



2012 Ratification Information Booklet
for Ngāti Tamaterā Post-Settlement Governance Entity



Mai I te tau ihu ko Moehau, tae atu ki te taurapa ko Te Aroha.

Ka taa rehua I waenganui ko te Puke o Raka.

E mihi ana ki te whenua, e tangi ana ki te Tangata

Tihei Mauri Ora!

Ko Moehau te Maunga

Ko Waihou te Awa

Ko Tiikapa te Moana

Ko Hauraki te Whenua

Ko Tamaterā te Tūpuna

Tihei Mauri Ora!

E mihi atu nei ki a tātou katoa e noho mai na i ngā tōpito e wha o te motu.

Mai i Te Aopouri, tae rawa atu ki a Kai Tahu i te Waipounamu. Tēnā koutou

katoa. Otirā, ngā mate e hinga mai na e hinga atu rā, mai i a Mahurangi ki ngā

Kuri a Whareī, otirā puta atu ki te motu whānui, Haere, okioki, moe mai rā. Tātou

te hunga ora ki a tātou, E mihi atu nei, e tangi atu nei.

Tēnā koutou, Tēnā koutou, Tēnā tātou katoa.

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Introduction

Ngāti Tamaterā needs to establish a legal entity that will:

- ④ represent the tribe after our historical Treaty claims have been settled and hold, and
- ④ receive and manage the settlement redress transferred by the Crown.

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

The Crown and Ngāti Tamaterā have not yet reached agreement on the settlement of our historical claims. However, the mandated negotiators for Ngāti Tamaterā have chosen to progress the establishment of a PSGE at this time so that Ngāti Tamaterā is well positioned to participate in the shared redress that will be delivered through the Tāmaki Makaurau Collective Deed of Settlement. It will also mean we are set up to receive redress delivered through other settlements we participate in.

Registered adult members (aged 18 years and over) of Ngāti Tamaterā are therefore being asked to vote on three resolutions at this time, which are set out on your voting paper.

Those resolutions are:

I, as a member of Ngāti Tamaterā, support the Tāmaki Makaurau Collective Deed of Settlement;

I, as a member of Ngāti Tamaterā, agree that the Tūpuna Tāonga o Tāmaki Makaurau [Cultural Redress] Trust and the Whenua Haumi Roroa o Tāmaki Makaurau [Right of First Refusal] Limited Partnership will be the post-settlement governance entities for the Tāmaki Makaurau Collective Settlement;

And

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

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

- ④ Te Puni Kōkiri Auckland: 12-14 Walls Road, Penrose, Auckland
- ④ Te Puni Kōkiri Hamilton: 19 Worley Place, Hamilton
- ④ Hauraki Collective: 111 Queen Street, Thames (former Railway Station)

If the proposed PSGE is supported by the members of Ngāti Tamaterā, it will be established by the time the Tāmaki Makaurau Deed of Settlement comes into effect if not before.

Development of the proposed Ngāti Tamaterā PSGE

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



Hui to discuss and develop the post settlement governance entity (PSGE) based on the Crown template provided, were held with Ngāti Tamaterā members as follows:

- 🌀 25 March 2012 at Tapu
- 🌀 15 April 2012 at Paeroa
- 🌀 29 April 2012 at Paeroa
- 🌀 19 May 2012 at Paeroa
- 🌀 27 May 2012 at Paeroa

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

Structure of the proposed Ngāti Tamaterā PSGE

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

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

The trust will be called the Ngāti Tamaterā Treaty Settlement Trust.

Purpose of the Ngāti Tamaterā Treaty Settlement Trust

The Ngāti Tamaterā Treaty Settlement Trust will be responsible for:

- 🌀 receiving Treaty settlement redress from the Crown and managing them for the benefit of the members of Ngāti Tamaterā; and
- 🌀 fostering, developing and representing the interests of the members of Ngāti Tamaterā.

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

Fisheries Settlement Assets

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

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

Should Ngāti Tamaterā decide to withdraw its fisheries settlement assets from the Pare Hauraki Fishing Trust in the future, they would be transferred to the Ngāti Tamaterā Treaty Settlement Trust as the mandated iwi organisation.




Trustees of the Ngāti Tamaterā Treaty Settlement Trust

There will be a minimum of five and a maximum of seven trustees for the Ngāti Tamaterā Treaty Settlement Trust. The trustees will be responsible for the overall governance of the Trust. They will act on behalf of all Ngāti Tamaterā in managing the settlement redress received by Ngāti Tamaterā through robust decision-making.

Initial Trustees

At the hui held on 27 May 2012 members of Ngāti Tamaterā agreed on seven initial trustees for the Ngāti Tamaterā Treaty Settlement Trust.

The initial trustees are:

-  Terrence John McEnteer
-  Debra Liane Ngamane
-  Antony Tūroa Hukehuke Royal
-  John Tutuki Royal
-  Herearoha Francis Skipper
-  Airini Pirihira Tokerangi
-  Larn Wilkinson.

The seven initial trustees will hold office until the Ngāti Tamaterā historical claims are comprehensively settled.

Four 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 trustee positions. The trustees elected at this point will be appointed for a term of two years.

The other three initial trustees will retire on the date of the second annual general meeting following the settlement of our historical claims. At this time an election will be held for three trustee positions. The trustees elected at this point will be appointed for a one-year term.

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

The current mandated negotiators, Terrence John McEnteer and Debra Liane Ngamane, will continue to be the mandated negotiators for Ngāti Tamaterā.

Nominations for Trustee positions

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

Any registered adult member of Ngāti Tamaterā is eligible for nomination to be elected as a Trustee, with a few exceptions. These exceptions are set out in 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 Tamaterā website). A nomination will need to be in writing and signed by at least three registered adult members of Ngāti Tamaterā. 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

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

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

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



Kaumatua Council

The Trust will be authorised to appoint a Kaumatua Council to advise the Ngāti Tamaterā Treaty Settlement Trust on matters relating to the tikanga, reo, kawa, korero and whakapapa of Ngāti Tamaterā. Advice received from the Kaumatua Council would not be binding on the Trust.

The Kaumatua Council would be made up of Ngāti Tamaterā members. A person cannot be a trustee of the Ngāti Tamaterā Treaty Settlement Trust and a member of the Kaumatua Council at the same time.

Subsidiary bodies

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

Accountability to the members of Ngāti Tamaterā

The Ngāti Tamaterā Treaty Settlement Trust will be accountable to Ngāti Tamaterā.

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

- ④ the annual objectives of the Trust;
- ④ the nature and scope of activities proposed by the Trust;
- ④ the ratio of capital to total assets;
- ④ the performance targets and measurements by which the performance of the Trust may be judged;
- ④ the proposed manner for dealing with projected income; and
- ④ 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 Tamaterā. At each AGM the Trust will be required, among other things, to:

- ④ report on the operation of the Trust (and any subsidiaries) during the previous year;
- ④ present the Annual Report and audited Consolidated Financial Statements; and
- ④ present the proposed Annual Plan.

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

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

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

- ④ a major transaction;
- ④ any amendment to the Trust Deed to a provision which is required under the Maori Fisheries Act 2004; and
- ④ the disposal of fisheries settlement assets should these be managed by the Trust in the future.



A “major transaction” is a transaction involving more than 50% of the value of the Trust’s assets.

Special resolutions must be approved by at least 75% of the registered adult members of Ngāti Tamaterā who cast a valid vote in relation to that special resolution.

Special general meetings may also be convened in addition to the AGM in accordance with the provisions of the Trust Deed. One reason for holding a special general meeting will be the consideration of a special resolution.

Further information




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

Date	Time	Venue
Monday, 16 July 2012	8pm	Henderson Council Chambers, Henderson
Tuesday, 17 July 2012	2pm	Auckland Council Chambers, Auckland Town Hall
Tuesday, 17 July 2012	8pm	Manukau Room, Manukau Civic Building, Manukau
Wednesday, 18 July 2012	8pm	Thames Civic Centre, Thames
Thursday, 19 July 2012	8pm	Hamilton Gardens Pavilion, Hamilton
Friday, 20 July 2012	6pm	Te Puni Kōkiri Head Office, Wellington

Voting Process

The voting period will run for six weeks, from Monday 2 July 2012 to 12 noon on Friday 10 August 2012. All adult members (aged 18 years and over) of Ngāti Tamaterā are eligible to vote and are encouraged to do so.

Eligible voters will have three ways to vote:

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

Registration

If you are not yet registered with Ngāti Tamaterā, 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.

electionz.com
voting made easy



For assistance phone the
Election Helpline **0508 666 104**