

Ngāti Paoa

Post-Settlement Governance Entity
2013 Ratification - Information Booklet





*Kia whakaahu atu te tauihu ki te pae o Matariki,
me whakamau tonu ki ngā mātāpono arā,
te tika, te pono me te aroha*



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Introduction

Ngāti Paoa needs to establish a legal entity that will:

- represent the Iwi after our historical Treaty claims have been settled and hold,
- and receive and manage the settlement redress transferred by the Crown.

This entity is commonly referred to as a post-settlement governance entity (“PSGE”).

The Crown and Ngāti Paoa have not yet reached agreement on the settlement of our historical claims. However, the mandated negotiators for Ngāti Paoa have chosen to progress the establishment of a PSGE at this time so that Ngāti Paoa is well positioned to participate in the shared redress that will be delivered through the

- Hauraki Collective Deed of Settlement (including on-account payment for Pouārua farm)
- Marutūāhu Collective Deed of Settlement
- Tāmaki Makaurau Collective Deed of Settlement.

It will also mean we are set up to receive redress delivered through other settlements we participate in.

Registered adult members (aged 18 years and over) of Ngāti Paoa are therefore being asked to vote on the following resolution below, which is set out on your voting paper. The resolutions are as follows;

Resolution 1

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

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.

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.

A copy of the Trust Deed for the Ngāti Paoa PSGE is available on the Ngāti Paoa website (www.ngatipaoa.co.nz). Hard copies are also available from the Te Puni Kōkiri Auckland and Hamilton regional offices and at the Hauraki Collective office. The address details for these offices are:

Te Puni Kōkiri Auckland: 12-14 Walls Road, Penrose,
Auckland
Te Puni Kōkiri Hamilton: 19 Worley Place,
Hamilton

Hauraki Collective: 111 Queen Street, Thames (former Railway Station)

If the proposed PSGE is supported by the members of Ngāti Paoa, it will be established by the time the Marutūāhu and Hauraki Deed of Settlement comes into effect if not before.



Development of the proposed Ngāti Paoa PSGE

The Ngāti Paoa mandated negotiators have undertaken extensive work and sought expert advice to develop a proposal for the establishment of a suitable governance arrangement to receive and manage settlement redress on behalf of Ngāti Paoa.

Hui to discuss and develop the post settlement governance entity (PSGE) based on the Crown template provided, will be held with Ngāti Paoa members on the following dates:

- 🌀 Saturday, 17 August 2013 at Waiti marae, Ohinewai at 10am
- 🌀 Thursday, 22 August 2013 at Ruapotaka marae, Glenn Innes Auckland at 7pm
- 🌀 Saturday, 24 August 2013 at Wharekawa marae, Kaiaua at 10am

In order for the proposed PSGE to be established it must have sufficient support from Ngāti Paoa. We encourage you to make your vote count.

Structure of the proposed 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.

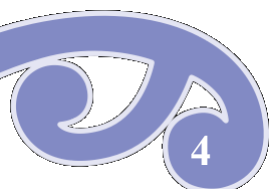
Full details of the objects and purposes of the Trust are set out in the Trust Deed.

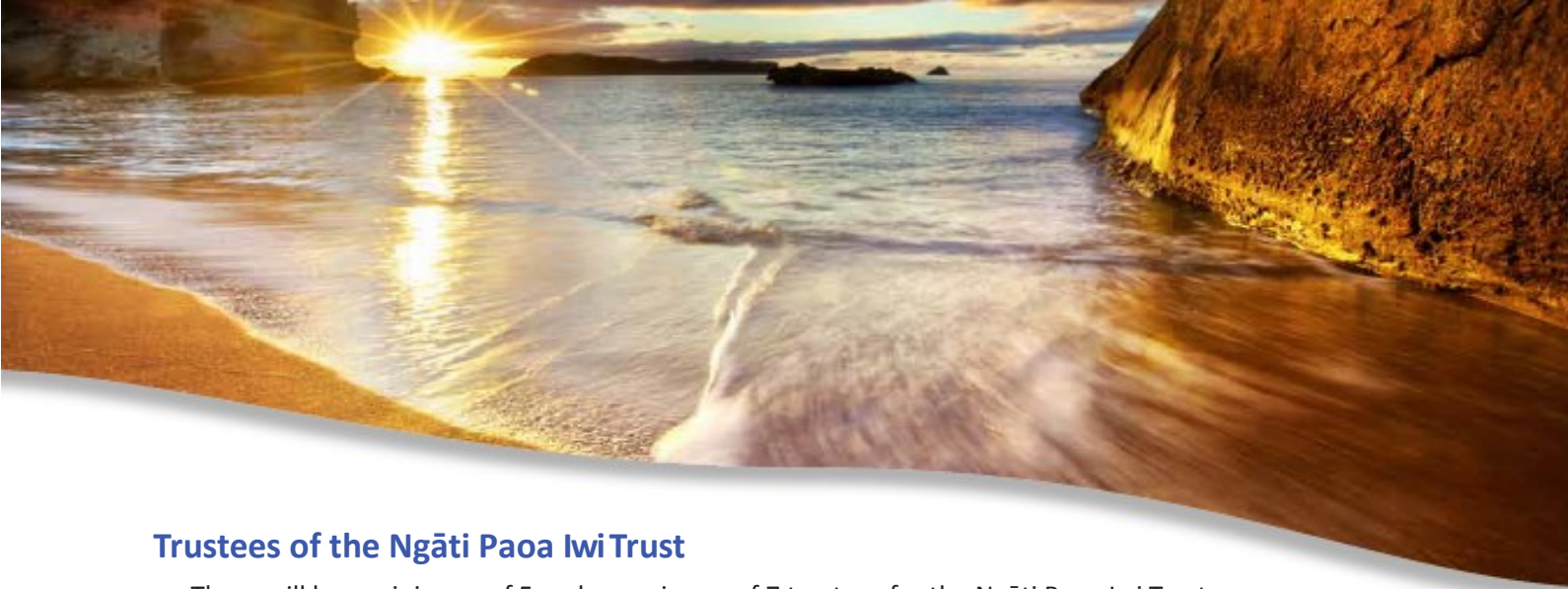
Fisheries Settlement Assets

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 Herron

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 transfer to the Ngāti Paoa Iwi Trust upon its ratification.

An election for all trustee positions will be held on the date of the third annual general meeting following the settlement of our historical claims.

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.



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.

Further information

To help you make an informed decision about the proposed PSGE, a Ngāti Paoa specific information hui will take place following each of the six Marutūāhu collective information hui. Your mandated negotiators strongly urge you to take the opportunity to attend one of these hui. The following table sets out the Ngāti Paoa hui details:

Date	Time	Venue
Saturday 17 August 2013	10am	Waiti marae, Ohinewai.
Thursday 22 August 2013	7pm	Ruapotaka marae, Glenn Innes, Auckland
Saturday 24 August 2013	10am	Wharekawa marae, Kaiāua
Monday 26 August 2013	8pm	Thames
Tuesday 27 August 2013	8pm	Paeroa
Wednesday 28 August 2013	8pm	Hamilton
Thursday 29 August 2013	8pm	Auckland



Voting Process

The voting period will run for six weeks, from Monday 5 August 2013 to 12 noon on Friday August 2013. All adult members (aged 18 years and over) of Ngāti Paoa are eligible to vote and are encouraged to do so.

Eligible voters will have three ways to vote:

- 🌀 E- Voting on www.ngatipaoa.co.nz
- 🌀 Postal Voting; and
- 🌀 Ballot Box Voting submitted in person at the information hui noted above.

Registration

If you are not yet registered with Ngāti Paoa, you can still vote. Contact the Returning Officer on free phone 0508 666 104 or elections@electionz.com for a special voting pack (including registration form). Alternatively, a special voting pack can be obtained at the information hui. Special votes, which are otherwise valid, will be counted subject to confirmation of registration.



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For assistance phone the
Election Helpline

0508 666 104