



Ngāti Paoa Iwi Trust

(Post-Settlement Governance Entity)
General Information





Ngāti Paoa Vote

96.1% of Ngāti Paoa members who voted by Postal Ballot based on the Register used by the Ngāti Paoa Trust Board during the Ratification process held in August – September 2013 approved the Ngāti Paoa Iwi Trust as the Post-Settlement Governance Entity ('PSGE') for Ngāti Paoa.

Structure of the Ngāti Paoa PSGE

The structure of the proposed Ngāti Paoa PSGE is a private trust. This structure has been used in a number of Treaty settlements and is an acceptable structure to the Crown.

The trust will receive, manage and administer the settlement assets and redress on behalf of and for the benefit of the present and future members of Ngāti Paoa in accordance with the Trust Deed.

The trust will be called the Ngāti Paoa Iwi Trust.

Purpose of the Ngāti Paoa Iwi Trust

The Ngāti Paoa Treaty Settlement Trust will be responsible for:

- receiving Treaty settlement redress from the Crown and managing them for the benefit of the members of Ngāti Paoa; and

- fostering, developing and representing the interests of the members of Ngāti Paoa.

Full details of the objects and purposes of the Trust are set out in the Trust Deed.

Fisheries Settlement Assets

Under the Māori Fisheries Act 2004 and the Māori Commercial Aquaculture Claims Settlement Act 2004 fisheries settlements assets of Ngāti Paoa are held and managed by the Pare Hauraki Fishing Trust as part of the collective fisheries assets of the Hauraki Iwi.

The legislation and the Pare Hauraki Fishing Trust Deed allows for Ngāti Paoa to transfer its fisheries settlement assets to its own mandated iwi organisation.

If Ngāti Paoa decides to withdraw its fisheries settlement assets from the Pare Hauraki Fishing Trust in the future, they would be transferred to the Ngāti Paoa Iwi Trust as Ngāti Paoa's Mandated Iwi Organisation (MIO).





Trustees of the Ngāti Paoa Iwi Trust

There will be a minimum of 5 and a maximum of 7 trustees for the Ngāti Paoa Iwi Trust. The trustees will be responsible for the overall governance of the Trust. They will act on behalf of all Ngāti Paoa in managing the settlement redress received by Ngāti Paoa through robust decision-making.

Initial Trustees

Pending election and appointment of the Establishment Trustees in accordance with the Second Schedule of the Ngāti Paoa Iwi Trust Deed, the initial two Trustees shall be:

-  Gary Thompson
-  Bryce Heron ('Independent Trustee')

The 2 initial trustees will hold office for an interim until the Ngāti Paoa historical claims are comprehensively settled and an election date for the establishment trustees has been set. All powers, functions and duties of the current Ngāti Paoa Trust will inevitably transfer to the Ngāti Paoa Iwi Trust

Retirement of the Initial Trustees and the election of Establishment Trustees shall occur as at the date of the annual general meeting of the Trust in the first Income Year following Settlement Date. Both of the initial Trustees shall retire and an election shall be held for seven (7) Establishment Trustee positions.

The current mandated negotiators, Hauāuru Eugene Rawiri and Morehu Anthony Wilson, will continue to be the mandated negotiators for Ngāti Paoa to provide continuity and direction during the Asset Transfer process and Post-settlement Development phase.

Nominations for Trustee positions

To be elected as a Trustee a nominee must, as at the closing date for nominations, be recorded in the Ngāti Paoa Register as an Adult Registered Member of Ngāti Paoa and be eligible in accordance with *rule 6.7* of the second schedule Ngāti Paoa Iwi Trust Deed.

Only Registered adult members (aged 18 years and over) of Ngāti Paoa will be able to nominate people for election as a Trustee.

The candidates in each election who receive the highest number of valid votes for the relevant vacancies will be elected as Trustees. Trustees must represent the interests of all Members of Ngāti Paoa irrespective of whanau affiliations. If there is an equal number of votes for the last available position, then the successful candidate will be decided by the drawing of lots.

Trustee Competencies Policy will be developed and approved by the Iwi. All candidates must comply with these competencies



Election of Trustees

Only registered adult members of Ngāti Paoa will be entitled to elect the trustees.

Elections will be held as required when the term of a trustee ends or a vacancy arises. The term of office for the trustees will be three years. Trustees will be eligible for re-election.

The Trust will provide at least 28 days' notice of an election of trustees and how votes may be made. Notice will be given by post or email, by newspaper, through the Trust's website.

Subsidiary bodies

The Ngāti Paoa Iwi Trust will have authority to establish subsidiary bodies, such as a commercial company and charitable trust, to assist with the management of Ngāti Paoa assets.

Accountability to the members of Ngāti Paoa

The Ngāti Paoa Iwi Trust will be accountable to Ngāti Paoa.

The Trust will prepare an Annual Plan each year covering, among other

- 🌀 things: the annual objectives of the Trust;
- 🌀 the nature and scope of activities proposed by the Trust;
- 🌀 the ratio of capital to total assets;
- 🌀 the performance targets and measurements by which the performance of the Trust may be judged;
- 🌀 the proposed manner for dealing with projected
- 🌀 income; and any proposals for ongoing management of the Trust's assets.

The Trust will also prepare a Five Year Strategic Plan, to be updated at least every two years, setting out the longer term vision of the Trust.

The Trust will be required to hold an annual general meeting (AGM) for the members of Ngāti Paoa. At each AGM the Trust will be required, among other things, to:

- 🌀 report on the operation of the Trust (and any subsidiaries) during the
- 🌀 previous year; present the Annual Report and audited Consolidated Financial
- 🌀 Statements; and present the proposed Annual Plan.

Notice of an AGM will be given to all registered adult members at least 28 days in advance of the meeting by post or email.



At an AGM registered adult members of Ngāti Paoa will be entitled to vote on resolutions to approve the remuneration of the trustees and appointment of the auditor for the Trust.

Registered adult members of Ngāti Paoa will also be entitled to vote on any special resolutions. A special resolution will be required to approve:

- 🌀 a major transaction;
- 🌀 any amendment to the Trust Deed to a provision which is required under the Maori Fisheries Act 2004; and
- 🌀 the disposal of fisheries settlement assets should these be managed by the Trust in the future.
- 🌀 A “major transaction” is a transaction involving more than 50% of the value of the Trust’s assets.
- 🌀 Special resolutions must be approved by at least 75% of the registered adult members of Ngāti Paoa who cast a valid vote in relation to that special resolution.
- 🌀 Special general meetings may also be convened in addition to the AGM in accordance with the provisions of the Trust Deed. One reason for holding a special general meeting will be the consideration of a special resolution.

Attached below - Ministerial approval of the Iwi Trust as the PSGE signed by both Hon. Chris Finlayson and Hon. Dr Peter Sharples



Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage

25 SEP 2013

Morehu Wilson and Hauauru Rawiri
Ngāti Pāoa Iwi Negotiators
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AUCKLAND 2244

By email: hauauru.rawiri@gmail.com, morehuw@gmail.com

Tēnā kōrua

We have considered the ratification process and results of the Pouārua on-account settlement and the Pouārua Dairy Complex Limited Partnership PSGE. We are pleased to inform you that we consider the results demonstrate sufficient support from the Ngāti Pāoa claimant community, as well as the claimant communities of the other Pare Hauraki (Pouārua) iwi, for iwi to establish the Pouārua Dairy Complex Limited Partnership PSGE and to proceed to the next stage of the on-account settlement.

We have also considered the ratification results for the Ngāti Pāoa post-settlement governance entity, the Ngāti Pāoa Iwi Trust. We are pleased to inform you that we consider these results also demonstrate sufficient support from the Ngāti Pāoa claimant community.

We wish to congratulate you on reaching this significant milestone and wish you well with the remainder of your settlement negotiations.

Nā māua

Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

Hon Dr Pita R Sharples
Minister of Māori Affairs

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand. Telephone 64 4 817 6808 Facsimile 64 4 817 6508

Attached below – Official Election Results confirming Ngāti Paoa Iwi Trust as the PSGE



FINAL RESULT

The Pouarua Farm On-Account Settlement & PSGE Proposal 2013 Ratification

Ngāti Paoa

I hereby declare the following result for the ratification poll held by Internet, hui and postal vote between Thursday 15th August and Friday 13th September 2013.

Resolution 1: I, as a member of Ngāti Paoa, support the Pouarua Farm On-Account Settlement.

The majority (being 93.47%) of valid votes cast on the first resolution voted YES/ĀE.

I therefore declare that the settlement proposal resolution is ACCEPTED.

Resolution 2: I, as a member of Ngāti Paoa, agree that the Pouarua Farm Limited Partnership will be the post settlement governance entity for the Pouarua Farm On-Account Settlement.

The majority (being 91.18%) of valid votes cast on the second resolution voted YES/ĀE.

I therefore declare that the Pouarua Farm On-Account Settlement PSGE resolution is ACCEPTED.

Resolution 3: I, as a member of Ngāti Paoa, agree that the Ngāti Paoa Iwi Trust will be the Post Settlement Governance Entity and the recipient of Ngāti Paoa Treaty settlement redress.

The majority (being 96.19%) of valid votes cast on the third resolution voted YES/ĀE.

I therefore declare that the Ngāti Paoa PSGE resolution is ACCEPTED.

The voter return was 22.30%, being 213 votes cast from 955 eligible voters, of which 32.39% voted on the Internet and 67.61% voted by post or at hui.

Dated at Christchurch this 18th day of September 2013.

Warwick Lammie
Returning Officer – The Pouarua Farm On-Account Settlement & PSGE Proposal 2013 Ratification
0508 666 104
elections@electionz.com

