



NGA POTIKI
A TAMAPAHORE TRUST

Ngai Te Rangi and Nga Potiki Settlement
Ratification Booklet
October 2013

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Purpose of the Ngai Te Rangi and Nga Potiki Settlement Ratification Booklet

The purpose of this information booklet is to provide you information on:

1. The Ngai Te Rangi, Nga Potiki and the Crown Deed of Settlement;
 2. The Post Settlement Governance Entities for Ngai Te Rangi Settlement Trust and Nga Potiki a Tamapahore Trust;
 3. The Ratification Process and how you can participate in making decisions related to the Deed of Settlement and Post Settlement Governance Entities.
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1. Office of Treaty Settlements Statement

This information booklet:

1. Summarises the Ngai Te Rangi, Nga Potiki and Crown Deed of Settlement and the Post Settlement Governance Entities for Ngai Te Rangi and Nga Potiki (Deeds of Trust);
2. Does not contain full details of what has been agreed between Ngai Te Rangi, Nga Potiki and the Crown;

Full details can be viewed at www.ots.govt.nz and clicking on the Ngai Te Rangi and Nga Potiki Deed of Settlement link.

Where Can I get more information?

Full copies of the Deed of Settlement and Trust Deeds for Ngai Te Rangi Settlement Trust and Nga Potiki a Tamapahore Iwi Trust can be viewed at:

1. The Office of Treaty Settlement's website at www.ots.govt.nz;
 2. The TRONIT website at www.ngaiterangi.org.nz
 3. The NPATT website at www.ngapotiki.org.nz
 4. Te Puni Kokiri Office at 174 Eleventh Ave, Tauranga
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2. The Ratification Process

| | |
|---------------------|--------------------------------------------------------------------|
| 25 October 2013 | Initialling of the Ngai Te Rangi and Nga Potiki Deed of Settlement |
| 29 October 2013 | Mail out of ratification material and ballot form |
| 26 October 2013 | Public Notice of Ratification Hui |
| 26 October 2013 | Voting opens |
| 10-17 November 2013 | Ratification Hui in New Zealand |
| 22 November 2013 | Voting Closes |
| 23 November 2013 | Votes Counted |
| 24 November 2013 | Results Confirmed |
| 30 November 2013 | Crown confirms support for ratified results |
| 14 December 2013 | Ngai Te Rangi and Nga Potiki Deed of Settlement signed |

Ratification Hui Dates

| | |
|--------------------------|-------------------------------------------------------------------|
| 10 November 2013, 10am | Hungahungatoroa Marae, Tauranga |
| 10 November 2013, 2pm | Tahuwhakatiki Marae, Tauranga |
| 11 November 2013, 6pm | Waipuna Conference Centre, 58 Waipuna Rd, Mt Wellington, Auckland |
| 12 November 2013, 6pm | Te Kohinga Marama Marae, Hamilton |
| 13 November 2013, 6pm | Brentwood Hotel, Wellington |
| 14 November 2013, 6pm | Rehua Marae, 79 Springfield Rd, St Albans, Christchurch |
| 16 November 2013, 10am | Opureora Marae, Matakana Island |
| 17 November 2013, 9.30am | Tamapahore Marae, Tauranga |
| 17 November 2013, 2.30pm | Otawhiwhi Marae, Katikati |

Voting in the Ratification Process

Eligibility to Vote in the Ratification Process:

1. You must be registered with either Te Runanga o Ngai Te Rangi Iwi Trust or Nga Potiki a Tamapahore Trust and be over the age of 18 years on 26 October 2013 to be eligible to vote.

Registering to Vote:

1. Registration applications will be available at ratification hui, Te Runanga o Ngai Te Rangi Iwi Trust's office (at Te Awa o Tukorako Lane, Mount Maunganui), and on the Ngai Te Rangi and Nga Potiki websites at www.ngaiterangi.org.nz and www.ngapotiki.org.nz
 2. For all general inquiries on registering and receipt of voting packs you can call the specific contact people noted at the end of this presentation.
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Voting & Independent Scrutiny Process

1. The voting and scrutiny process is being carried out independently by electionz.com.
2. electionz.com will send out the voting papers and then collate the final voting results by 24 November 2013.
3. Any queries in relation to the voting process (by post or internet) or receipt of voting packs after 26 October 2013 can be directed to
 - electionz.com on 0508 666 887; or
 - e-mail Anthony Morton on elections@electionz.com.

3. Resolutions for Voting

Ngai Te Rangi:

1. *Yes/Ae to approve the Deed of Settlement (as presented in the Ratification Information Booklet).*
2. *Yes/Ae to approve the Ngai Te Rangi Settlement Trust as a Post Settlement Governance Entity established by the terms of its Trust Deed (as presented in the Ratification Information Booklet).*
3. *Yes/Ae to approve the Trustees of the Ngai Te Rangi Settlement Trust and Nga Potiki a Tamapahore Trust signing the Deed of Settlement on behalf of Ngai Te Rangi.*
4. *Yes/Ae to the on transfer of property (cultural), cash and rights (right to purchase commercial properties and Statutory Acknowledgements) to Ngai Te Rangi hapu entities including the payment for the Mangatawa Quarry.*
5. *Yes/Ae if agreement on the Tauranga Moana Iwi Collective (TMIC) settlement is not achieved then the Ngai Te Rangi Settlement Trust is mandated to advance discussions with the Crown and/or the Waitangi Tribunal aimed at sharing and allocating the redress currently included in the TMIC settlement across all of the settlements of the individual iwi involved.*

Nga Potiki:

1. *Yes/Ae to approve the Deed of Settlement (as presented in the Ratification Information Booklet).*
2. *Yes/Ae to approve the Nga Potiki a Tamapahore Trust as the Post Settlement Governance Entity established by the terms of the Trust Deed (as presented in the Ratification Information Booklet).*
3. *Yes/Ae to approve the Trustees of the Ngai Te Rangi Settlement Trust and Nga Potiki a Tamapahore Trust signing the Deed of Settlement on behalf of Ngai Te Rangi.*



4. Overview of the Ngai Te Rangi & Nga Potiki Settlement Package: \$32,090,511.55* (\$30m quantum)

- | | |
|-----------------------|--------------|
| 1. Financial Redress: | \$29,500,000 |
| 2. Cultural redress: | \$2,081,500 |
| 3. Gifted Properties: | \$509,011.55 |

* This excludes negotiated valuation discounts and the benefits of valuing Tauranga properties in July 2013 and purchasing them in December 2014 which is explained below

Nga Potiki Agreement: Division of quantum & pre Deed of Settlement signing Interest

1. **Nga Potiki** will receive **10%** of quantum (**\$3m**) and 10% of interest from September to DOS signing.
2. **Nga Potiki** will receive an agreed **\$150,000** of the cultural fund.
3. **Nga Potiki** will also take the rights to interests in its exclusive area of interest (eg Papamoa 2 block through to Otara Maunga).

Allocation of quantum & gifted properties

| | |
|---------------------------|-------------------------------------|
| | Ngai Te Rangi Package: \$28,920,000 |
| Settlement cash | \$26,450,000 |
| Cultural redress fund | \$1,520,000 |
| Mighty River Power Shares | \$50,000 |
| Nil value properties: | \$900,000 |
| | Nga Potiki Package: \$3,159,011.55 |
| Settlement cash | \$3,000,000 |
| Cultural redress fund | \$150,000 |
| Nil value property: | \$9,011.55 |

5. Maps, Properties and Valuations

1. You will receive as a separate document at the ratification hui a copy of the following:
 - Area of Interest
 - Statutory Acknowledgement Areas
 - Statement of Association Areas
 - Gifted properties
 - The location and valuation of each commercial property (except the valuation for the schools which has not been instigated).

6. Post-Settlement Governance Entities (PSGE)

1. A PSGE is the representative, accountable and transparent body which receives, holds and manages settlement assets on behalf of the claimant group. In this case there are two claimant groups: Ngai Te Rangi and Nga Potiki.
2. Therefore, there will be two PSGEs, one for each claimant group.
3. Ngai Te Rangi and Nga Potiki must establish PSGEs that will serve the needs of Ngai Te Rangi and Nga Potiki respectively.

Crown Requirements for a Post-Settlement Governance Entity (PSGE)

The Crown requires that the Ngai Te Rangi PSGE:

1. Adequately represents all members of Ngai Te Rangi;
2. Has transparent decision making and dispute resolution procedures;
3. Is fully accountable to the whole of Ngai Te Rangi; and
4. Has been ratified by Ngai Te Rangi.

The Crown also requires that the Nga Potiki PSGE:

1. Adequately represents all members of Nga Potiki;
2. Has transparent decision making and dispute resolution procedures;
3. Is fully accountable to the whole of Nga Potiki; and
4. Has been ratified by Nga Potiki.

Ngai Te Rangi Settlement Trust & Nga Potiki a Tamapahore Trust

The Ngai Te Rangi Settlement Trust (NTRST) is the proposed PSGE for Ngai Te Rangi.

The Nga Potiki a Tamapahore Trust (NPATT) is the proposed PSGE for Nga Potiki.

| Claimant Group | PSGE Entity Name |
|--------------------------------------|--------------------------------|
| Ngai Te Rangi (excluding Nga Potiki) | Ngai Te Rangi Settlement Trust |
| Nga Potiki | Nga Potiki a Tamapahore Trust |



Ngai Te Rangi Claimant Definition

In the Deed of Settlement, Ngai Te Rangi means:

8.6.1 *the collective group composed of individuals who descend from one or more Ngai Te Rangi ancestors; and*

8.6.2 *every whanau, hapū or group to the extent that it is composed of individuals referred to in clause 8.6.1, including the following groups:*

- (a) *Te Whanau a Tauwhao;*
- (b) *Ngai Tamawhariua;*
- (c) *Ngati Tauaiti;*
- (d) *Ngai Tuwhiwhia;*
- (e) *Te Ngare;*
- (f) *Ngai Tukairangi;*
- (g) *Ngati Kuku;*
- (h) *Ngati Tapu;*
- (i) *Ngati He; and*

8.6.3 *every individual referred to in clause 8.6.1.*

Nga Potiki Claimant Definition

In this Deed of Settlement, Nga Pōtiki means:

8.7.1 *the collective group composed of individuals who descend from one or more Nga Pōtiki ancestors; and*

8.7.2 *every whanau, hapū or group to the extent that it is composed of individuals referred to in clause 8.7.1, including the following groups:*

- (a) *Ngati Kaahu;*
- (b) *Ngati Tahuora;*
- (c) *Ngati Puapua;*
- (d) *Ngati Mate Ika;*
- (e) *Ngati Pou;*
- (f) *Ngati Hinetoro;*
- (g) *Ngati Kiriwera;*
- (h) *Ngati Kauae;*
- (i) *Ngati Kiritawhiti;*
- (j) *Ngati Turumakina;*
- (k) *Ngati Patukiri;*
- (l) *Ngati Homai; and*

8.7.3 *every individual referred to in clause 8.7.1.*

Historical Claims that will be Settled

The Ngai Te Rangi and Nga Potiki Deed of Settlement settles, fully and finally, and releases the Crown of all duties and obligations in respect to all of the non-raupatu historical claims of Ngai Te Rangi and Nga Potiki which includes”:

1. All pre-1992 registered and non-registered Treaty of Waitangi Claims;
2. Wai 42; Wai 42c; Wai 47; Wai 159; Wai 162; Wai 209; Wai 211; Wai 228; Wai 266; Wai 342; Wai 353; Wai 360; Wai 365; Wai 383; Wai 465; Wai 489; Wai 522; Wai 540; Wai 546; Wai 580; Wai 603; Wai 636; Wai 645; Wai 668; Wai 701; Wai 715; Wai 717; Wai 755; Wai 807; Wai 817; Wai 854; Wai 938; Wai 947; Wai 963; Wai 1061; Wai 1078; Wai 1328; Wai 1355; Wai 1462; Wai 1774; Wai 1785; Wai 1792; Wai 1793; Wai 2042; Wai 2252; Wai 2263; Wai 2265.

A claim that a member of Ngai Te Rangi and Nga Pōtiki, or a whanau, hapū, may have that is, or is founded on, a right arising as a result of being descended from **an ancestor who is not referred to in the claimant definition for Ngai Te Rangi and Nga Potiki** are not settled through this Deed of Settlement.

Purpose of the Ngai Te Rangi Settlement Trust (“NTRST”)

The purpose of the NTRST is to receive, hold and manage all settlement redress *“for the benefit of the present and future Members of Ngai Te Rangi.”*

The NTRST will provide the overarching governance and will set the strategic direction for the PSGE Group of entities. This includes optional subsidiaries – a commercial company and charitable trust.

Trustees of the NTRST

1. NTRST will be governed by 11 trustees. Initially an Establishment Board of 9 appointed trustees will set up NTRST.
2. The Establishment Board are:
 - Whitiara McLeod
 - Charlie Tawhiao
 - Wena Harawira
 - Turi Ngatai
 - Kerewai Wanakore
 - Mita Ririnui
 - Anthony Fisher
 - Maureen Ririnui
 - Puhirake Ihaka
3. By the first AGM of NTRST in 2014, the entire Establishment Board will be replaced by 11 fully elected representatives.
4. Trustees will hold office for a term of no longer than 3 years.
5. A rotational election policy will apply so that there will not be an election in 2015 but in 2016, 5 of the 11 trustee positions will be up for election. In 2017 the remaining 6 trustees will face election. The election rotation policy will continue in this manner.

Removal and Election of Trustees

How can a Trustee be elected?

1. Only Adult Members of Ngai Te Rangi can be elected as trustees of Ngai Te Rangi Settlement Trust.
2. All Adult Members must choose one of the 11 Hapu Communities for election purposes. This choice must be indicated on the Member's iwi registration form.
3. A candidate can only seek election for the Hapu Community that he/she has indicated on his/her iwi registration form.
4. A candidate's nomination form must be endorsed by 5 other Adult Members that have also indicated on their registration forms the same Hapu Community as the candidate.
5. Only Adult Members that have indicated a Hapu Community can vote in the election of the trustee representing that Hapu Community.

How can a Trustee be removed?

People can be prevented from becoming a trustee and existing trustees can be removed for various reasons including:

1. Bringing the Trust into disrepute
2. Being convicted of certain dishonesty offences
3. Bankruptcy
4. Being convicted of an indictable offence
5. Is mentally unstable

Powers and Duties of the NTRST

1. The proceedings and affairs of the Trustees shall be conducted in accordance with the rules set out in the Third Schedule to the Trust Deed (clause 3.4).
2. Subject to any requirements imposed by this Trust Deed, the Deed of Settlement, the Settlement Act and in accordance with law the Trustees shall control and supervise the business and affairs of the Trust (clause 3.3).

Decision Making of the NTRST (3rd & 4th Schedule of the Deed of Trust)

1. The quorum for any meeting is a majority of the trustees (5 of 9 for Establishment Board then 6 of 11);
2. Decisions require a majority of those trustees participating in a notified meeting;
3. For special resolutions (amend the Deed of Trust, major transactions, wind up the trust) set out in the 4th Schedule, a Special General Meeting is required with iwi member voting similar to the ratification process.

How is the NTRST accountable to Ngai Te Rangi?

1. Any Adult Member can raise issues with any trustee particularly the trustee elected for their Hapu Community.
 2. All trustees will be required to provide regular updates to their respective Hapu Communities that elected them.
 3. NTRST will be required to provide a written annual report at every AGM covering the prior 12 month period, including audited financials. An annual plan must also be provided for the coming 12 month period.
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Purpose of the Nga Potiki a Tamapahore Trust (“NPATT”)

1. The purpose of the NPATT is to receive, manage, hold and administer settlement redress “on behalf of and for the benefit of the present and future Members of Nga Potiki”
 2. The NPATT will provide the overarching governance and set the strategic direction for the Nga Potiki PSGE Group of entities, including any subsidiaries.
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Trustees of the NPATT

1. The NPATT will be governed by 5 trustees. The initial 5 trustees will be:
 - Colin Reeder
 - Matire Duncan
 - Victoria Kingi
 - Poihaere Athlone Walker
 - Waka Taite
2. At the first AGM, 2 of the initial trustees will retire, and an election will be held for 2 trustee positions. At the second AGM the other 3 initial trustees will retire, and an election will be held for 3 trustees positions. The retiring trustees will be eligible for re-election.
3. Trustees will hold office for a term of 3 years.



Removal and election of trustees

How can a trustee be elected?

1. Only Adult Registered Members of Nga Potiki can be elected as trustees;
2. The candidates receiving the highest number of votes for the number of vacancies in an election will be elected;
3. Elections will be conducted for Nga Potiki as a whole rather than on whanau or hapu constituencies and trustees must represent the interests of all of Nga Potiki;
4. A candidate's nomination form must be endorsed by 3 Adult Registered Members of Nga Potiki.

How can a trustee be removed?

A person will be ineligible for election and/or may be removed from office for a number of reasons including:

1. Is, or has ever been, convicted of certain dishonesty offences;
2. Bankruptcy;
3. Has been convicted of an indictable offence;
4. Has been removed from the office of director or trustee by order of a Court;
5. Bringing the NPATT into disrepute.

Powers and Duties of NPATT

1. Subject to the NPATT trust deed, the proceedings and other affairs of the trustees will be conducted in accordance with the rules set out in the Third Schedule (clause 3.3).
2. Subject to any requirements proposed by the trust deed, the Deed of Settlement, the Settlement Act and in accordance with the law the trustees will control and supervise the business and affairs of the Trust (clause 3.2).

Decision Making of the NPATT (Third and Fourth Schedule)

1. The quorum of any meeting of trustees is 3 trustees;
2. Decisions at a meeting of trustees will be decided by majority and where an equality of votes occurs the chairperson will have a second or casting vote;
3. The process for passing a special resolution (e.g. to approve a major transaction, to amend Trust Deed, resettle or terminate the Trust) is set out in the Fourth Schedule and requires a special general meeting and voting open to Adult Registered Members of Nga Potiki.

How is the NPATT accountable to Nga Potiki?

1. Any Adult Registered Member may raise issues with any trustee;
2. The Trust is required to convene Annual General Meetings and report to Nga Potiki on various matters including operations and financial reports (clause 14);
3. The Trust will make available to Members of Nga Potiki a range of documents including Annual Reports, consolidated Financial Statements, Annual Plans, minute book of decisions and business at Annual and Special General Meetings (clause 12) ;
4. Trustee remuneration requires approval at an Annual General Meeting (clause 14.1, 14.2);
5. Adult Registered Members may requisition a Special General Meeting (5%, clause 14.4);

What will happen to TRONIT & the Fisheries Settlement Assets?

1. Te Runanga o Ngai Te Rangi Iwi Trust (TRONIT) will continue to operate in its current form providing charitable services to Ngai Te Rangi including Nga Potiki.
2. Fisheries settlement assets will continue to be owned and managed by TRONIT.
3. It is proposed that within 12 months of settlement, the governance arrangements will be reviewed. A separate vote will occur at that time for the TRONIT beneficiaries.

7. 11 Ngai Te Rangi Hapu Community Electorates

| | Hapu | Marae |
|----|------------------------------|-----------------|
| 1 | Te Whanau a Tauwhao | Otawhiwhi |
| 2 | Ngai Tamawhariua | Te Rereatukahia |
| 3 | Ngai Tamawhariua | Te Rangihouhiri |
| 4 | Ngati Tauaiti | |
| 5 | Ngai Tuwhiwhia | Opureora |
| 6 | Te Whanau a Tauwhao | Rangiwaewa |
| 7 | Te Ngare | |
| 8 | Ngai Tukairangi & Ngati Kuku | Whareroa |
| 9 | Ngai Tukairangi | Hungahungatoroa |
| 10 | Ngati Tapu | Waikari |
| 11 | Ngati He | Maungatapu |

Hapu Community Entities

1. All but one hapu of the 11 Hapu Communities have established a hapu entity.
2. For 8 of the hapu communities (not including Ngati Tapu, Ngati He and Ngati Kuku), the full elections will take place on 7 December 2013. Information outlining this process will be available at the ratification hui.
3. Hapu Communities may choose to join together to establish collective legal entities. That will be up to each set of trustees.
4. These entities are entitled to acquire settlement properties and will receive cash distributions from the Ngai Te Rangi Settlement Trust.

Northern properties

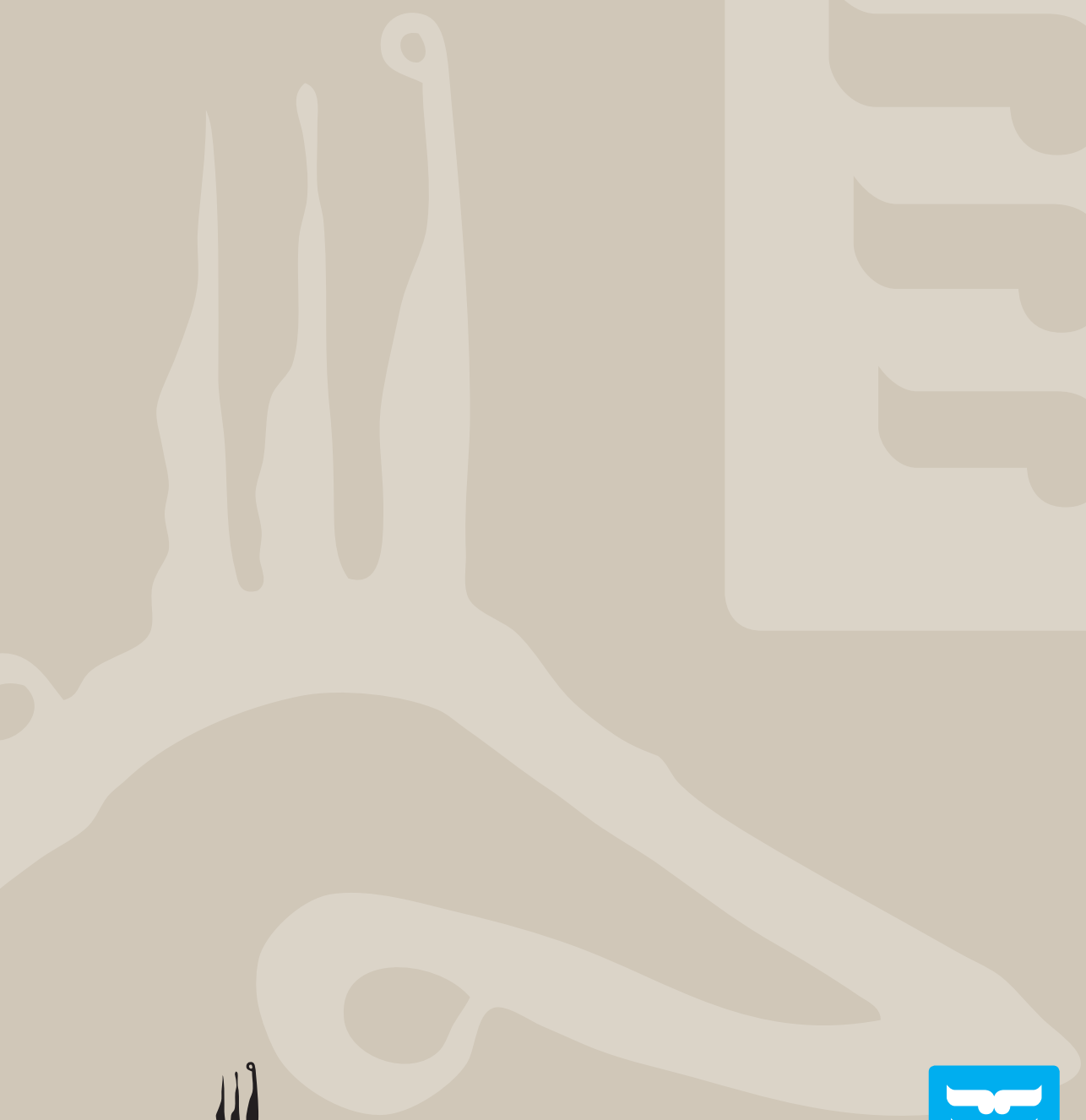
1. The settlement had included a 50% share in three properties – Rawaka Drive, Tanner’s Point and 69 Broadway – which would have been transferred to Te Whanau a Tauwhao ki Otawhiwhi and Ngai Tamawhariua ki Katikati after settlement
 2. The properties were to be shared with Hauraki iwi. However, an agreement on the terms of the arrangement was not acceptable.
 3. Therefore, the Crown has agreed to pay the cash value of those properties amounting to \$411,500. This is included in the cultural redress fund.
 3. This cash will be used to acquire property or properties for the two hapu in lieu of the 50% share in the three properties.
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8. Mangatawa Quarry

1. Te Hononga (Ngai Te Rangi hapu representatives for Treaty Settlements), Te Runanga o Ngai Te Rangi Iwi Trust, the Ngai Te Rangi Settlement Trust and the claimants to the Mangatawa Quarry have agreed that the Ngai Te Rangi Settlement Trust:
 - Advance up to \$120,000 to an entity established by the claimants through the Maori Land Court to receive the quarry to pay for the quarry lands;
 - The Crown will transfer the property to that entity.
 2. The claimants to the Mangatawa Quarry have been a part of Te Hononga and their claims will otherwise be settled through Nga Potiki.
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9. Tauranga Moana Iwi Collective (TMIC) – Update.

1. A TMIC Deed of Settlement was ratified last December 2012.
2. From May to June 2013, when Ngai Te Rangi re-entered comprehensive negotiations, Ngai Te Rangi sought the maintenance of the TMIC collective redress (over the Moana etc), but the allocation of commercial redress like Sale and Leaseback (Tauranga Boys College etc) and Rights of First Refusal (over properties in the rohe of Ngai Te Rangi outside of Te Papa).
3. An agreement could not be reached with the Nga Hapu o Ngati Ranginui Settlement Trust who have held to the TMIC Deed of Settlement that was ratified.
4. Ngai Te Rangi need to specifically mandate the PSGE on this issue given the TMIC ratification results last year.
5. Nga Potiki is not a party to TMIC and will remain as a cross claiming party to TMIC to protect the Nga Potiki interests.



NGĀI TE RANGI

Te Rūnanga o Ngāi Te Rangi Iwi Trust



NGA POTIKI

A TAMAPAHORE TRUST

CONTACT DETAILS

TE RUNANGA O NGAI TE RANGI IWI TRUST

Te Runanga o Ngai Te Rangi Iwi Trust Office
25 Te Awa o Tukorako Lane
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NGA POTIKI A TAMAPAHORE TRUST

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