms. This report is an attempt to bring together some of the highlights and to relate them back to the vision and goals of the *Community Strategy*.

There are two parts to this summary report:

1. What has been achieved in the period 2003 – December 2010 which has contributed to the vision, goals and targets articulated in the *Community Strategy*;
2. What has WET's contribution been and how has the organisation developed since 2003 – essentially, a brief history of the organisation.

2. Te Waihora/Lake Ellesmere

Te Waihora/Lake Ellesmere, one of New Zealand's most important wetland systems, is a brackish, shallow lagoon with an average depth of 1.4m. Covering around 20,000 hectares, Te Waihora/Lake Ellesmere, which lies just to the south of Banks Peninsula, is New Zealand's fifth largest lake and is internationally significant for its wildlife abundance and diversity - 167 species of birds have been recorded, with very large numbers of some species. The fisheries are also important, with 43 species



of fish recorded, and the indigenous wetland vegetation is recognised as being of national significance.

Te Waihora is an area of cultural, natural, historic, recreational and commercial importance to many people. To Ngāi Tahu, Te Waihora represents a major mahinga kai and an important source of mana. Te Waihora is a descriptive name, meaning spreading out waters.

3. Background to the Community Strategy

The project for developing the strategy came from the Canterbury Regional Council's Regional Policy Statement and its subsequent work plans. The project was in response to concerns that were raised with the Council over the apparent decline in water quality in the lake and its tributaries, and fell under the umbrella of the Natural Resources Regional Plan (NRRP). The *Community Strategy* was not part of NRRP, but was envisaged as making a contribution to that part of it which dealt with Te Waihora/Lake Ellesmere.

The Issues Group which was formed represented a wide range of interests including local residents and landowners, Te Rūnanga o Ngāi Tahu and Taumutu Rūnanga, Federated Farmers, Lake Settlers Association, Department of Conservation, regional and district councils, Lake Ellesmere Fisherman's Association, Fish & Game Council, other recreational interests, and individuals with a general interest in the ecology of the Lake and its tributaries.

The group met many times (generally monthly) over two years to develop the elements of the strategy. They went on field trips around the Lake and its tributaries to visit sites of interest, and had speakers present information concerning the state of the Lake and the tributaries. An information and field day attracted over 120 participants, a measure of the interest and concern for the health of the Lake and the ecosystem it supports.

The first task for the group was to create a vision for the Lake and the tributaries – an overarching description of what the group wanted the Lake and its tributaries to be like in the next 50 years. From this vision, the goals and targets were developed, then actions and a list of those responsible for carrying out these actions.

In addition, the draft strategy benefited from discussion and input from the wider community through public meetings and written submissions in the first half of 2003. It was also presented to various councils and organisations.

4. Vision

- ❖ A place where healthy and productive water provides for the many users of the Lake while supporting the diversity of plants and wildlife that make this place unique.
- ❖ A place of cultural and historical significance that connects us with our past and our future.
- ❖ A place where environmental, customary, commercial, and recreational values are balanced while respecting the health of the resource.
- ❖ A special wide open place for the enjoyment and wonderment of present and future generations.
- ❖ A place of contemplation and tranquillity as well as activity, a place just to be.

5. Formation of Waihora Ellesmere Trust

Given the nature of the issues, the complexity of the Lake and tributary system, and the number of targets identified, a co-operative approach was identified as the most efficient, effective and equitable solution to achieving long-lasting results. To this end the Lake Issues Group, with wider consultation, formed the Waihora Ellesmere Trust (WET). Fifteen founding Trustees were nominated onto the Trust and had their first Trust Board meeting in September 2003. WET adopted the Community Strategy in April 2004.

Appendix 1 is the WET Trust Deed, which includes the Objects of the Trust.

6. Realising the Vision

It was envisaged that many agencies would have a role to play:

Environment Canterbury, Selwyn District Council, Christchurch City Council, Ngāi Tahu, Department of Conservation, Ministry of Fisheries, Fish & Game Council, Research Institutes (eg LU, UC), NIWA, Schools, Forest & Bird, Ornithological Society of NZ, Community groups & interests, Landowners/lessees, Streamcare Groups, Fonterra, Federated Farmers, Industry Associations, Commercial fisheries, Canterbury History Foundation, Local Librarians, Ellesmere Historical Society, Lincoln and Districts Historical Society, Ellesmere Camera Club, Canterbury Museum, Newspapers, Christchurch City Library, Historic Places Trust, Te Taumutu Rūnanga, Recreational interests, Recreational fisheries, Educators, Guides, Businesses, Tourist operators, Local entrepreneurs.

7. What's been achieved September 2003 – December 2010

Much progress has been made since the *Community Strategy* was prepared, and has been reported elsewhere by many different organisations. This is an attempt, in a very brief format, to record and highlight some of these achievements.

For each part of the vision statement goals were identified and targets stated. Below is a list of achievements which have contributed to meeting or working towards those targets.

A place where healthy and productive water provides for the many users of the lake while supporting the diversity of plants and wildlife that make this place unique.

GOAL: MAINTAINING AND/OR ENHANCING ECOLOGICAL HEALTH

TARGET 1: To have in place, by 2010, best management practices for the maintenance and/or enhancement of critical habitats for the plants and wildlife of Lake Ellesmere/Te Waihora

- Ecological surveys of selected sites (SDC)
- Environmental Enhancement Funding, Selwyn natural Environment Funding, prioritises areas of high habitat value (ECan, SDC)
<http://ecan.govt.nz/advice/biodiversity/funding/Pages/eef.aspx>
<http://www.selwyn.govt.nz/services/planning/funding-available/selwyn-natural-environment-fund>
- restoration projects (WET, TAK, F&G, ECan, SDC, Ngāi Tahu, streamcare groups etc) (restoration project examples included in Living Lake symposium presentations - <http://www.wet.org.nz/events/living-lake-symposium-2011/>)
- Monitoring of willows, birds, water quality (various agencies)
- Research to confirm potential for re-establishing macrophyte beds (ECan, NIWA)
<http://ecan.govt.nz/publications/Reports/review-potential-re-establish-macrophyte-beds-te-waihora.pdf> (May 2009)
- Information dissemination – field days, newsletters, website (various agencies/groups)
- Living Lake symposia and supporting research (WET plus other agencies – details on www.wet.org.nz)
- industry initiatives – field days, advisors
- Lake opening consent granted for 5 years (2006), involving creating a protocol group which is consulted on Lake openings <http://www.wet.org.nz/wp-content/uploads/2009/11/Lake-Ellesmere-full-decision.pdf>

TARGET 2: Within 5 years, the biodiversity and environs of the lake will be protected from adverse impacts of land and water use through best practice management

- Riparian restoration programmes (WET, ECan, Ngāi Tahu, F&G, SDC etc) (restoration project examples included in Living Lake symposium presentations - <http://www.wet.org.nz/events/living-lake-symposium-2011/>)
- Living Streams programme (ECan) <http://ecan.govt.nz/get-involved/local-projects-community-groups/living-streams/Pages/Default.aspx>
- Rates relief is available for land protected or managed for ecological values or that has been retired (SDC)
- Surface Water Management Strategy (CCC) <http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/strategies/healthyenvironmentstrategies/surfacewaterstrategy.aspx>
- Awareness raised through education (various agencies/groups)
- Land purchase (DOC)

A place of cultural and historical significance that connects us with our past and our future.

GOAL: ACKNOWLEDGING CULTURAL AND HISTORICAL SIGNIFICANCE

TARGET 3: Over the next 5 years, develop resources which record the history of the Lake and its catchment which includes the use, settlement and development of the Lake and its environs

- Papers Past project has made the Ellesmere Guardian available online - papers from 1891 – 1906 were available from 2009 (WET, SDC, LU, CCC, EHS) <http://www.paperspast.natlib.govt.nz/cgi-bin/paperspast>
- *Ellesmere – The Jewel in the Canterbury Crown* publication (SDC) <http://www.selwyn.govt.nz/council-info/selwyn-history>
- Lake Access brochure describing the ecology, recreational opportunities, Lake issues, and history of the Lake and environs with a map showing access points and reserves (WET) <http://www.wet.org.nz/wp-content/uploads/2010/09/WET-Lake-Access-Brochure.pdf>
- newsletters, websites, community talks (EHS, WET and others)

TARGET 4: Within 5 years, recognise Ngāi Tahu history and associations with Te Waihora

TARGET 5: By 2010, provide for and protect Ngāi Tahu values and places of significance

TARGET 6: Within 5 years, recognise and provide for the kaitiaki responsibility of Ngai Te Ruahikihiki ki Taumutu

- Te Waihora Joint Management Plan 2005 – first statutory joint management plan between the crown and iwi (DOC, Ngāi Tahu) <http://www.doc.govt.nz/publications/about-doc/role/policies-and-plans/conservation-management-plans/te-waihora-joint-management-plan/>
- Cultural monitoring programme (Ngāi Tahu)

- Application for variation to the National Water Conservation Order Lake Ellesmere(1990) (WCO) to recognise Ngāi Tahu values <http://ecan.govt.nz/get-involved/have-your-say/lake-ellesmere-wco/Pages/Default.aspx>

In August 2011 Whakaora Te Waihora was announced. This is a long-term relationship agreement and shared commitment between Environment Canterbury, Ngāi Tahu and Te Waihora Management Board. This agreement focuses on the restoration and rejuvenation of the mauri and ecosystem health of Te Waihora/Lake Ellesmere. The parties also signed an interim agreement which establishes an enduring co-governance framework for the active management of Te Waihora and its catchment.

A place where environmental, customary, commercial, and recreational values are balanced while respecting the health of the resource.

GOAL: BALANCING THE INTERESTS, THE WORKING LANDSCAPE

TARGET 7: Within 5 years, all regional, district and other statutory agency plans and policies to recognise and provide for the various values of the Lake

- Submissions made to LTCCPs, Annual Plans (WET and others)
- Community consultation sessions (2009) on Lake opening (WET/ECan)
- Lake Opening Protocol, 2006 Resource consent
- Statutory Agencies Group (SAG) formed, a forum where representatives of the agencies with statutory responsibility for the Lake meet, facilitated by WET. Members are ECan, SDC, CCC, Ngāi Tahu, DOC, Fish & Game, and Ministry of Fisheries.
- Canterbury Water Management Strategy(CWMS) vision, principles and targets
- ECan Act (2010) - CWMS principles included
- Water level modelling (eg UC)

NB June 2011 proposed RPS includes landscape values for Te Waihora

TARGET 8: Within 5 years, ensure that economic development is in keeping with the character and values of the Lake and its tributaries

- Submissions on Canterbury Plains Water scheme, Lincoln Dairy Farm development (WET)
- Value of Lake fisheries promoted in submissions (WET)
- Investigating aquaculture (Ngāi Tahu)

TARGET 9: Within the next year, have an opening regime which maximises values and benefits

- Resource consent granted for Lake Opening 2006, included Lake Opening Protocol
- Living Lake Symposia and associated publication identified and discussed values
- Community consultation (WET/ECan)

- Statutory Agencies Group work on WCO amendments
- Research on values (LU/UC)

A special wide open place for the enjoyment and wonderment of present and future generations; a place of contemplation and tranquillity as well as activity, a place just to be.

GOAL: MAINTAINING THE SENSE OF PLACE

TARGET 10: Within the next 5 years, ensure that the Lake is more widely valued for its landscape values, and its benefits to all inhabitants and users

- Education programmes (WET, ECan, LU and others)
- Website, newsletters, Lake tours, community talks, pamphlets (various agencies)
- Development of the Little River Rail Trail, a cycle route from the edge of the city to Little River
<http://www.littleriverrailtrail.co.nz/>
- Lake Research Centre investigated
- WCO application and supporting information <http://ecan.govt.nz/get-involved/have-your-say/lake-ellesmere-wco/Pages/Default.aspx>

TARGET 11: Over the next 5 years, enhance the mauri and uphold the mana of Te Waihora and its tributaries

- Living Lake Symposia focused attention on actions to improve water quality and quantity
- WCO application and supporting information <http://ecan.govt.nz/get-involved/have-your-say/lake-ellesmere-wco/Pages/Default.aspx>

GOAL: PROVIDING RECREATIONAL AND EDUCATIONAL OPPORTUNITIES

TARGET 12: To promote the values of the lake to Lake users and the wider community by 2006

- Living Lake Symposia www.wet.org.nz
- Education programmes (WET, ECan, LU and others)
- Website, newsletters, Lake tours, community talks, pamphlets (various agencies)

TARGET 13: By 2010, passive and active recreational uses of the Lake will be in keeping with the values of the Lake

- Little River Rail Trail <http://www.littleriverrailtrail.co.nz/>
- Draft Bird Monitoring Protocol (SAG)

PART 2

What has WET been doing since 2003?

WET Trustees represent a wide cross section of interest and expertise. A number of the founding Trustees, who were part of the Lake Issues Group which developed the *Community Strategy*, have remained actively associated with WET.

1. Trustees

By the terms of the Trust Deed, the Board of WET is made up of “not fewer than seven (7) nor more than fifteen (15) persons elected by the members of the Trust.” Representatives of organisations or statutory bodies may be appointed as non-voting ex-officio members of the Board.

2003/4 Founding trustees:

Rob McPherson, Colin Hill, David O’Connell, Peter Chamberlain, Terrianna Smith, Don Crerar, Neil Brailsford, Ken Hughey, Michel Nutt, Julie May, Roger Gilbert, Fiona Cox, Kelvin Coe, Kay Lough, Jason Arnold.

Chairperson – Michael Nutt

Terrianna Smith and Neil Brailsford both stepped down from the board in the first half of 2004.

During the first year of the Trust, in August 2004, it was agreed that approximately one third of the Trustees would stand down at each of the following AGMs, indicating their availability or otherwise for re-election.

The Trustees stepping down at the 2004 AGM were David O’Connell, Roger Gilbert and Fiona Cox. Roger Gilbert and Fiona Cox were nominated for re-election, along with Colin Arps, Tomm Stanley, Clem Smith and Bill Baynes.

With 6 nominees for 5 places, Clem Smith withdrew his nomination, but was co-opted onto the Board with speaking rights, but no vote.

2004/5 Trustees:

Rob McPherson, Colin Hill, Peter Chamberlain, Don Crerar, Ken Hughey, Michel Nutt, Julie May, Roger Gilbert, Fiona Cox, Kelvin Coe, Kay Lough, Jason Arnold, Colin Arps, Tomm Stanley, Bill Baynes. Clem Smith was a co-opted Board member.

Chairperson – Michael Nutt

In February 2005 Jason Arnold was appointed as the first co-ordinator of WET and consequently resigned from the Board of Trustees, with Clem Smith taking his place as a Trustee. In June 2005 resignations were received from Julie May and Colin Arps.

At the 2005 AGM the Trustees stepping down at the AGM were Peter Chamberlain, Rob McPherson, Colin Hill, and Kelvin Coe. All four were nominated and re-elected to the Board, along with two new Trustees, John Gargett and John King, who were nominated to fill the vacancies on the Board.

2005/6 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Don Crerar, Ken Hughey, Michel Nutt, Roger Gilbert, Fiona Cox, Kelvin Coe, Kay Lough, Tomm Stanley, Bill Baynes, Clem Smith, John Gargett, John King.

Chairperson – Rob McPherson

Records of 2006 and early 2007 are incomplete but it seems a number of Trustees stepped down prior to the 2006 AGM. Michael Nutt stood down and was nominated and re-elected and new Trustees joining the Board were Kerry O'Brien, Stephen Brailsford and Vince Moroney. Around this time Ray Maw, Environment Canterbury, also joined the Board as an ex-officio member and Treasurer of WET.

2006/7 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Ken Hughey, Michel Nutt, Kelvin Coe, Clem Smith, Fiona Cox, Tomm Stanley, Kerry O'Brien, Stephen Brailsford, Vince Moroney. Ray Maw (ECan) - ex-officio member.

Chairperson – Rob McPherson

At the AGM of 2007 Fiona Cox, Tomm Stanley, Rob McPherson, Clem Smith, and Colin Hill stepped down, with Rob, Clem and Colin being nominated and re-elected to the Board. New members joining the Board were Hamish Rennie and Judith Kidd.

2007/8 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Ken Hughey, Michel Nutt, Kelvin Coe, Clem Smith, Kerry O'Brien, Stephen Brailsford, Vince Moroney, Hamish Rennie, Judith Kidd. Ray Maw (ECan) - ex-officio member.

Chairperson – Hamish Rennie

At the AGM of 2008 Kelvin Coe, Ken Hughey and Kerry O'Brien all stepped down as Trustees and were then nominated and re-elected for a further term.

2008/9 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Ken Hughey, Michel Nutt, Kelvin Coe, Clem Smith, Kerry O'Brien, Stephen Brailsford, Vince Moroney, Hamish Rennie, Judith Kidd. Ray Maw (ECan) - ex-officio member.

Chairperson – Hamish Rennie

In late 2008 Brett Painter was co-opted to the Board as a new Trustee. Stephen Brailsford took up a part time position as WET Project Manager and resigned as a Trustee, but was re-nominated at the 2009 AGM. Also at the 2009 AGM new Trustees Kate Bonifacio, Grant Bonniface and John Lay were elected to the Board.

2009/10 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Ken Hughey, Michel Nutt, Kelvin Coe, Clem Smith, Kerry O'Brien, Hamish Rennie, Stephen Brailsford, Judith Kidd, Brett Painter, Kate Bonifacio, Grant Bonniface, John Lay. Ray Maw (ECan) - ex-officio member.

Chairperson – Brett Painter

During the 2009/10 year Ray Maw stepped down as an ex-officio member of the Board, with Grant Bonniface taking the role of Treasurer.

At the 2010 AGM Hamish Rennie, Rob McPherson and Judith Kidd stepped down as Trustees and were then nominated and re-elected for a further term.

2010/11 Trustees

Rob McPherson, Colin Hill, Peter Chamberlain, Ken Hughey, Michel Nutt, Kelvin Coe, Clem Smith, Kerry O'Brien, Hamish Rennie, Stephen Brailsford, Judith Kidd, Brett Painter, Kate Bonifacio, Grant Bonniface, John Lay.

Chairperson – Brett Painter

2. Summary of WET activities September 2003 – December 2010

During the period September 2003 – December 2010 WET Trustees, members and staff were involved in numerous events and activities. Many of these were in a voluntary capacity and records are incomplete. What follows is a brief list of events and key activities but does not include much of the informal activities of the Trust in the community. Specific project grants received from external funders have been included where possible. In addition to project funding, core funding was received from ECan and SDC over a number of years as a contribution to the co-ordination of the Trust.

The list is arranged by financial year, i.e., from July 1st one year to June 30th the following year. Trust meetings were held at least 4 times each year, with an Annual General Meeting held each September.

2003/04 financial year begins

- September 2003 Trust Deed signed
- April 2004 community strategy adopted
- April 2004 submission opposing an application for resource consent (DJ Tucker) – stormwater discharge

2004/05 financial year begins

- July – September 2004 Carole Donaldson interim coordinator
- September 2004 Renaissance Waihora Day (25/9/04) – included planting at Ahuriri Lagoon (1200 natives)
- September 2004 Bus trip to Ahuriri Lagoon (30/9/04)
- Allocated funding from Biodiversity Advice Fund (DOC) for a coordinator
- January 2005 Jason Arnold takes up position of WET Coordinator
- Feb 2005 World Wetland Day – ECan and WET weeding and willow control and fencing at Ahuriri lagoon
- April 2005 – Tai Tapu school visit
- May 2005 newsletter
- May 2005 Into the Wilderness, Taumutu field day (7/5/05)

Staffing 2004/5:

Carole Donaldson interim coordinator from July to September

Jason Arnold took up position of Co-ordinator January 05

2005/06 financial year begins

- July 2005 Sustainable Drainage and Stormwater Management around Te Waihora - Henry Hudson and Tim Davie, Waratah Café, Tai Tapu (26/5/05)

- August 2005 Restoring the future of Lake Ellesmere/Te Waihora - Colin Meurk and Craig Pauling, Waihora, Waratah Café, Tai Tapu (31/8/05)
- September 2005 first Green Footprint planting at Coes Ford
- September 24th 2005 Community Biodiversity Day
- December 4th 2005 Birdwatching Day
- Feb 2006 membership made annual, year beginning Oct 1 to align to AGM
- March 2006 – allocated \$5k from Lottery Grants but never uplifted and later written back
- March 25th 2006 Lake Kayak Trip in association with CPIT Outdoor Education Programme
- April 2006 drafted Selwyn Water Race Booklet
- April 2006 Funding received from Canterbury Community Trust for a project – later amended by agreement, see Oct 07
- April 29th 2006 Natural History Day

Staffing 2005/6:

Jason Arnold continued as Co-ordinator

2006/07 financial year begins

- July 2006 member of Lake Opening Protocol Group
- August 2006 submission on Central Plains Water resource consent application
- September 2006 allocated \$20k from Lottery Grants but never uplifted and later written back
- September 2006 planting at Coes Ford on Cameron's property (Green Footprint?)
- Spring 2006 (or 2007?) Te Awapunapuna – spring planting day
- November 2006 Natural History Trip attended by 35 people (4/11/06 - Natural History Day II)
- November 2006 NZARM/HydroSoc conference – involved in planning and field trip hosting
- December 2006 Newsletter
- During 2006 WET joined with ECan, DOC, SDC, CCC, MFish, Fish and Game NZ, and Ngāi Tahu to form a Statutory Agencies Group (SAG) to co-ordinate action in an integrated catchment manner. WET acts as facilitator.
- March 2007 Celebrating Selwyn– display in Rolleston Square
- April 2007 Newsletter

Staffing:

Jason Arnold left December 06

2007/08 financial year begins

- July 2007 Kidsfest
- Winter/Spring 2007 Cashmere HS talk to Yr 11 Geography classes. WET ran a session at Cashmere High School for senior geography students on 'Dairy farming and the environment', which was well received.
- August 2007 Newsletter
- September 2007 first LHS yr 9 field trip – learning journal developed

- September 2007 - Green Footprint - approximately 1000 plants were planted by volunteers in the third year of planting at Coes Ford (15/9/07)
- October 2007 asked for the \$10k donation from Canterbury Community Trust (received in 2006) to be applied to information packs for the Living Lake Symposium
- October 2007 Display at Ellesmere A&P Show
- November 2007 Living Lake Symposium - 182 people attended 9 science and 2 management seminars over four days (31/10 – 3/11)
- November 2007 Biodiversity Advice funding (\$46k) - used for newsletters/field trips & seminars/ engaging landowners/planting at Te Awapunapuna & Tramway Reserve/printing costs of State of Lake book and Lake Access brochure – details of these projects listed separately by date
- December 2007 Newsletter
- January 2008 Display at Little River show
- January 2008 Display at sustainability expo
- February 2008 World Wetland Day - WET joined DOC and ECan in providing activities at the Lake for children.
- February 2008 the National Wetlands Symposium (Wai Wetlands)– held at UC. ‘Community Management’ field trip (36 people)
- February 2008 Lincoln High School
- April 2008 Newsletter
- April 2008 submission on SDC Walking and Cycling Strategy
- April 19th 2008 Lake Kayak Trip in association with CPIT Outdoor Education Programme
- Autumn 2008 Te Awapunapuna – autumn planting day & clean up – EEF funding
- 2007/8 WET ran a session on ‘Mitigating the environmental impact of dairy farming’ at Lincoln High School for senior Agriculture students (late 2007 or early 2008) A field trip was run for LHS Geography students focusing on human impacts within a biosphere – the catchment)
- 2007/8 new website launched

Staffing:

Nic Newman took up position of Co-ordinator July 07 and left in June 08

2008/09 financial year begins

- August 2008 printing of Lake Access brochure – launched at Trust AGM in October (2,500 copies)
- August 2008 Newsletter
- Aug/September 2008 hosted International Student Volunteers, planted at Harts Creek Reserve (with Tramway Reserve Trust) - WET received \$5000 from ECan from their Pest budget for work in the reserve. 11 international student volunteers planted 800 plants and undertook hand control of grey willow
- September 2008 Eel seminar (in conjunction with the Green Party) in Prebbleton, attended by around 60 people

- October 2008 Ellesmere A&P Show (marquee and tank of eels)
- ECan allocated \$70K for restoration work
- December 2008 newsletter
- December 2008 notified of successful application to Sustainable Farming Fund (SFF) for funding for Waihora Ellesmere Catchment Riparian Restoration Programme (\$162K inc gst over 3 years) – contract signed December 2008 and some advance funds paid
- December 2008 WET signed a new contract to facilitate SAG
- Feb 2009 Newsletter
- Feb 23 2009 WET day out for LHS
- March 2009 Yr7/8 St Andrews students
- March 2009 Middleton Grange
- March 18 2009 LU Environment Day – display
- March/April 2009 Celebrating Selwyn – static display at BNZ, Rolleston (planned bus trip cancelled)
- March 2009 CCT funding for Lake appreciation trips \$8k received (not fully used until late 2010)
- March 2009 Waituna Wetlands seminar (Southland) – attended by staff & trustees
- April/May 2009 4 community consultation meetings –Leeston, Darfield, Lincoln, Christchurch – on behalf of SAG
- April 2009 submission to ECan LTCCP
- April 2009 newsletter
- May 2009 - published State of the Lake book (proceedings of first Living Lake Symposium) (50 copies)
- May 2009 submission to SDC LTCCP
- June 2009 first draft of Bird Monitoring Protocol (SAG)

Staffing 2008/9:

Nic Newman left June 2008, before the start of this financial year. Tina von Pein took up position as acting manager soon after and continued until Malcolm Anderson was appointed as Development Manager March 2009 (30hrs)

Judith Kidd, office administrator until late 2008

Stephen Brailsford, Project Manager (15hrs) from end 2008 until June 2009

Sarah Edwards, Education Officer (5-7.5hrs) from early 2009

Michelle Graham, office administrator - from December 2008 - until mid 2009 (15hrs)

2009/10 financial year begins

- July 2009 notified of successful application to Sustainable Management Fund (SMF) for funding for Waihora Ellesmere Catchment Riparian Restoration Programme - 1 year's funding (July 2009 – June 2010) - later extended to November 2010 total \$225k inc gst
- July 2009 WWF allocated \$10k for Mitchell's Rd mudfish habitat restoration

- July 2009 Community Conservation Fund (DOC) allocated \$25k for Mitchell's Rd mudfish habitat restoration over 2 years mid 2009 to mid 2011
- July – October - planted 14,411 plants as part of Waihora Ellesmere Catchment Riparian Restoration Programme
- July 2009 Kidsfest
- August 2009 newsletter
- August 2009 submission on resource consent application, Lincoln Dairy Farm development
- Late 2009 produced and distributed information pack on riparian restoration
- October 2009 website redesigned
- November 2009 St Andrews Yr 8 practical work at Leeston Stream/Tramway Reserve
- October 2009 Papers Past – Ellesmere Guardian 1891 – 1906 on line
- November 2009 Living Lake Symposium, 80+ attendees (2/11/09)
- December 2009 newsletter
- Late 2009 Bush Telly filming
- 2009 – Trustees (Peter Chamberlain, Stephen Brailsford) contributed to the ECan Living Streams publication
- January – June 2010 16,157 plants installed as part of Waihora Ellesmere Catchment Riparian Restoration Programme
- January 2010 Took part in Soggy Feet at Boggy Creek Jan 30 for World Wetlands Day
- Feb 2010 Lincoln HS WET Day Out
- Feb 2010 stall at Waifest, New Brighton
- March 2010 Malvern A&P Show
- March 2010 Lakeside community planting day for World Water day (ECan led event)
- April 2010 newsletter
- April 2010 planting (Donalds farm, Taumutu) and site visits for planners as part of NZPI/PIA conference
- April/May 2010 submissions on ECan, SDC, CCC annual plans
- June 2010 Jean Seabrook Memorial School - day out including marae visit

Staffing 2009/10

Malcolm Anderson, Development Manager, left April 2010

Golda Varona contracts and administration officer from mid 2009 to early 2010, returning in April/May 2010 for 6 weeks as Transition Manager.

Sarah Edwards left late 2009 and Frank Sharpe appointed as Education Officer January 2010 (7.5hrs)

Jo Frew started as Administration Officer (26 hrs) March 2010

Bruce Johnston – accountant/finance manager (part time casual) from May 2010

Stephen Brailsford – contracted as restoration consultant from May 2010

20010/11 financial year begins

- July – November 2010 Winter/spring planting of 19,743 natives to complete planting of over 50,000 natives in riparian sites for Waihora Ellesmere Catchment Riparian Restoration Programme
- July/August 2010 preparation of restoration plans for sites planted plus Inwoods and Hanmer Drain
- July – December 2010 as part of facilitating SAG, convened and produced report from a Technical Working Group on amendments to the National Water Conservation Order
- July 2010 Hororata Field Day (13/7/10)
- September 2010 Lake and Land Appreciation Tour (19/9/10) – 65 people
- September WET flyer and WECRRP flyer produced
- October 2010 community planting days including Green Footprint (3&5 Oct, postponed from 11&13 Sept due to earthquake)
- October 2010 Ellesmere A&P Show (16/10/10)
- October 2010 Living Lake Symposium 2009 summary uploaded to website
- November 2010 \$4k allocated from WWF for education coordinator position
- December 2010 first e-newsletter (copies posted to members without email)
- December 2010 final payment received from SMF for restoration programme over 2009/10

Staffing July 2010 – Dec 2010

Adrienne Lomax, started as General Manager July 2010 (37.5 hrs)

Frank Sharpe, Education Officer (7.5 hrs)

Bruce Johnston – accountant/finance manager (part time casual)

Jo Frew, Administrator Officer, left September 2010 (position disestablished)

Stephen Brailsford – contracted as restoration consultant

As can be seen, in the period from the formation of WET in September 2003 to the end of December 2010, WET was involved in a wide variety of community events and activities. The list given here is almost certainly incomplete and WET would be very pleased to hear from anyone with additional information on the activities of the Trust during this period

3. Conclusion

The development of the *Community Strategy* was an impressive example of collaborative working and community consultation and it provided a means of articulating the wishes of the community with respect to Te Waihora/Lake Ellesmere. It led to the formation of WET and has given legitimacy to the activities of the Trust. But has the formation of a charitable trust helped to achieve the Vision set out in the *Community Strategy*?

From compiling a list of WET activities, it is clear that while there are a number of significant achievements of the Trust, such as hosting major symposia, a great deal, in fact the majority, of the informal networking and influence of an organisation such as WET is very difficult to capture and report on.

However, the contribution made by WET can be identified in a number of ways. That the Trustees are well connected in the local community and with the statutory agencies¹ is significant and has undoubtedly helped to raise awareness of the issues affecting the Lake and the profile of the Lake in the wider community. Six of the original fifteen founding trustees were still on the Board at the end of 2010 indicating a high level of commitment to the Objects of the Trust.

The Trustees and the staff of WET, over the period covered by this report, have provided an effective means of encouraging and facilitating integration between agencies, for example, through the Statutory Agencies Group and projects such as the Waihora Ellesmere Catchment Riparian Restoration Programme. The Restoration Programme brought together team members from several agencies/organisations. These types of project have helped to maintain momentum and interest within the various agencies with responsibility for the Lake and catchment.

There was involvement from representatives of local iwi in the early stages of WET, with two of the founding Trustees having ties to Te Taumutu Rūnanga. Unfortunately those links at Trustee level have not been maintained. However, Ngāi Tahu representatives have been closely involved in a number of projects such as the Restoration Programme and hosting the symposia.

Hosting the Living Lake Symposia has been very significant in raising the profile of the Lake and has provided a platform for disseminating information and encouraging discussion of management options. WET's links with local research organisations have directly resulted in a number of research projects and, through the symposia and other fora, provided a means for researchers to take their findings to the community and beyond.

As an independent community organisation, along with successfully bringing partners together to work on projects, WET has also provided an avenue for accessing central government funding (e.g., SFF, SMF) and bringing significant project funds into the catchment.

¹ In 2012 seven WET Trustees, plus the general manager, were participating in a series of focus group meetings to discuss limit setting and were representing several different sector groups

The Waihora Ellesmere Catchment Riparian Restoration Programme, mentioned above, directly resulted in over 50,000 new indigenous plants along the edges of waterways and wetlands, helping to rehabilitate the habitat, and provide a buffer from adjacent land use. This planting programme, which was identified as positive way forward through the Living Lake Symposium 2007, has engaged the community and enhanced people's understanding of the processes that affect the Lake and catchment. It also provided the Trust with an opportunity to trial different approaches to riparian restoration, adding to the advice available to landowners.

Alongside the focus of recent years on riparian restoration, another significant project for WET has been the coordinating role it played in the 'Papers Past' project, which has seen the Ellesmere Guardian (1891 – 1945) made available on line. This is of great interest locally and of benefit to schools and researchers. WET has also produced a very informative brochure on the Lake which, anecdotally at least, has encouraged visitors to the Lake by identifying key access points. WET has regularly provided advice to numerous groups and individuals, which has also facilitated many Lake visits.

As noted above, the informal activities of WET have been very important, with networking and relationship building the key to the successes achieved. The level of success of these activities has varied over time, with the lack of continuity of staffing causing problems for WET. Linked to the lack of continuity of staffing is the inconsistency of record keeping. This is a very common situation for community organisations and is related to the difficulty of finding funding to employ staff. In addition WET, as a community organisation, has no role in formal decision making processes and does not own any land or buildings. Therefore WET relies on partner organisations and landowners to progress projects and, at times, progress has been slow.

Overall, the establishment of WET in 2003 as a means of driving the implementation of the *Community Strategy* can be seen as a very positive move. As outlined in the Objects of the Trust, WET has provided a means of promoting and supporting good management practices and raising awareness of a wide range of values associated with the Lake. The provision of dialogue opportunities, both between the community and decision makers, and between the agencies with statutory responsibilities has been a very valuable contribution to achieving the Vision for Lake outlined in the *Community Strategy*.

From 2003 – 2010 the Trustees periodically reviewed the *Community Strategy*. In early 2011 the Trustees met to review the Vision and Objects of the Trust and confirmed that the Vision Statement developed in 2002/3 was still representative of the views of the community and should continue to underpin the actions of the Trust. This led to the development of an Action Plan for WET – a way of clarifying the key issues for the Lake and catchment and what WET's role can be in achieving the Vision for the Lake over the next 10 years. The *WET Action Plan* is available on the WET website www.wet.org.nz.

List of abbreviations

AGM	Annual General Meeting	NRRP	Natural Resources Regional Plan
CCC	Christchurch City Council		
CCT	Canterbury Community Trust	NZPI/PIA	NZ Planning Institute/Planning Institute of Australia
CPIT	Christchurch Polytechnic Institute of Technology	SAG	Statutory Agencies Group
CWMS	Canterbury Water Management Strategy	SDC	Selwyn District Council
DOC	Department of Conservation	SFF	Sustainable Farming Fund
ECan	Environment Canterbury	SMF	Sustainable Management Fund
EEF	Environmental Enhancement Fund	TAK	Te Ara Kākāriki
EHS	Ellesmere Historical Society	UC	University of Canterbury
F&G	Fish and Game NZ	WCO	(National) Water Conservation Order
LHS	Lincoln High School	WECRRP	Waihora Ellesmere Catchment Riparian Restoration Programme
LTCCP	Long Term Council Community Plan	WET	Waihora Ellesmere Trust
LU	Lincoln University	WWF	World Wildlife Fund
NIWA	National Institute of Water and Atmospheric Research		

Contact:

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JULY 2012



Appendix 1

TRUST DEED

THIS DEED made the 15th day of September 2003

BY:

1. Michael Nutt, Rob McPherson, Roger Gilbert, Kelvin Coe, Neil Brailsford, Peter Chamberlain, Colin Hill, Fiona Cox, Jason Arnold, Don Crerar, Ken Hughey, Terrianna Smith, Kay Lough, Julie May, David O'Connell (the "Trustees")

WHEREAS:

- (a) The Trustees wish to establish a charitable trust (the "Trust") for the purposes described in clause 3.
- (b) The Trustees have agreed to enter into this deed specifying the purposes of the Trust and providing for its control and governance.
- (c) The Trustees may apply for incorporation as a Board under the Charitable Trustees Act 1957 and wish to provide for certain matters in the event that this occurs.

THIS DEED WITNESSES as follows:

1 *INTERPRETATION*

1.1 In this document the following terms have the following meanings (unless the context requires otherwise):

- (a) "Act" means the Charitable Trusts Act 1957,
- (b) "AGM" means annual general meeting of the Members,
- (c) "Charitable Objects" means the following objects (clause 4)
- (d) Lake Ellesmere/Te Waihora and its environs includes the lake and its tributaries,
- (e) "Member" means a person or organisation who has been admitted as a member under Part 12, and whose status as a member continues for the time

being,

- (f) "Member of the Trust Board" means one of the persons comprising the Trust Board as appointed or elected from time to time ,
- (g) "Secretary" means the person appointed as Secretary for the Trust from time to time in accordance with Part 9,
- (h) "SGM" means special general meeting of the Members,
- (i) "Treasurer" means the person appointed as treasurer for the Trust from time to time in accordance with Part 9,
- (j) "Trust means the charitable trust created by this document, and
- (k) "Trust Board" means a Board constituted under the Act upon application for incorporation by the Trustees in respect of the Trust.
- (l) "Trust Fund" includes:
 - (i) All property now or in the future held or received by the Trustee for the purposes of the Trust; and
 - (ii) All accretions or additions to the Trust Fund; and
 - (iii) All income of the Trust Fund; and
- (m) "Trustees" includes any replacement or substituted trustees.

1.2 In this document (unless the context requires otherwise):

- (a) The singular includes the plural and the plural includes the singular.
- (b) A reference to a gender includes the other gender.
- (c) A reference to a person includes individuals, a partnership or incorporated body.
- (d) A reference to a person includes (where applicable) its successors, personal representatives and permitted assigns.
- (e) A reference to a statute, regulation or provision of a statute or regulation includes a reference to that statute, regulation or provision as amended or re-enacted from time to time.

2.1 The Trustees covenant and declare that they hold the Trust Fund in trust for the charitable purpose in Clause 3.1.

2.2 The name of the Trust shall be Waihora Ellesmere Trust.

3 OBJECTS

- (i) To promote and, where appropriate, support best management practices as a means of maintaining/and or enhancing the ecological health of Lake Ellesmere/Te Waihora, including its tributaries.
- (ii) To raise awareness regarding the cultural and historical significance of the lake and its environs, including its settlement history and current status;
- (iii) To provide appropriate dialogue opportunities for decision-making to ensure the various economic, social, cultural, recreational and environmental interests are considered;
- (iv) To maintain the sense of place and character that makes the lake and its environs special to current residents and users, and for future generations;
- (v) To raise awareness and understanding of the values of the lake to recreational and other users to ensure the integrity of the lake is not compromised.
- (vi) In attaining its objects the Trust shall recognise the views and expectations of Mana Whenua, to respect and implement dual heritage of the partners of Te Tiriti O Waitangi.

4 OFFICE

4.1 The office of the Trust will be at such a place as the Trustees may from time to time determine.

5 MEMBERSHIP

5.1 The Members will comprise those individuals and organisations which have applied and been accepted as Members by the Trust Board. Each membership will represent a single vote entitlement.

5.2 There shall be two categories of membership: Individual membership and Organisational membership. Such persons/Organisations shall become members by approval of the Trust Board following application in writing to the Trust Board,

agreeing to support the objects of the Trust, and paying the appropriate subscription.

- 5.3 Individual membership shall be open to all persons who support the objects of the Trust and pay all required subscriptions and other dues agreed upon by the Trust Board. Individual members will have speaking and voting rights at the AGM and any Special General Meeting and can also become members of committees established to carry out the objects of the Trust. Individual members are eligible to be voted onto the Trust Board.
- 5.4 Organisational membership shall be open to Organisations and Statutory bodies (eg. Councils, DoC, Fish and Game, community organisations and agencies etc) who support the objects of the Trust and pay all required subscriptions and other dues agreed upon by the Trust Board. Organisations can nominate their representative who will have speaking rights and voting rights, at the AGM and any Special General Meeting. Organisations can also become members of committee established to carry out the objects of the Trust. Organisations are not eligible to be voted onto the Trust Board, but may be invited to participate at Trust Board meetings to provide advice and expertise at times deemed appropriate by the Trust Board.
- 5.5 The Trust Board may (from time to time) determine:
- (a) The requirement of members to pay a subscription of such an amount or amounts as may be fixed by resolution in general meeting of the Trust from time to time. The Trust Board may require that Special members of the Trust pay a different amount from that required of other ordinary members and the Trust Board may grant a discount of subscription for more than one member of the same legally recognised family.
 - (b) All members must comply with the terms and conditions of membership of the Trust as laid down from time to time by the Trustees.; and
 - (c) Such other terms and conditions of being a Member, not being terms and conditions which conflict with the express provisions of this document, as the Trust Board consider necessary.
- 5.6 The continuing status of a person as a Member depends on that person complying with all terms and conditions of being a Member imposed on that person by the Trustees (from time to time).
- 5.7 A Member is entitled to attend, speak at, and vote at AGMs and SGMs in accordance with the provisions of this document. However, for the avoidance of doubt, nothing in

this document enables a Member to directly control the management of the Trust by the Trustees, other than by resolutions passed at the AGM or an SGM.

6 STRUCTURE OF THE TRUST AND THE TRUST BOARD

- 6.1 The business and affairs of the Trust will be managed by the Trust Board comprising the Trustees.
- 6.2 The Board shall consist of not fewer than seven (7) nor more than fifteen (15) persons elected by the members of the Trust. A person nominated as a member of the Trust Board need not be an ordinary member of the Trust prior to nomination but, must become a member upon election to the Board only natural persons may be Trustees.
- 6.3 A representative of an Organisation or Statutory Body as may be deemed appropriate, may be appointed by the Board as non-voting ex officio members of the Board, subject to clause 5.4 above.
- 6.4 Prior to the first Annual General Meeting the signatories to this Deed shall be the first Board. At the first Annual General Meeting of the Trust and at each subsequent Annual General Meeting the business of the meeting shall include the election of members of the Trust Board by the ordinary members of Trust.
- 6.5 Subject to clause 6.6 and 10.1 in respect of the first two years of the Trust, the members of the Board shall retire at the Annual General Meeting after a 3 year term, but shall be eligible for re-election at the same and subsequent meetings, provided that a member of the Board shall retire after nine (9) years continuous service on the Board, however, at the Annual General Meeting the year following the retirement the member may stand again for nomination as a Board Member.
- 6.6 The retirement of Board members shall be on a rotational basis (a third each year) so not all members retire at once. At the first meeting of the new Trust Board a ballot will be held to determine the rotational retirement of members.
- 6.7 Nomination for a position on the Board shall be by way of nomination in writing by two members of the Trust endorsed with the consent of the nominee and given to the Secretary not less than twenty-four (24) hours before the time fixed for the Annual General Meeting. If there are insufficient nominations to fill the vacant positions on the Board, oral nominations may be received at the Annual General Meeting, provided that no member shall be elected who has not consented to be elected.
- 6.8 Subject to clause 6.2 above, the Board shall have the power to co-opt further members on to the Board and to fill any casual vacancies on the Board until the next Annual General Meeting. A retiring member may be co-opted to the Board to fill a

casual vacancy.

- 6.9 If a Trustee, including an office bearer, does not attend three (3) consecutive meetings of the Board without leave of absence that member may, at the discretion of the Board, be removed as a Trustee, and/or from any office of the Trust which he or she holds.
- 6.10 When a subscription has been fixed, Board members must be paid-up financial members.

7 PROCEEDINGS OF THE BOARD

- 7.1 The Board shall meet at such times and places as it determines, but not less than four (4) times a year, and shall elect a Chairperson and Vice-Chairperson from among its members at its first meeting and annually thereafter.
- 7.2 The Board shall appoint a Secretary and a Treasurer. These offices may be combined. The Secretary and Treasurer need not be members of the Board but shall be members of the Trust or become members upon appointment.
- 7.3 The Chairperson shall preside at all meetings of the Board at which she or he is present. In the absence of the Chairperson the Vice Chairperson (clause 7.1) should chair meetings or in the absence of both, the members present shall appoint one of their number to preside at that meeting.
- 7.4 At any meeting of the Board a two thirds majority of current members of the Board shall form a quorum, and no business shall be transacted unless a quorum is present.
- 7.5 All questions before the Board shall be decided by resolution by majority vote. If the voting is tied, the Chairperson shall be deemed to have the casting vote.
- 7.6 All members (Individual and Organisational) of the Trust shall have the right to attend meetings of the Trust Board and with prior approval from the Chair may be allocated limited time to speak to a specific agenda item. Only the members of the Board shall be entitled to vote.
- 7.7 Meetings may be held in person or by any other means of communicating as decided on by the Board from time to time. The Secretary shall ensure that all members of the Board are notified of the meeting, either verbally or in writing. Minutes of all meetings must be kept and the minutes accepted as being accurate after endorsement by all members.

- 7.8 The Secretary shall keep minutes of all Board meetings which shall be available for inspection by Board members at reasonable times. The minutes shall record:
- (a) The names of those present;
 - (b) All decisions which are required by this Constitution or by law to be made by the Trust Board; and
 - (c) Any other matters discussed at the meeting.

8 THE POWERS AND DUTIES OF THE BOARD

In addition to the powers and duties implied by the general law of New Zealand or contained in the Trustee Act 1956, the powers which the Board may exercise in order to carry out its charitable objects are as follows:

- 8.1 To use the funds of the Trust as the Board thinks necessary or proper in payment of the costs and expenses of the Trust, including the employment of professional advisors, agents, officers and staff as appears necessary or expedient.
- 8.2 (a) To purchase, take on lease, in exchange, hire or otherwise acquire land or personal property and any rights or privileges which the Board thinks necessary or expedient for the purpose of attaining the objects of the Trust; and
- (b) To sell, exchange, bail, lease (with or without option to purchase), or dispose of any of its property rights or privileges in any manner the Board thinks necessary or expedient.
- 8.3 To carry on any business consistent with the objects of the Trust.
- 8.4 To accept bequests, donations, gifts and grants from all sources to advance the objects of the Trust as the Board may think fit, and to apply them as the Board determines and/or as the benefactor may require.
- 8.5 To invest surplus funds in any way permitted by law for the investment of Trust funds and upon such terms as the Board thinks fit.
- 8.6 To borrow or raise money from time to time with or without security, and upon such terms as to priority and otherwise as the Board thinks fit.
- 8.7 To do all things as may from time to time appear necessary or desirable to enable the Board to give effect to and to attain the charitable purposes of the Trust.
- 8.8 Under Clause 11.1, the Board may employ as agents, officers and staff, persons who are members of the Board, provided that:

- (a) No member of the Trust or any person associated with a member shall participate in or materially influence any decision made by the Trust Board in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.
- (b) Any such income paid shall be reasonable and relative to that which would be paid in an arms length transaction (being open market value).
- (c) The provisions and effect of clause 10.8 (a) and 10.8 (b) shall not be removed from these rules, and shall be included and implied into any rules replacing these rules.

9 APPOINTMENT OF TRUSTEES

- 9.1 The parties named as Trustees in this document are the first Trust Board.
- 9.2 Thereafter replacement and additional Trustees may be appointed from time to time by the Trust Board in accordance with the requirements of the Act and subject to the provisions contained in this Part 9 and Clause 10.2.
- 9.3 Despite Clause 9.2:
 - (a) The minimum number of Trustees is seven (7) and the maximum number is fifteen (15) and
 - (b) No person can be appointed a replacement Trustee under Clause 9.2 if that person was removed as a Trustee under Clause 10.2 after the conclusion of the last AGM.
 - (c) Only natural persons may be Trustees.

10 REMOVAL OF TRUSTEES

- 10.1 Subject to Clause 6.2, the term of appointment of any Trustee will be three consecutive terms of three (3) years but Trustees named as parties in this document to retire at the end of the first year and at the end of the second year shall be entitled to be relected and serve for three (3) consecutive three terms thereafter.
- 10.2 A person will cease to be a Trustee if he or she
 - (a) Resigns in writing (unless this would leave the Trust with fewer than the minimum number of Trustees as set out in Clause 9.3(a), in which case the

purported resignation will be ineffective); or

- (b) Dies; or
- (c) Is declared bankrupt; or
- (d) Is found to be a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
- (e) Becomes a protected person within the meaning of the Protection of Personal and Property Rights Act 1988; or
- (f) Is convicted of any offence punishable by imprisonment; or
- (g) Does not attend three consecutive Trustee meetings without leave of absence; or
- (h) Has held office for nine consecutive years; or
- (i) Is removed as a Trustee of the Trust by a motion decided by a two thirds majority of all Trustees provided that those Trustees believe on reasonable grounds that such an action is in the best interests of the Trust.

11 POWER OF THE TRUST BOARD TO DELEGATE

- 11.1 The Trust Board may from time to time appoint a Management Committee (and/or any other committee or person) which shall be comprised of Members and persons who are not Members or both and may delegate any of its powers and duties to the Management Committee. Such delegation must meet the requirements of this Part 11 to be valid.
- 11.2 Any delegation must be in writing and set out the powers and duties delegated. The committee or person may without confirmation by the Trust Board exercise or perform the delegated powers or duties in the same way and with the same effect as the Trust Board could themselves have done.
- 11.3 Any committee or person to whom the Board has delegated powers or duties shall be bound by the terms of the Trust and any terms or conditions of the delegation set by the Trust Board.

11.4 The Trust Board may revoke the delegation at will. No delegation shall prevent the exercise of any power or the performance of any duty by the Trust Board.

12 FINANCIAL ARRANGEMENTS

12.1 All funds received by the Trust Board must be paid into its bank account.

12.2 All cheques or withdrawals made from the bank account must be signed by the authorised cheque signatories of the Trust Board.

12.3 The financial year of the Trust will be from 1 July to 31 June in the following year.

12.4 The Treasurer shall ensure that true and fair accounts are kept of all money received and expended by the Trust Board.

12.5 The Trust Board will, as soon as practicable after the end of the financial year of the Trust, arrange for the accounts of the Trust for that financial year to be audited by an auditor appointed for that purpose.

13 ANNUAL GENERAL MEETING (AGM)

13.1 The Trust Board must convene an AGM of the Members in each calendar year, on a date determined by the Trust Board between the end of the Trust's financial year and the next occurring 30 September.

13.2 The business of the AGM will be:

- (a) To confirm the minutes of the last preceding AGM and of any SGM held since then; and
- (b) To receive from the Trust Board reports upon the transactions of the Trust during the last preceding financial year, together with audited financial statements; and
- (c) To consider the management of the Trust by the Trust Board, and vote in nonbinding resolutions to express the Members' wishes regarding the management of the Trust including the nomination of persons to be members of the Board; and
- (d) To discuss any other matters of general business.

14 SPECIAL GENERAL MEETING (SGM)

14.1 The Trust Board may, whenever the Trustees think fit, convene a SGM.

- 14.2 The Trust Board must convene a SGM on the requisition in writing of 20% of the total number of Members. Any requisition for a SGM must:
- (a) State the objects of the meeting; and
 - (b) Be signed by the Members making the requisition (whether in one document, or in several documents in a like form each signed by one or more of the Members making 'the requisition); and
 - (c) Be sent to the address of the Secretary or the office of the Trust.
- 14.3 If, within one month after the date on which the requisition referred to in Clause 14.2 is sent, the Trustees do not cause a SGM to be held, the Members signing such requisition, or any one of them, may convene a SGM to be held not later than three months after that date.
- 14.4 The business of an SGM will be to consider and vote on the matter or matters referred to in the notice convening the SGM.

15 MEMBER ORDINARY MEETINGS

- 15.1 The Trust Board may provide for meetings of members of the Trust (ordinary meetings) at any time to discuss any matter or matters relating to furthering the objects of the Trust. Such meetings may make recommendations to be forwarded to the Trust Board. Such meetings shall be chaired by the chairman of the Trust Board, or by another trustee appointed by the Board or by such other person as the Board may appoint.

16 INCOME, BENEFIT OR ADVANTAGE TO BE APPLIED TO CHARITABLE PURPOSES

- 16.1 Any income, benefit or advantage must be applied to the Charitable Objects of the Trust.
- 16.2 No Trustee, or associated person of a Trustee, shall derive any income, benefit or advantage from the Trust where they can materially influence the payment of the income, benefit or advantage except where that income, benefit or advantage is derived from:
- (a) Professional services to the Trust rendered in the course of business charged at no greater rate than current market rates; or
 - (b) Interest on money lent to the Trust at no greater rate than current market rates.

17 ALTERATION OF RULES

- 17.1 These rules may be altered, added to, rescinded or otherwise amended by a resolution passed by a two-thirds majority at a general meeting or special general meeting, provided that no such amendment shall:
- (a) Detract from the exclusively charitable nature of the Trust or result in the distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable.
 - (b) Be made to clause 3, clause 8.8 (a), 17.2, or clause 18.2 of this Constitution unless it is first approved in writing by the Department of Inland Revenue.
- 17.2 Proposals to amend these clauses must be circulated, in writing, to members at least one (1) calendar month prior to the general meeting at which they are to be discussed.
- 17.3 The provisions and effect of this clause shall not be removed from these clauses and shall be included and implied into any clauses replacing these clauses.

18 DISTRIBUTION OF SURPLUS ASSETS ON VOLUNTARY WINDING-UP

- 18.1 The Trust Board may be wound-up if:
- (a) If the Trust Board resolve to wind-up the Trust; and
 - (b) The decision of the Trust Board is confirmed by a resolution of the Members at an AGM or SMG
- 18.2 On the winding-up of the Trust all surplus assets after the payment of costs, debts and liabilities shall be given to an IRD approved charitable organisation within New Zealand which has similar objects to those of the Trust and is specified:
- (a) By the Trustees, within 3 months of the date of the resolution referred to in Clause 18.1 (b) (the "Winding-Up Date); or
 - (b) If no organisation is appointed under subclause (a), then by the primary funding agency (or his or her nominee), within 1 year of the Winding-Up Date; or
 - (c) If no organisation is appointed under subclauses (a) or (b), then the surplus assets of the Trust will be disposed of in accordance with the directions of the High Court.

19 INDEMNITY AND LIMITATION OF LIABILITY

19.1 The Trustees (and for the avoidance of doubt each of them) are indemnified out of the Trust Fund against all costs, expenses, claims, and liabilities in respect of the Trust and under this document, except where caused by the dishonesty or negligence of the Trustee.

19.2 The Trustees (and for the avoidance of doubt each of them) will have no liability for losses of any kind to the Trust Fund however they are caused except those which are wholly or mainly caused by the dishonesty or negligence of the Trustee.

20 GIFTS

20.1 The Trust Board shall have the power to receive any monies or other property of any kind which may be donated, gifted or otherwise transferred to the Trust from time to time.

21 MISCELLANEOUS

21.1 Unless the context requires otherwise, the provisions of the Trustee Act 1956 and the Charitable Trusts Act 1957 apply to the Trust.

22 DISPUTES RESOLUTION

22.1 Any dispute arising out of or relating to this Constitution shall, in the first instance be resolved by the parties to the dispute personally.

22.2 Failing resolution, the dispute shall be referred to mediation. Mediation shall be initiated by either party writing to the other identifying the matter in dispute which is being suggested for mediation. The other party will either agree to proceed with mediation or to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances.

22.3 The parties will agree on a suitable person to act as a mediator or, failing agreement, the Arbitrators and Mediators Institute of New Zealand shall appoint a mediator.

22.4 The mediation shall be in accordance with the Mediation Protocol of the Arbitrators and Mediators Institute of New Zealand Inc.

22.5 The mediation shall be terminated by:

- (a) The signing of a settlement by the parties; or
- (b) Notice to the parties by the mediator, after consultation with the parties to the effect that the further effort at mediation is no longer justified; or
- (c) Notice by one or more of the parties to the mediation to the effect that the further effort at mediation is no longer justified; or

- (d) The expiry of sixty (60) days from the date appointment of the mediator, unless the parties expressly consent to an extension of this period.
- 22.6 If the mediation is terminated under clause 22.5 (a), (b), (c) or (d) any dispute or difference remaining in connection with this Constitution, including any question regarding its existence, validity or termination shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators and Mediators Institute of New Zealand Inc.
- 22.7 The arbitration shall be by one arbitrator to be agreed upon by the parties or, failing agreement within twenty-one (21) days, to be appointed by the President of the Arbitrators and Mediators Institute of New Zealand Inc.
- 22.8 Nothing in this clause shall exclude the jurisdiction of the High Court of New Zealand or the powers given to the Court by the Act.