




Ngāti Paoa Deed of Settlement of Historical Claims

# RATIFICATION INFORMATION BOOKLET

JANUARY 2020





Paoa ki uta, Paoa ki tai, Paoa ki tua o te pae o Matariki  
Tuia ki te rangi, Tuia ki te papa  
Tuia te ira atua, te ira tangata  
Ka rongo te po, Ka rongo te ao  
Paoa ki uta, Paoa ki tai  
Kia pono, kia tika, kia aroha  
Kia tau iho mai nga manaakitanga ki runga i a tatou  
Haumie, hui e, taiki e!

Paoa by land, Paoa by sea, Paoa beyond the horizon of Pleiades  
Bind the sky, bind the earth  
Bind the heavenly essence, bind the human essence  
The night senses, the light senses,  
Paoa of the land, Paoa of the sea  
Be true, show integrity and compassion,  
Let blessings descend upon us  
Bound, together, as one.



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# TAHI

## Message from Ngāti Paoa Iwi Trust

28 January 2020

Ngāti Paoa iwi members

### Ratification of Ngāti Paoa Treaty Settlement

Ngāti Paoa have been negotiating with the Crown since 2009 for the full and final settlement of the historical Treaty of Waitangi claims of the iwi.

In December 2012 the Ngā Mana Whenua O Tāmaki Makaurau Collective Redress Deed was signed on behalf of the iwi. In February 2019 Ngāti Paoa signed the Pare Hauraki Collective Redress Deed. Ngāti Paoa are yet to initial, ratify or sign the Marutūāhu Iwi Collective Redress Deed.

Negotiations have recently concluded on Ngāti Paoa's iwi-specific Treaty settlement and the Crown has made a final offer to Ngāti Paoa. Iwi members are now invited to attend ratification information hui and vote on whether to accept the offer.

Separately but covered in this booklet, the Ngāti Paoa Iwi Trust also seeks support from Iwi members that it be:

- The sole mandated entity for Ngāti Paoa for all current and future Treaty settlements with the Crown; and
- The sole mandated entity for Ngāti Paoa for all local government and resource management matters.

Voter packs like this one have been mailed out to all Ngāti Paoa iwi and hapū members who are 18 years or older and who have registered to vote previously.

If a member of your whanau has not received a voter pack in the mail, please contact the Independent Returning Officer by calling toll-free 0800 666 030 or by emailing [iro@electionz.com](mailto:iro@electionz.com). You will be sent a registration form and voter pack. Alternatively, you can register and cast a vote at upcoming ratification information hui, which will be held at the following times and locations:

TIMES AND DATES	INFORMATION HUI LOCATIONS
2PM - Saturday 22 February	Wharekawa Marae, Corner Rata Road and East Coast Road, Kaiaua
7PM - Wednesday 26 February	Novotel Tainui, 7 Alma Street, Hamilton
7PM - Thursday 27 February	Manukau Civic Centre, 33 Manukau Station Road, Manukau
2PM - Saturday 29 February	Waiti Marae, Waiti Road, Tahuna, Waikato

We encourage you and your whanau to read this information booklet, attend ratification information hui and have a say by voting.

Voting is now open until 5pm, Monday 9 March 2020.



# RUA

## Overview

Ngāti Paoa have been in collective Treaty settlement negotiations with the Crown as a member iwi of the Marutūāhu<sup>1</sup>, Tāmaki<sup>2</sup> and Hauraki<sup>3</sup> collectives. Ngāti Paoa have also been negotiating an iwi-specific deed of settlement which, together with the collective redress, will result in the full and final settlement of the historical Treaty of Waitangi claims of Ngāti Paoa. This ratification process is only for the Iwi-specific Treaty settlement redress offer to Ngāti Paoa.

The Ngāti Paoa mandated negotiators with support from the Ngāti Paoa Iwi Trust have conducted Treaty settlement negotiations on behalf of Ngāti Paoa.

The Ngāti Paoa Trust Board was initially recognised by the Crown in 2011 as the mandated entity during negotiations and it initially supported the mandated negotiators. However, from 2014 up until 2017, the Ngāti Paoa Trust Board lapsed into legal abeyance.

In 2013 the Ngāti Paoa Iwi Trust was established as the post-settlement governance entity (PSGE) to receive, administer and manage Ngāti Paoa's iwi-specific Treaty settlement redress. From this time right through to the initialling of the Ngāti Paoa Deed of settlement, the Ngāti Paoa Iwi Trust took over the role of supporting the mandated negotiators and was also directly involved in the Pt England redress negotiations.

Ngāti Paoa has taken the following steps toward reaching a full and final Treaty settlement:

12 February 2010	Signed the Tāmaki Makaurau Framework Agreement
1 October 2010	Signed the Pare Hauraki Framework Agreement
22 July 2011	Signed the Ngāti Paoa Agreement in Principle Equivalent
5 November 2011	Signed the Tāmaki Makaurau Record of Agreement
7 June 2012	Initialled the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed
8 September 2012	Signed the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed
17 May 2013	Signed the Marutūāhu Iwi Record of Agreement
30 June 2013	Signed the Pouarua Farm On-Account Deed of Settlement
25 September 2013	Ratified and established the Ngāti Paoa Iwi Trust as the post-settlement governance entity for Ngāti Paoa
4 August 2014	Signed Deed Recording On-Account Arrangements in relation to the Ngāti Paoa Deed of Settlement
5 August 2015	Signed a letter recording an on-account opportunity to purchase 17 Landbank properties
13 October 2016	Signed a letter recording the Point England Housing Development Opportunity
22 December 2016	Initialled the Pare Hauraki Collective Redress Deed
18 August 2017	Initialled the Ngāti Paoa Deed of Settlement
15 February 2019	Signed the Pare Hauraki Collective Redress Deed.
7 May 2019	Received the alternative offer to replace the Point England Housing Development Opportunity
17 December 2019	Received the revised alternative offer to replace the Point England Housing Development Opportunity

More Information on Ngāti Paoa's collective and iwi-specific negotiations can be found at:

Tāmaki Collective	<a href="https://www.govt.nz/treaty-settlement-documents/tamaki-makaurau/">https://www.govt.nz/treaty-settlement-documents/tamaki-makaurau/</a>
Hauraki Collective	<a href="https://www.govt.nz/treaty-settlement-documents/hauraki/">https://www.govt.nz/treaty-settlement-documents/hauraki/</a>
Marutūāhu Collective	<a href="https://www.govt.nz/treaty-settlement-documents/marutuahu/">https://www.govt.nz/treaty-settlement-documents/marutuahu/</a>
Ngāti Paoa Iwi-specific	<a href="https://www.govt.nz/treaty-settlement-documents/ngati-paoa/">https://www.govt.nz/treaty-settlement-documents/ngati-paoa/</a>

<sup>1</sup> Marutūāhu Collective: Ngāti Paoa along with Ngāti Maru, Ngāti Tamaterā, Ngaati Whanaunga, and Te Patukirikiri.

<sup>2</sup> Tāmaki Collective: Ngāti Paoa along with Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Tamaoho, Ngāti Tamaterā, Ngāti Te Ata, Ngaati Whanaunga, Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei, Te Ākitai Waiohua, Te Kawerau ā Maki, Te Rūnanga o Ngāti Whātua, and Te Patukirikiri.

<sup>3</sup> Hauraki Collective: Ngāti Paoa along with Hako, Ngāi Tai ki Tāmaki, Ngāti Hei, Ngāti Maru, Ngāti Porou ki Hauraki, Ngāti Pūkenga, Ngāti Rāhiri Tumutumu, Ngāti Tamaterā, Ngāti Tara Tokanui, Ngaati Whanaunga, and Te Patukirikiri.

# TORU

# Crown Offer

## Crown offer of iwi-specific redress to Ngāti Paoa

Crown offers to settle historical Treaty of Waitangi claims are made to iwi in the form of an iwi-specific deed of settlement.

Deeds of settlement contain:

- agreed historical account, Crown acknowledgments and apology
- financial (cash) and commercial redress, and
- cultural redress

### Initialled Ngāti Paoa Treaty settlement

On 18 August 2017 the Crown, the Mandated Negotiators, and the Ngāti Paoa Iwi Trust initialled the Ngāti Paoa Deed of Settlement (the initialled Deed). The initialling of the Deed signalled that the Crown's Treaty settlement offer to Ngāti Paoa was ready for iwi members to consider during a ratification process.

The initialled Deed includes an agreed historical account, Crown acknowledgments, the Crown apology, \$23.5 million in financial redress, the transfer of 10 cultural sites, \$1 million for cultural revitalisation and a wide range of other commercial, cultural and relationship redress for Ngāti Paoa. The initialled Deed can be viewed in full at <https://www.govt.nz/treaty-settlement-documents/Ngāti-paoa/>. A complete summary of the redress in the initialled Deed is attached at **Appendix 1**.

### Waiheke Station Farm asset consolidation

The Waiheke Station Farm (the Farm) is held by the Waiheke Station Trust on behalf of the descendants of Paoa. It was returned to Ngāti Paoa in 1989 following a Waitangi Tribunal inquiry in 1987 and has Māori freehold land status.

The Waiheke Station Trust was established as an interim trust to hold the Farm because Ngāti Paoa did not have a suitable representative entity at the time. It has always been envisaged the interim trust arrangements would be reviewed at an appropriate time. Now that Ngāti Paoa has an established post-settlement governance entity, there is an opportunity for us to look at the interim trust arrangements.

The initialled Deed contains an asset consolidation proposal to transfer the Farm from the Waiheke Station Trust to the Ngāti Paoa Iwi Trust as the post-settlement governance entity for Ngāti Paoa. Ngāti Paoa iwi members are being asked for their say on this proposal through this ratification process. If Ngāti Paoa iwi members support the proposal, the interim trust will be wound up. Part of this proposal was for a special jurisdiction to be created for the Māori Land Court to consider a change to the land status of the Waiheke Station Farm (clause 9.13 of the

initialled Deed). However, at the direct request of the Ngāti Paoa Iwi Trust, this part of the proposal is NO longer being progressed and will be removed from the initialled Deed before signing. This is on the basis that the Ngāti Paoa Iwi Trust feels it is appropriate that the Waiheke Station Farm land remain in Maori title. A summary of the Waiheke Station Farm asset consolidation proposal is attached at **Appendix 2**.

### Point England alternative offer

The initialled Deed includes redress at Point England, specifically a commercial redress offer that provides Ngāti Paoa the first opportunity to purchase 11.69 hectares (ha) of former reserve land at the Reserve for the development of housing, transfer of 2ha for a marae as cultural redress, and a statutory acknowledgement (a type of cultural redress) for the Reserve.

In December 2017, the new Government asked if we would consider alternative redress to the housing development opportunity at Point England.

Ngāti Paoa agreed in principal and over the next two years, Ngāti Paoa Iwi Trust's commercial arm, Ngāti Paoa Group Investments undertook significant work with Crown officials to consider a range of alternatives. This has resulted in the Crown agreeing to make the following alternative offer to Ngāti Paoa to replace the existing commercial redress offer at Point England Reserve (the Reserve).

The Crown's alternative offer to Ngāti Paoa at Point England Reserve is of cultural redress, which will be gifted to Ngāti Paoa at 'no' cost. This offer includes the transfer of 2ha for papakāinga housing, the vesting of the balance of the Reserve (40.61ha) in Ngāti Paoa, and joint input with Auckland Council into the Reserve's management. This redress compliments the 2ha the Crown has offered Ngāti Paoa at the Reserve for the development of a marae.

Significantly, as part of the alternative offer, the Crown has also agreed to provide Ngāti Paoa with a commercial opportunity to purchase up to three school sites (land only) in Tāmaki Makaurau (from the list of potential deferred selection purchase properties in the Marutūāhu Iwi Collective Redress Deed) as sale and leaseback redress (subject to a selection value cap of \$41 million at the 2018 book values of the school sites and other criteria).

If Ngāti Paoa iwi members vote in favour of the alternative offer, the initialled Deed will be updated to include the alternative offer before it is signed.

In addition, an overlapping claims process in relation to the revised Pt England offer must be completed and resolved to the Crown's satisfaction.

Full detail of the alternative offer is attached at **Appendix 3**.

# Ngāti Paoa historical Treaty of Waitangi claims to be settled

If Ngāti Paoa iwi members vote to ratify the Ngāti Paoa Deed of Settlement, it will be the final settlement of all historical Treaty claims of Ngāti Paoa resulting from acts or omissions by the Crown prior to 21 September 1992. The Ngāti Paoa Deed of Settlement will settle the following claims in full:

The Ngāti Paoa Deed of Settlement will settle the following claims in full:

Wai 10	Waiheke Island claim
Wai 72	Ngāti Paoa Lands and Fisheries claim
Wai 321	Treaty of Waitangi Fisheries Commission claim
Wai 365	Matakana Island (No.3) claim
Wai 369	Waiheke Island Land claim
Wai 392	Te Rūnanga o Ngāti Paoa claim
Wai 563	Kaiaua School Lands claim
Wai 810	Waiheke Island Domain and Te Huruhi Lands claim
Wai 826	Te Kawakawa Block (Clevedon) claim
Wai 1492	Tikirahi Marae Trust claim
Wai 1702 <sup>4</sup>	Ngāti Paoa and Te Urikaraka (Andrews) claim

The Ngāti Paoa Deed of Settlement will settle the following claims, insofar as they relate to Ngāti Paoa:

Wai 96	East Wairoa Raupatu claim
Wai 100	Hauraki Maori Trust Board claim
Wai 345	Fairburn Block claim
Wai 364	Tamaki Hauraki (Tooke) claim
Wai 373	Maramarua State Forest claim
Wai 374	Auckland Central Railways Land claim
Wai 394	Central Auckland Railway Lands claim
Wai 454	Marutūāhu Tribal Region claim
Wai 475	Whangapoua Forest claim
Wai 496	Tamaki Girls College and Other Lands within Tamaki Makaurau claim
Wai 650	Athenree Forest and Surrounding Lands claim
Wai 693	Matamataharakeke Blocks claim
Wai 704	Whangamata 4D4B2A block and other blocks claim
Wai 720	Mahurangi Omaha (Hauraki Gulf) claim
Wai 808	Hoe O Tainui Ki Mahurangi Land claim
Wai 811	Coromandel Township and Other Lands (Te Patukirikiri) claim
Wai 812	Marutuahu Land and Taonga claim
Wai 887	Ngawaka Tautari Lands (Auckland Kaipara) claim
Wai 968	Korohere Ngapo Harataunga Lands claim
Wai 1530	Descendants of Hurikino Heteraka and Mihi Herewini claim
Wai 1696	Tararu Land (Nicholls) claim
Wai 1807	Descendants of Tipa claim
Wai 1825	Descendants of Heteraka Takapuna claim
Wai 1891	Ngaromaki Block Trust Mining claim
Wai 1897	Boyd Turongo Dixon claim
Wai 2039	Ngāti Amaru and Ngāti Pou Lands claim
Wai 2169	Descendants of Heteraka Takapuna claim
Wai 2298	WT Nicholls Estate Lands and Resources (Tukerangi) claim

<sup>4</sup> Wai 1702 is included in the initialled Deed of Settlement as a claim to be settled in part. This was in error, as the claim should be listed as a claim to be settled in full. The Deed will be updated before it is signed to reflect this change. A duplicate of Wai 1702, Wai 1889, will also be removed from the Deed before signing.

# Mandated Entity for Treaty of Waitangi Settlements

On the 28<sup>th</sup> of December 2019, the Ngāti Paoa Iwi Trust publicly notified the Iwi of Ngāti Paoa that it was undertaking a formal mandating process to seek mandate for all current and future Treaty Settlement negotiations with the Crown effectively replacing the mandate held by the Ngāti Paoa Trust Board and the sole remaining mandated negotiator. On the same day, its draft Mandate Strategy 2019 and Ngāti Paoa Deed of Mandate 2019” (discussed further below) were published on its website for consultation. The Iwi was also formally invited to make submissions directly to Te Arawhiti in respect of both documents by 31 January 2020.

The Ngāti Paoa Iwi Trust now seeks your support for the resolution that it be the mandated entity to complete all current and future Treaty Settlement negotiations with the Crown for the following key reasons.

1. The Ngāti Paoa Iwi Trust is the single responsible representative body, that is the Iwi and Crown-approved post settlement governance entity who will hold and manage all of Ngāti Paoa’s settlement assets in the future.
2. As noted in this booklet, the negotiations for all of the current Treaty settlements have all but been concluded with the Crown. All that now remains are negotiation matters that relate to post settlement governance structures and redress allocation in respect of the Marutūāhau Iwi Collective Settlement and the Pāre Hauraki Collective Settlement. The Ngāti Paoa Iwi Trust as mandated PSGE has the beneficial interest in these matters for Ngāti Paoa.
3. The Treaty of Waitangi Harbour Claims for the Waitematā and Tikapa Moana are still in their early stages and could take some years to progress.

Now that settlement negotiations with the Crown are for the most part concluded, and the focus turns to post settlement development as an Iwi, it is now appropriate for Ngāti Paoa to consolidate the mandate for all current and future Treaty settlement matters under the Ngāti Paoa Iwi Trust as the mandated post settlement governance entity.

## Deed of Mandate 2019

The terms of the mandate for the Ngāti Paoa Iwi Trust being the mandated entity are contained in the document entitled “Ngāti Paoa Deed of Mandate 2019”.

It is important to note that if you vote for the Ngāti Paoa Iwi Trust being the mandated entity then it will do so in accordance with the terms contained in this mandate document.

A copy of this mandate document together with the Mandate strategy 2019 will be available with this booklet and is also available on the Ngāti Paoa Iwi Trust Website at <https://www.ngatipaoaiwi.co.nz/treaty-settlements.html>. It will be discussed at our upcoming information hui.



ONO

# Mandated Entity for Resource Management and Local Government Matters

The Ngāti Paoa Iwi Trust has represented Ngāti Paoa in resource management matters and at local government since its Deed was supported by 96.1% of the Iwi in 2013.

In particular, clause 2.4 of the Ngāti Paoa Iwi Trust's Deed enables the Iwi Trust to actively manage resource management and local government matters on behalf of Ngāti Paoa.

We now seek confirmation that the Iwi of Ngāti Paoa also supports our mandate to manage these matters on behalf of Ngāti Paoa.

WHITU

## Eligibility to vote

Voting is now open to all individuals who whakapapa to Ngāti Paoa iwi and hapū (by birth or whāngai).

To be eligible to vote, you must be 18 years or older, and whakapapa to Ngāti Paoa, or any one of the following:

Ngāti Paoa O Wharekaho	Ati Taheke	Ngāti Horowhenua	Matekiwaho
Ngai Tauaiwi	Ngāti Hui	Ngāti Hura	Ngāti Huruhuru
Ngāti Kaiwhakapae	Ngāti Kapu	Ngāti Kauahi	Ngāti Koura
Ngāti Kupenga	Ngāti Mahia	Ngāti Manawa	Ngāti Manu Aute
Ngāti Ngamuri	Ngāti Omakau	Ngāti Parengaherehere/ Pare	Ngāti Paretipa
Ngāti Piri	Ngāti Pokai	Ngāti Putoa	Ngāti Raukura
Ngāti Rauhea/Rauwhea	Ngāti Rerekau	Ngāti Ringatahi	Ngāti Rurangi
Ngāti Te Aho	Ngāti Te Awa	Ngāti Te Hiko	Ngāti Te Umu
Ngāti Taharoku	Ngāti Tahuna	Ngāti Tarao	Ngāti Taukiri
Ngāti Taurua	Ngāti Tipa	Ngāti Tuahuru	Ngāti Tuwhanga
Ngāti Waitarata	Ngāti Whata	Te Aho Mate ki Tatahi	Te Hingawaka
Te Huruhuru	Te Iwitanupo	Te Korohura	Te Kupenga
Te Mate Tokorua	Te Rapupo	Te Taharoku	Te Uri Karaka
Te Uri a Haupa	Tahakoko	Upokotoia	Waihinu

The definition of Ngāti Paoa for the purpose of Treaty settlements is set out in the initialled Deed at clause 10.5, which can be viewed at <https://www.govt.nz/dmsdocument/7133-ngati-paoa-deed-of-settlement-18-august-2017>.

It is also a requirement for the beneficiary definition of the post-settlement governance entity for Ngāti Paoa, the Ngāti Paoa Iwi Trust, to match exactly the definition in the Deed.

If your whanau or someone you know whakapapa to Ngāti Paoa and have not received a voter pack like this one in the mail, please contact the Independent Returning Officer by calling toll-free election helpline number 0800 666 030 or by emailing [iro@electionz.com](mailto:iro@electionz.com). You will be sent a registration form and voter pack. Alternatively, you can register and cast a vote at upcoming ratification information hui.

WARU

# Voting process

Voting is now open and will close at 5pm on Monday 9 March 2020.

Voter packs like this one have been mailed out to iwi and hapū members who have registered to vote previously. This pack includes your voting form.

Members of Ngāti Paoa have 3 ways to vote:

- E-vote (via [www.ngatipaoaiwi.co.nz](http://www.ngatipaoaiwi.co.nz));
- Post (using the free-post envelope in your voter pack); or
- Ballot box (available at all ratification information hui).

## Special votes: What to do if you did not receive a voter pack

You must complete a special voting form if you enrol during the voting period or at ratification information hui. You will also need to fill out a special voting form if you turn 18 during the voting period.

If your whanau or someone you know whakapapa to Ngāti Paoa and have not received a voter pack like this one in the mail, please contact the Independent Returning Officer by calling toll-free election helpline number 0800 666 030 or by emailing [iro@electionz.com](mailto:iro@electionz.com) to get a special voting pack sent out. The special voting pack will include a registration form, information booklet and voting paper.

Alternatively, you can register and cast a special vote at upcoming ratification information hui.





IWA

# Resolutions for Ngāti Paoa to vote on

The following resolutions will be voted on by members of Ngāti Paoa:

- |   |  |
|---|--|
| 1 | I support the Ngāti Paoa Deed of Settlement.   |
| 2 | I support the Ngāti Paoa Iwi Trust being the sole mandated entity for Ngāti Paoa in relation to all Treaty of Waitangi settlement negotiations with the Crown, including completing all existing negotiations. |
| 3 | I support the Ngāti Paoa Iwi Trust being the sole mandated entity to represent the Iwi of Ngāti Paoa for all local government and resource management matters.   |

*If you answered “yes” to question 1, please vote on the following resolutions 4 and 5 below.*

- |   |   |
|---|---|
| 4 | <p>I support replacing the statutory acknowledgement and housing development opportunity at Point England Reserve (proposed in the Ngāti Paoa Deed of Settlement at clauses 5.25.1(g) and 6.9), with an alternative offer of:</p> <ul style="list-style-type: none"><li>a) vesting 2 hectares at Point England Reserve in the post-settlement governance entity as cultural redress for papakāinga housing;</li><li>b) vesting 40.61 hectares at Point England Reserve in the post-settlement governance entity as cultural redress with the status of recreation reserve;</li><li>c) an opportunity to purchase up to three specified school sites in Tāmaki Makaurau as sale and leaseback redress (subject to a selection value cap of \$41 million at the 2018 book values of the school sites and other specified criteria).</li></ul> |
| 5 | I support the winding up of the Waiheke Station Trust and the transfer of its assets and liabilities to the Ngāti Paoa Iwi Trust (as the post-settlement governance entity).  |

These resolutions are on your voting paper, which is included along with this information book as part of your voter pack.



# Ratification information hui

Ratification information hui are being held during the voting period to provide Ngāti Paoa with information (in addition to the documentation provided in the voter packs and websites) to enable informed decisions when voting on the Ngāti Paoa Deed of Settlement.

Independent observers from Te Puni Kōkiri will be invited to attend each hui. This will ensure the process is fair and open, and will assist Crown officials when reporting to Ministers about the ratification process and results.

We encourage Ngāti Paoa to attend at least one of the following ratification information hui:

TIMES AND DATES	RATIFICATION INFORMATION HUI LOCATIONS
2PM - Saturday 22 February	Wharekawa Marae, Corner Rata Road and East Coast Road, Kaiaua
7PM - Wednesday 26 February	Novotel Tainui, 7 Alma Street, Hamilton
7PM - Thursday 27 February	Manukau Civic Centre, 33 Manukau Station Road, Manukau
2PM - Saturday 29 February	Waiti Marae, Waiti Road, Tahuna, Waikato





TEKAU MA TAHI

# What happens if Ngāti Paoa vote yes and the Treaty settlement is ratified?

Votes will be counted by an Independent Returning Officer from *electionz.com*, a reputable and independent elections company.

Personal voting details and all votes are strictly confidential. All voting papers will be destroyed 90 days after the close of voting.

The results will be provided to Ngāti Paoa, and then to the Crown. If the Minister for Māori Development and the Minister for Treaty of Waitangi Negotiations consider there is sufficient support for the Ngāti Paoa Deed of Settlement, and that all overlapping interests in respect of the revised Pt England offer have been addressed to the Crown's satisfaction, representatives of Ngāti Paoa and the Crown will sign the Deed.

Settlement legislation to implement the relevant elements of the Ngāti Paoa Deed of Settlement will subsequently be introduced into Parliament. The legislative steps generally take around 12 months to complete and will include a select committee process.

If you want further information, additional voting packs, or wish to register, contact *electionz.com* on the toll-free election helpline number 0800 666 030 or by email at [iro@electionz.com](mailto:iro@electionz.com).



# Post-settlement governance for Ngāti Paoa

In October 2013 Ngāti Paoa established the Ngāti Paoa Iwi Trust as the post-settlement governance entity (PSGE) to receive and manage Ngāti Paoa's Treaty settlement assets. The Ngāti Paoa Iwi Trust deed is available at: <https://www.ngatipaoaiwi.co.nz/governance.html>.

Ngāti Paoa undertook a ratification process for the proposed PSGE in August and September 2013. 96 percent of registered voters who participated in the ratification process approved the Ngāti Paoa Iwi Trust as the PSGE for Ngāti Paoa. The Minister for Māori Development and the Minister for Treaty of Waitangi Negotiations approved the ratification results in September 2013.

## On-account redress already received by the NPIT

The Ngāti Paoa Iwi Trust has already received redress on-account of the settlement, being a \$500,000 payment for the establishment of the PSGE, 14 Landbank properties and shares in the Pouarua Farm Limited Partnership.

## On-Account payment for the establishment of the Ngāti Paoa PSGE

In August 2014, the Ngāti Paoa Iwi Trust received an on-account payment of \$500,000 for the establishment of the PSGE for Ngāti Paoa. More information on this on-account payment can be found at: <https://www.govt.nz/dmsdocument/3385-ngati-paoa-deed-recording-on-account-arrangements-4-aug-2014>.

## 14 Landbank properties

In December 2015, 14 properties held in the Treaty settlements Landbank were transferred to the Ngāti Paoa Iwi Trust. The terms and conditions of the redress offer are recorded in a counter-signed letter dated 5 August 2015, which is available at: <https://www.govt.nz/dmsdocument/6375-ngati-paoa-letter-recording-on-account-opportunity-5-august-2015>. Although the letter refers to 17 Landbank properties, only 14 were transferred to the Ngāti Paoa Iwi Trust on-account. One property was withdrawn from offer as due to overlapping interests. The remaining 2 properties will transfer on settlement date (60 working days after Ngāti Paoa Treaty settlement legislation is enacted).

## Pouarua Dairy Complex

In November 2013, the Crown paid \$15,625,000 to the Pouarua Farm Limited Partnership for the purchase of Ngāti Paoa's share of the Pouarua Dairy Complex<sup>5</sup>. The Ngāti Paoa Iwi Trust holds Ngāti Paoa shares in Pouarua Farm Limited Partnership on behalf of Ngāti Paoa. More information on Ngāti Paoa's share in the Pouarua Dairy Farm can be found here: <https://www.govt.nz/treaty-settlement-documents/hauraki/>.

<sup>5</sup> The Pouarua Dairy Complex is owned by Ngāti Paoa along with Ngāti Tamaterā, Ngāti Maru, Ngāti Tara Tokanui and Te Patukirikiri.



## Ngāti Paoa Iwi Trust Initial Trustees

The Ngāti Paoa Iwi Trust was established with 2 initial trustees, Gary Thompson and Bryce Heron, in October 2013 on the basis that settlement was considered imminent. Unfortunately, by 2018 negotiations were still continuing but the Ngāti Paoa Iwi Trust wanted to ensure there was a full compliment of Trustees. Although, its trust deed did not allow elections to occur before settlement date, it did allow for appointments. Therefore, the Ngāti Paoa Iwi Trust elected to appoint a further five initial trustees, namely;

- David Gray
- Gwen Te Pania Palmer
- James Ratahi
- Jasmin Castle
- Tania Tarawa

The newly appointed initial Trustees above were approved by the Iwi at the Ngāti Paoa Iwi Trust AGM on 10 November 2018.

## Trustee Elections in 2020

Although ratification is currently underway, the final settlement date is unknown and could take a further 12 months as a result of the required legislative process to give effect to the settlement. The Ngāti Paoa Iwi Trust has received a substantial amount of Ngāti Paoa's redress on-account already. As a result, the Ngāti Paoa Iwi Trust has revised its trust deed, in consultation with iwi members, to hold elections for all 7 trustee positions in 2020.

The Ngāti Paoa Iwi Trust deed now requires elections for all 7 Ngāti Paoa Iwi Trust trustee positions to occur at the date of the Ngāti Paoa Iwi Trust annual general meeting (AGM) in 2020. This AGM will occur no later than 1 October 2020. The newly elected Trustees will become the establishment Trustees of the Ngāti Paoa Iwi Trust.

The Ngāti Paoa Iwi Trust must give notice calling for nominations for all 7 Trustee positions at least 3 months before the AGM by post to all adult members registered with Ngāti Paoa Iwi Trust (including by electronic form where available) and by inserting a prominent advertisement on at least two separate days in appropriate major metropolitan newspapers and in any provincial newspapers.

All nominations must be lodged with the Trustees of the Ngāti Paoa Iwi Trust no later than 21 days following the date upon which the notice calling for nominations is first given.

The Ngāti Paoa Iwi Trust has decided to engage *electionz.com* as an appropriate independent third party to run the election process.

## APPENDIX 1

# Summary of redress in the initialled Ngāti Paoa Deed of Settlement between the Crown and Ngāti Paoa

### General background

Ngāti Paoa is an iwi of approximately 3,500 members (according to 2013 Census figures). Whilst the area of interest of Ngāti Paoa is based on the whakatauki of “Mai Matakana ki Matakana”, for Treaty Settlement purposes only the area of interest is confined to the western shores of the Hauraki Gulf and the eastern suburbs and seaboard of Auckland, from Te Aroha to Warkworth (Te Arai Point). It comprises islands in the Tāmaki Strait (including Waiheke and Ponui Islands) and reaches across to the Coromandel Peninsula over Manaia and Kaimarama.

Ngāti Paoa is one of the iwi of Ngā Mana Whenua o Tāmaki Makaurau (the Tāmaki Collective). It is also a member of the Pare Hauraki and the Marutūāhu Iwi collectives. Ngāti Paoa has received collective redress from the Tāmaki Collective Redress Deed and will receive collective redress through the Pare Hauraki Collective Redress Deed. It is also intended Ngāti Paoa will receive redress through the Marutūāhu Iwi Collective Redress Deed (yet to be initialled by Ngāti Paoa).

On 29 June 2011, the Crown recognised the mandate of the Ngāti Paoa Trust Board, to be represented by two negotiators, to negotiate a comprehensive settlement of the historical Te Tiriti o Waitangi / Treaty of Waitangi claims of Ngāti Paoa with the Crown.

The mandated negotiators and the Crown entered into an agreement in principle equivalent on 22 July 2011. The Ngāti Paoa governance entity, the Ngāti Paoa Iwi Trust, was ratified in August and September 2013.

The Ngāti Paoa Trust Board subsequently fell into legal abeyance from 2014 until 2017.

On 18 August 2017, the mandated negotiators and the Ngāti Paoa Iwi Trust on behalf of Ngāti Paoa initialled a deed of settlement (the deed) with the Crown. The deed is subject to ratification by the members of Ngāti Paoa and conditional on the enactment of Treaty settlement legislation. On settlement, the trustees of the Ngāti Paoa Iwi Trust will manage the settlement assets.

The Office for Māori Crown Relations – Te Arawhiti (formerly the Office of Treaty Settlements,) with the support of the Department of Conservation, Land Information New Zealand and other government agencies, represented the Crown in day-to-day negotiations. The Minister for Treaty of Waitangi Negotiations, Hon Andrew Little (and previously

Hon Christopher Finlayson), represented the Crown in high-level negotiations with Ngāti Paoa.

### Summary of the historical background to the claims by Ngāti Paoa

In 1840 a number of rangatira of Ngāti Paoa signed Te Tiriti o Waitangi / the Treaty of Waitangi in Tāmaki and the Coromandel. After Auckland was established as the capital in 1841 Ngāti Paoa supplied the settlement with produce.

In 1841 the Crown purchased 6,000 acres at Kohimarama and 220,000 acres at Mahurangi and Omaha from Ngāti Paoa and other iwi. No reserves were made in these lands. In the 1840s and 1850s the Crown retained approximately 90,000 acres of land in which Ngāti Paoa had interests as surplus from pre-Treaty transactions and pre-emption waiver transactions. This included approximately 78,000 acres in south Tāmaki which had been purchased by a missionary in 1836 and 1837.

In July 1863 the Crown invaded the Waikato when its forces crossed the Mangatāwhiri. Some Ngāti Paoa rangatira expressed their loyalty to the Crown. Other Ngāti Paoa resisted the occupation of their lands. In October 1863 the HMS Miranda shelled the Ngāti Paoa village Pūkorokoro, and in December a Crown militia made a surprise attack on a group of 40 to 50 Māori, including some Ngāti Paoa, near Paparata in East Wairoa.

In December 1864 the Crown proclaimed confiscation blocks in Waikato and Pokeno, and in East Wairoa in January 1865. Ngāti Paoa had interests in the 51,000 acre East Wairoa confiscation block and in the Central Waikato confiscation district which included Maramarua and Pūkorokoro. The confiscated lands included Kohukohunui and Rataroa, Ngāti Paoa's sacred maunga. No land was returned to Ngāti Paoa in the East Wairoa confiscation block.

Between April and June 1864, the Crown conducted military operations against Māori in Tauranga Moana. After the conflict ended, the Crown proclaimed a confiscation district of 214,000 acres, and in 1868 a further 76,000 acres were added to this district. Ngāti Paoa had interests in lands which were included in the confiscation district.

In 1865 the Crown promoted legislation which introduced the Native Land Laws, under which title to much Māori land was individualised. The individualisation of title made Ngāti Paoa lands more susceptible to alienation. Much of Ngāti Paoa's land



on Waiheke and on the Wharekawa Coast was sold to private purchasers in the late nineteenth and early twentieth centuries. Crown purchasing activity from the 1870s also led to the alienation of a lot of Ngāti Paoa land, including 45,000 acres at Piako.

Over the course of the twentieth century almost all of Ngāti Paoa's remaining land was alienated to private purchasers and the Crown. Some land was taken under the Public Works Act. These public works takings sometimes resulted in the destruction of pā and wāhi tapu. In 1908 the Crown authorised a project to drain and develop the Hauraki wetlands. Over the following decades the Crown altered the waterways, drained the wetlands and changed the course of the Waihou and Piako rivers.

By the end of the twentieth century only 27% of Ngāti Paoa spoke Te Reo. The decline of Ngāti Paoa tribal structures and the loss of Te Reo contributed to a loss of Ngāti Paoa mātauranga Māori. In the twentieth and twenty-first centuries, Ngāti Paoa generally experienced poorer health, including lower life expectancy and higher infant mortality, than Pākehā. Ngāti Paoa also experienced higher unemployment than the general population, and a lower median annual income.

## Overview

The Deed is the final settlement of all historical Treaty claims of Ngāti Paoa resulting from acts or omissions by the Crown prior to 21 September 1992 and is made up of a package that includes:

- agreed historical account, Crown acknowledgments and apology
- cultural redress, and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ngāti Paoa wherever they may live.

## Crown acknowledgements and apology

The Deed contains acknowledgements that the cumulative effect of the Crown's actions and omissions, including confiscation, the operation and impact of the native land laws and continued Crown purchasing, has left Ngāti Paoa virtually landless and undermined their economic, social and cultural development. The Crown's failure to ensure that Ngāti Paoa retained sufficient land for their present and future needs was a breach of Te Tiriti o Waitangi/ the Treaty of Waitangi and its principles.

The Deed also includes a Crown apology to Ngāti Paoa for its failure to protect them from the rapid alienation of land in the decades following the signing of Te Tiriti o Waitangi/ the Treaty of Waitangi, the loss of life and the devastation caused by hostilities, and the enactment of laws and policies that have led to the loss of whenua and te reo Māori. The Crown unreservedly apologises for its breaches of Te Tiriti o Waitangi/ the Treaty of Waitangi and its principles.

## Cultural redress

The cultural redress package for Ngāti Paoa intends to recognise the traditional, historical, cultural and spiritual associations of Ngāti Paoa with places and sites owned by the Crown within their area of interest.

### Sites vested in Ngāti Paoa

The settlement will vest 10 sites of cultural significance in Ngāti Paoa:

- Kaiaua School property (2ha), subject to a lease back to the Ministry of Education
- Māwhitipana (1.9ha) as a recreation reserve
- Paoa Ururoa (0.4ha) as a historic reserve
- Paoa Ururua (1.6ha) as a recreation reserve
- Paoa Whanake (2ha) as a local purpose (marae) reserve
- Papakura Pā (1ha) as a scientific reserve
- Pokai Wawahi Ika (2.3ha) as a recreation reserve
- Tauwhare Koiora (1.3ha) part as a recreation reserve and part as a historic reserve
- Te Iwi Rahirahi (0.6ha) as a local purpose (esplanade) reserve, and
- Te Waero Awe Houkura (0.9ha) as a recreation reserve, subject to a lease over the buildings to the Auckland Council.

Some of the properties will be included as part of the Hauraki Gulf Marine Park.

Sites to be vested in Ngāti Paoa and vested back to the Crown

Two sites will be vested in the Ngāti Paoa governance entity who will vest them back 7 days later to the Crown for the people of New Zealand, they are:

- Te Haupa Island Scenic Reserve, and
- Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area.

This arrangement provides for recognition of the association Ngāti Paoa has with these sites. The sites will continue to be subject to reserve status and there will be no change to the management arrangements for the sites during and after the vesting and vest back.

### Overlay classifications

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Ngāti Paoa with certain sites of significance. The declaration of an area as an overlay classification provides for the Crown to acknowledge iwi values in relation to that area.

The settlement provides an overlay classification over Te Haupa Island Scenic Reserve and Pūkoro / Miranda Taramaire Government Purpose Reserve Wildlife Management.

## Statutory acknowledgements

A statutory acknowledgement recognises the association between Ngāti Paoa and a particular site or area and enhances the ability of the iwi to participate in specified resource management processes.

The Crown offers a statutory acknowledgement over the following areas:

- Kiripaka Wildlife Scenic Reserve
- Mangatawhiri Forest Conservation Area
- Matietie Historic Reserve
- Mutukaroa / Hamlin Hill
- Ngahue Reserve
- Paparimu Conservation Area
- Point England (Kiano) Reserve<sup>6</sup>
- Pūkorokoro / Miranda Scenic Reserve
- Pūkorokoro / Miranda Scientific Reserve
- Richard Sylvan Memorial Scenic Reserve
- Ruapotaka Reserve
- Te Matuku Bay Scenic Reserve
- Te Morehu Scenic Reserve, and
- Vining Scenic Reserve.

## Crown protected area names

The settlement legislation will provide for the following Crown protected area name changes:

- Te Haupa (Saddle) Island Scenic Reserve to Te Haupa Island Scenic Reserve
- Miranda Taramaire Government Purpose Reserve Wildlife Management Area to Pūkorokoro / Miranda Taramaire Government Purpose Reserve Wildlife Management Area
- Miranda Scenic Reserve to Pūkorokoro / Miranda Scenic Reserve
- Miranda Scientific Reserve to Pūkorokoro / Miranda Scientific Reserve, and
- Tiritiri Matangi Island Scientific Reserve to Papakura Pā Scientific Reserve.

## Placement of pou whenua

The Crown offers Ngāti Paoa the approval to fix or place a permanent pou whenua on Te Haupa Island Scenic Reserve and Papakura Pā to reflect Ngāti Paoa's association with those areas.

## Statements of association

The Deed will acknowledge that Ngāti Paoa has associations with, and asserts certain spiritual, cultural, historical and traditional values in relation to:

- Hauraki Gulf / Tīkapa Moana
- Kōpuatai Wetland Area
- Maungarei / Mount Wellington
- Maungauika
- Maungawhau / Mount Eden
- Moehau maunga
- Motuihe Island / Te Motu-a-Ihenga
- Motutapu Island
- Ōtāhuhu / Mount Richmond
- Rangitoto
- Takarunga / Mount Victoria, and
- Te Aroha maunga.

## Ruamaahua

The Crown will consider the operation of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979 as it applies to Ruamaahua regarding its alignment with the current titi season. The Crown intends that any redress over Ruamaahua provided in a Treaty settlement will include Ngāti Paoa.

## Relationships

### Protocols and relationship agreement

The Deed will provide for the Minister for Culture, Arts and Heritage and the Minister for Primary Industries to issue protocols that set out how their respective agencies will interact with and consult the Ngāti Paoa governance entity when carrying out statutory duties and functions.

The Ngāti Paoa governance entity will enter into a conservation relationship agreement with the Department of Conservation that will outline how the Department of Conservation will engage with Ngāti Paoa.

### Promotion of relationships

The Minister for Treaty of Waitangi Negotiations will write to a number of local authorities and Crown agencies to raise the profile of Ngāti Paoa, advise them of matters of particular importance to Ngāti Paoa and encourage them to better engage with them.

### Cultural redress payment

The Ngāti Paoa governance entity will receive \$1 million for cultural revitalisation and to purchase a property of cultural significance.

<sup>6</sup> Note the Crown has made an alternative offer to replace this redress item. The alternative offer is set out in this ratification information booklet at Appendix 2



## Financial and commercial redress

This redress recognises the losses suffered by Ngāti Paoa arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Paoa with resources to assist them to develop their economic and social well-being.

The total financial redress for Ngāti Paoa is \$23.5 million. This includes:

- \$1 million received in 1993 for the Railways Deed
- \$15,625,000 paid on-account to the Pouarua Farm Limited Partnership in November 2013 for the purchase of the Pouarua Dairy Complex attributable to Ngāti Paoa
- \$500,000 received in August 2014 on-account of the settlement, and
- \$302,167 being the agreed portion of the transfer value of the Feisst Road / Bell Road, Maramarua property received on-account of the settlement as part of the Pare Hauraki Collective Redress Deed.

### Commercial redress properties

Fourteen properties held in the Treaty settlements landbank were transferred to the Ngāti Paoa governance entity in December 2015. The terms and conditions of the redress offer are recorded in a counter-signed letter dated 5 August 2015.

### Point England housing development opportunity<sup>7</sup>

Ngāti Paoa will receive the first opportunity to purchase the development land at Point England and to enter into a development agreement with the Crown in relation to the development of housing on the property.

## Collective redress

As a member of the Tāmaki Collective, Ngāti Paoa has received collective cultural and commercial redress as part of the Ngā Mana Whenua o Tāmaki Collective Redress Deed. Ngāti Paoa will also receive collective redress as part of the Pare Hauraki Collective Redress Deed which includes collective cultural and commercial redress. The details of the redress can be found in the Pare Hauraki Collective Redress Deed settlement summary. It is also intended Ngāti Paoa will receive redress through the Marutūāhu Iwi Collective Redress Deed (yet to be initialled).

### Minerals

Ownership of any Crown-owned minerals in land transferred to Ngāti Paoa under the Deed will also transfer to Ngāti Paoa. This does not include nationalised minerals (petroleum, gold, silver and uranium) or affect other lawful rights to subsurface minerals.

All land which is currently subject to Schedule 4 protection will continue to be subject to the same type of protection once owned by iwi.

### Harbours and Hauraki gulf

The settlement does not provide for redress in relation to Tikapa Moana / the Hauraki Gulf and Te Tai Tamahine / Te Tai Tamawahine. The Crown and Ngāti Paoa have agreed to conduct separate negotiations in the future to discuss potential cultural redress in relation to these areas.

<sup>7</sup> Note the Crown has made an alternative offer to replace this redress item. The alternative offer is set out in this ratification information booklet at Appendix 3.

## APPENDIX 2

# Waiheke Station Farm asset consolidation

### Background on the Waiheke Station Farm

On 2 June 1987 the Waitangi Tribunal released its report on the Waiheke Island claim (Wai 10). In response to the report, the Crown recommended the Waiheke Station Farm (the Farm) be transferred to the Ngāti Paoa Development Trust Board (the Development Trust Board). From 1987 till 1989 the Development Trust Board managed the Farm with assistance from the Ngāti Paoa Whanau Trust.

The mandate of the Development Trust Board ended on 13 December 1989 when the Māori Land Court, on application from the Minister of Māori Affairs, vested the Farm in Paoa, the eponymous ancestor. In the absence of any other entity that universally represented Ngāti Paoa the Waiheke Station Trust was established as an interim trust to hold and administer the Farm.

On 2 February 1998 the Māori Land Court ordered that the Farm be changed to Māori freehold land and the Waiheke Station Trust be terminated. On appeal, the Māori Appellate court confirmed the status of the Farm as Māori freehold land but reversed the decision to terminate the Waiheke Station Trust. On 5 April 2000, Land Information New Zealand registered the Farm as Māori freehold land.

On 13 October 2011 the Māori Land Court ordered that the Farm and assets of the Waiheke Station Trust be vested in the Ngāti Paoa Trust Board as responsible trustees (under section 239(3) of the Te Ture Whenua Māori Act).

The current status of the Farm is:

- classified as Māori freehold land (under Te Ture Whenua Māori Act 1993)
- vested in the Waiheke Station Trust, operating as a section 437 (interim trust) under the Māori Affairs Act 1953 (now under the administration of the Trustee Act 1956), and
- the Ngāti Paoa Trust Board are the responsible trustees of the Waiheke Station Trust, under section 239(3) of the Te Ture Whenua Māori Act.

### Asset consolidation proposal

#### Transfer of the Farm to the Ngāti Paoa Iwi Trust

The Waiheke Station Farm (the Farm) forms part of Crown's Treaty settlement offer to Ngāti Paoa for the full and final settlement of their historical Treaty of Waitangi claims. The Waiheke Station Trust does not meet the Crown requirements for a PSGE. The Waiheke Station Trust was an interim solution only.

We therefore offer Ngāti Paoa iwi members the opportunity through this ratification process to vote to transfer the assets and liabilities of the Waiheke Station Trust to the Ngāti Paoa Iwi Trust, as the PSGE for Ngāti Paoa, and to dissolve the Waiheke Station Trust through Ngāti Paoa's Treaty settlement. The Ngāti Paoa Iwi Trust will provide for effective governance of the Waiheke Station Farm along with the rest of Ngāti Paoa's Treaty settlement assets.

If this proposal is supported by iwi members through this ratification process, the settlement legislation will provide for the transfer of the assets and liabilities to the Ngāti Paoa Iwi Trust as the PSGE for Ngāti Paoa. The rationale for using settlement legislation to do this is so that a single entity manages Ngāti Paoa's assets post-settlement, for simplified accounting processes and commercial flexibility in terms of management of assets, and because alternative mechanisms to achieve the same end are more complicated and costly.

#### Proposal for special jurisdiction for the Māori Land Court to hear an application to change the Farm's land status

During negotiations, Ngāti Paoa and the Crown discussed a proposal to use settlement legislation to provide the Māori Land Court with a special jurisdiction to hear an application for a change of the Farm's land status from Māori freehold land to general land. The special jurisdiction would have provided the trustees of the Ngāti Paoa Iwi Trust the opportunity to make that application. As a neutral and expert third party the Māori Land Court had the capability to inquire into and determine the appropriate land status for the beneficial interest of Ngāti Paoa. A provision to give effect to this proposal was included at clause 9.13 of the initialled Ngāti Paoa Deed of Settlement.



However, after recent consultation with the Iwi, the Ngāti Paoa Iwi Trust no longer considers it appropriate for special jurisdiction to be created for the Māori Land Court to consider a change of land status. Agreement (by way of a specific resolution during this ratification process) is not being sought from Ngāti Paoa to enable this part of the asset consolidation proposal to proceed. As a result, clause 9.13 will be removed from the initialled Ngāti Paoa Deed of Settlement before it is signed.

## Next steps

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If iwi members vote “YES” on the voting form to transfer the assets and the liabilities of the Waiheke Station Trust to the Ngāti Paoa Iwi Trust and dissolve the Waiheke Station Trust, this will be provided through the Ngāti Paoa Claims Settlement Bill.

In the event there is an insufficient level of support from Ngāti Paoa iwi members for the resolution, the corresponding drafting in the initialled Deed and draft Ngāti Paoa Claims Settlement Bill will be removed prior to the signing of the Ngāti Paoa Deed of Settlement.

Clause 9.13 (the proposal to use settlement legislation to provide the Māori Land Court with special jurisdiction to hear an application for a change of the Farm’s land status from Māori freehold land to general land) will be removed from the initialled Ngāti Paoa Deed of Settlement before it is signed.

## APPENDIX 3

# Alternative offer to Ngāti Paoa to replace the Point England Housing Development Opportunity

If accepted by Ngāti Paoa through this ratification process, and subject to resolution of any overlapping interests, the alternative offer set out below will replace the Point England Housing Development Opportunity and statutory acknowledgement over the Point England Reserve (the Reserve) in the initialled Deed before it is signed. The legislative provisions to give the alternative offer effect, including the repeal of the Point England Development Enabling Act 2017, would then become part of the Ngāti Paoa Claims Settlement Bill.

### Alternative offer

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The alternative offer comprises cultural and commercial redress:

#### Cultural Redress

The cultural redress components of the alternative offer are:

- the existing offer to vest 2ha in Ngāti Paoa for a marae at the Reserve, subject to local purpose (marae) reserve status
- the vesting of 2ha in Ngāti Paoa for a papakāinga at the Reserve, unencumbered by reserve status, zoned Residential – Mixed Housing Urban, with a condition the land must always be owned by Ngāti Paoa
- the vesting of the balance of the Reserve (approximately 40.61ha<sup>8</sup>) in Ngāti Paoa, as a recreation reserve, with the Auckland Council to retain responsibility for administration of the reserve, and
- a requirement for Ngāti Paoa and Auckland Council to jointly prepare and agree future Point England Reserve Management Plans for the recreation reserve.

#### Commercial Redress

The commercial component of the alternative offer is an opportunity to purchase up to three school sites in Tāmaki Makaurau as sale and leaseback redress. The number of school sites that can be purchased is subject to a selection value cap of \$41 million at the 2018 book values of the school sites and other criteria

The school sites Ngāti Paoa can potentially select from are listed in the Marutūāhu Iwi Collective Redress Deed. Under the terms of the Marutūāhu deed, the Marutūāhu Collective (which Ngāti Paoa is a member of) can purchase a maximum of five of the 12 potential school sites for leaseback to the Ministry of Education. There is a two-year period in which the Marutūāhu Collective can exercise its opportunity. At least seven sites will be left over after the Marutūāhu Collective has made its purchases. Ngāti Paoa will then have a further period of three months (60 working days) to exercise its opportunity to select and purchase. Any school sites Ngāti Paoa purchase must be valued at the time of purchase, must be leased back to the Ministry of Education under its standard lease agreement.

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<sup>8</sup> This includes all Crown-owned parts of the Reserve, as well as the balance of the development land that is not being transferred for the papakāinga. Two small parcels owned by Auckland Council on the outer northwest and southeast edges of the Reserve, comprising 0.34ha and 2.37ha respectively, will remain in Auckland Council's ownership.



## APPENDIX 4

# Collective redress deeds

As discussed in part 2 of this information booklet, Ngāti Paoa is party to 3 collective negotiations which are in various stages of completion.

*Please note, the collective redress discussed below is NOT part of this ratification process. This ratification process is only for the iwi-specific Treaty settlement redress offer to Ngāti Paoa discussed above.*

The collective redress is included here in this booklet so Ngāti Paoa iwi members get a full picture of the Treaty settlement redress Ngāti Paoa is, or will be, part of post-settlement.

### Tāmaki Collective

Ngāti Paoa has received collective cultural and commercial redress as a party to the Ngā Mana Whenua o Tāmaki Collective Redress Deed. The Tāmaki Collective Deed was ratified by Ngāti Paoa and signed on behalf of the iwi in 2012.

The Tāmaki Collective Deed recognises the cultural association of the iwi and hapū of Tāmaki with maunga (volcanic cones) and motu (islands) owned by the Crown. The settlement vested 14 maunga in the Tāmaki Collective iwi, established a co-governance arrangement, changed 18 geographic names and provided for the vest and vest back of 4 motu. The Tāmaki Collective Deed also recognises the economic loss suffered by the iwi and hapū of the Tāmaki. The settlement includes a first and second right of first refusal over specified Crown land in Tāmaki.

More information on the Tāmaki Collective Redress Deed can be found at: <https://www.govt.nz/treaty-settlement-documents/tamaki-makaurau/>.

### Hauraki Collective

Ngāti Paoa will receive collective cultural and commercial redress as a party to the Pare Hauraki Collective Redress Deed. The Hauraki Collective Deed was ratified by Ngāti Paoa in February and March 2017 and signed on behalf of Ngāti Paoa in February 2019 by the mandated negotiator only.

The Hauraki Collective Deed contains a wide range of commercial and cultural redress including the vesting of 1000 hectares of both Moehau and Te Aroha maunga, co-governance of Hauraki waterways, a framework for management of conservation land in Hauraki, a statutory acknowledgement over Kaimai-Mamaku Range, a Te Reo revitalisation fund, fisheries and minerals redress, crown forest land, 29 landbank properties and rights of refusal over Crown properties.

It should be noted that following an independent report by Buddle Findlay (2019) into the Pare Hauraki Collective forestry post settlement governance structures, the Ngāti Paoa Iwi Trust has asked the Crown to separate its portion of crown forest lands and place them into a separate structure.

More information on the Hauraki Collective Redress Deed can be found at: <https://www.govt.nz/treaty-settlement-documents/hauraki/>.

### Marutūāhu Collective

Ngāti Paoa will receive cultural and commercial redress as part of the Marutūāhu Iwi Collective Redress Deed (the Marutūāhu Collective Deed), should it choose to initial, ratify and sign this redress deed. The other 4 Marutūāhu Iwi have already initialled and ratified the Marutūāhu Collective Deed and the Minister of Māori Development and the Minister for Treaty of Waitangi Negotiations have approved the ratification results.

The Marutūāhu Collective Deed will vest 11 sites of cultural significance in Marutūāhu Iwi, provide 6 statutory acknowledgements, a relationship agreement over Waipapa and a letter regarding the potential inclusion of Mutukaroa / Hamlin Hill in the integrated management plan for Tāmaki maunga. It also includes specified commercial redress including Maramarua Forest, a number of New Zealand Defence Force properties, specified school sites, as well as exclusive and shared rights of first refusal.

It should be noted that the Ngāti Paoa Iwi Trust has asked to the Crown to review the commercial redress allocation and post settlement governance structures before it will consider supporting the initialling of this redress deed.

More information on the Marutūāhu Collective Deed can be found at: <https://www.govt.nz/treaty-settlement-documents/marutuahu/>.

