



Ngāti Tara Tokanui

**2013 POST SETTLEMENT
GOVERNANCE ENTITY RATIFICATION
INFORMATION BOOKLET**

(AUGUST 2013)





***Ko Te Aroha me Moehau nga Maunga
Ko Tikapa te Moana
Ko Ohinemuri te Awa
Ko Tara te Tangata
Ko Ngati Tara Tokanui te iwi
Ko Ngahutoitoi te Marae
Ko Te Awapu te Tupuna Whare
Ko Te Aroha te Wharekai***

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Introduction

The mandated negotiators for Ngāti Tara Tokanui have been negotiating with the Crown since 2010 in relation to the customary interests of Ngāti Tara Tokanui.


In order to receive the various Treaty redress from the Hauraki negotiations (which are happening at both an iwi specific and collective level together with the other iwi of Hauraki), Ngāti Tara Tokanui needs to establish a legal entity that will receive and manage the settlement assets and represent the iwi after our historical Treaty of Waitangi claims have been settled.


This entity is known as a post-settlement governance entity (“PSGE”).

Registered adult members of Ngāti Tara Tokanui (aged 18 years and over) are therefore being asked to vote on the following resolutions set out on your voting paper (along with the two Pouarua Farm on-account settlement resolutions discussed in the Pouarua Farm on-account settlement ratification information booklet):

I, as a member of Ngāti Tara Tokanui, agree that the Ngāti Tara Tokanui Trust will be the post-settlement governance entity and the recipient of Ngāti Tara Tokanui Treaty settlement redress.

A copy of the Trust Deed for the Ngāti Tara Tokanui PSGE is available via the Ngāti Tara Tokanui website (www.ngatitاراتokanui.co.nz). Hard copies will also be available from the Te Puni Kōkiri Hamilton regional office and at the Hauraki Collective office as follows:

 Te Puni Kōkiri Hamilton: 19 Worley Place, Hamilton

 Hauraki Collective: 111 Queen Street, Thames

The mandated negotiators for Ngāti Tara Tokanui, Amelia Williams and Russell Karu, will continue to be the mandated negotiators for Ngāti Tara Tokanui during the ongoing Treaty negotiations with the Crown.

Much of the settlement redress for Ngāti Tara Tokanui is still under negotiation with the Crown. Registered adult members of Ngāti Tara Tokanui will be asked to vote on the settlement redress that is still under negotiation once those negotiations are complete. Negotiations are expected to be completed within the next six months.

Development of the proposed Ngāti Tara Tokanui PSGE

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

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

Structure of the proposed Ngāti Tara Tokanui PSGE

The structure of the proposed Ngāti Tara Tokanui PSGE is a private trust. This structure has been used by many iwi to receive and manage their Treaty of Waitangi settlements. The private trust structure is also the Crown’s preferred structure.

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

The trust will be called the Ngāti Tara Tokanui Trust.



Purpose of Ngāti Tara Tokanui Trust

The Ngāti Tara Tokanui Trust will be responsible for:

- receiving Treaty settlement redress from the Crown and managing it on behalf of and for the benefit of the members of Ngāti Tara Tokanui; and
- fostering, developing and representing the interests of the members of Ngāti Tara Tokanui.

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, the fisheries settlements assets of Ngāti Tara Tokanui are held and managed by the Pare Hauraki Fishing Trust as part of the collective fisheries assets of the iwi of Hauraki.

The legislation and the Pare Hauraki Fishing Trust Deed provides for Ngāti Tara Tokanui to be able to transfer its fisheries settlement assets to its own mandated iwi organisation. The Trust has been developed such that it will be considered a mandated iwi organisation should Ngāti Tara Tokanui's fisheries settlement assets be transferred from the Pare Hauraki Fishing Trust.

Trustees of the Ngāti Tara Tokanui Trust

There will be a minimum of four (4) and a maximum of seven (7) trustees for the Ngāti Tara Tokanui Trust. The trustees will be responsible for the overall governance of the Trust. The trustees will act on behalf of all Ngāti Tara Tokanui in managing the settlement redress received by Ngāti Tara Tokanui through robust decision-making processes.

Four (4) of the initial trustees will retire on the date of the first annual general meeting after the settlement of our historical claims. At this time an election will be held for four (4) trustee positions giving us seven (7) trustees. The trustees elected at this point will be appointed for a term of two years.

The remaining two (2) initial trustees will retire on the date of the third annual general meeting following the settlement of our historical claims. At this time a general election will be held for all seven (7) trustee positions. The trustees elected at this point will be appointed for a term of three years.

Nominations for Trustee positions

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

Any registered adult member of Ngāti Tara Tokanui is eligible for nomination to be elected as a Trustee, with some specified limitations. These limitations are set out in Rule 6.7 of the Second Schedule of the Trust Deed.

The Trust will give notice calling for nominations by post or email, by newspaper advertisement, and by other means (such as on the Ngāti Tara Tokanui website). A nomination will need to be in writing and signed by at least three registered adult members of Ngāti Tara Tokanui. The consent of the nominee will need to be endorsed on the nomination paper. Nominations must be lodged with the Trust within 21 days of the first notice that calls for nominations.

Election of Trustees

Adult registered members of Ngāti Tara Tokanui will be entitled to elect the trustees. Voting will be by way of secret ballot.

Elections will be held as required when the term of a trustee ends or a vacancy arises. Save in respect of the initial trustees and the trustees elected at the first election following the settlement of our historical claims, 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, or through the Trust's website. A Waahi Pooti will be held on the closing date for an election.

Subsidiary bodies

The Trust may establish subsidiaries to assist with the management of Ngāti Tara Tokanui's assets. Any subsidiary must manage the Trust assets it owns and holds for the benefit of Ngāti Tara Tokanui. The directors or trustees of any subsidiary that is wholly owned by the Trust will be appointed by the Trust.

Transparency and accountability to the members of Ngāti Tara Tokanui

The Ngāti Tara Tokanui Trust will be accountable to Ngāti Tara Tokanui.

The Trust will prepare an annual plan each year covering (among other things):

- 🌀 the strategic vision 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 Tara Tokanui. 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. Notice of an AGM will also be placed in relevant metropolitan and provincial newspapers.

At an AGM registered adult members of Ngāti Tara Tokanui will be entitled to vote on resolutions to approve the remuneration of the trustees.

Adult registered members of Ngāti Tara Tokanui will also be entitled to vote on any special resolutions. A special resolution will be required to approve:

- 🌀 a major transaction;
- 🌀 amendment of the Trust Deed;
- 🌀 a resettlement of the Trust's assets;
- 🌀 the termination of the Trust; and
- 🌀 the disposal of fisheries settlement assets should these have been transferred to the Trust.

Special resolutions must be approved by at least 75% of the adult registered members of Ngāti Tara Tokanui 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, Ngāti Tara Tokanui specific hui will take place as follows:

| Date | Time | Venue |
|-------------------------|------|---------------------------|
| Sunday, 25 August 2013 | 10am | Ngahutoitoi Marae, Paeroa |
| Tuesday, 27 August 2013 | 8pm | Paeroa Racecourse |

Your mandated negotiators strongly urge you to take the opportunity to attend one of these hui.

Voting Process

The voting period will run for four weeks, from Thursday, 15 August 2013 to noon, Friday 13 September 2013. All adult registered members (people aged 18 and over) of Ngāti Tara Tokanui are eligible to vote and are encouraged to do so.

Eligible voters will have three ways to vote:

- 🔄 Postal voting;
- 🔄 Electronic voting; and
- 🔄 Ballot Box Voting submitted in person at the information hui noted above.

Voting outcome

It is very important that as many adult members of Ngāti Tara Tokanui as possible participate in the voting process.

If the Crown considers that a sufficient number participate in the voting process, and sufficient majority of those who participate vote in support of the PSGE proposal then the Ngāti Tara Tokanui Trust can be established.

If the PSGE proposal is not ratified (ie, not accepted by the adult members of Ngāti Tara Tokanui) then Ngāti Tara Tokanui and the Crown will need to reassess the PSGE proposal.

Registration

If you are not yet registered with Ngāti Tara Tokanui, 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**