

15 June 2020

File Ref: OIA 41534

Tēnā koe

Official Information Act request

I write with regard to your Official Information Act request dated 5 May 2020, in which you requested the following information:

“For minutes of hui held at the Omaha Marae, Auckland City Council and Rotorua.”

The original request was made to the Office for Māori Crown Relations: Te Arawhiti (Te Arawhiti). On 15 May 2020, you clarified the scope of your request as follows:

1. *“All notes minutes relating to the hui a iwi at Omaha/Auckland and Rotorua.*
2. *“All notes/ memos/discussion docs- specifically relating to the return of Hauturu to the Govt between the Ngāti Manuhiri negotiators and the Crown”*

On 18 May 2020, Te Arawhiti transferred part one of your request to Te Puni Kōkiri for a response.

Your request has been considered in accordance with the Official Information Act 1982 (the Act).

Four documents have been identified in scope of your request. The documents and my decisions with regard to the release of the information are set out in the table attached as **Appendix A**.

Please note that the Crown observer notes provide an independent record of the hui for the purpose of supporting advice to relevant Ministers. The notes should not be considered as the official minutes of the hui.

The ratification booklet was provided at each of the ratification hui. While not notes or minutes of the meeting, the booklet summarises key information presented at each hui around the deed of settlement and proposed post-settlement governance entity structure.

I trust my response satisfies your request.



You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its Official Information Act request responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact Madeline Smith, Senior Ministerials Advisor, Ministerials and Business Support via smitm@tpk.govt.nz.

Ngā mihi



Geoff Short
Manahautū Tuarua Te Puni Hononga Kaupapa Here | Deputy Chief Executive, Policy Partnerships



Appendix A – documents OIA request from Roi McCabe dated 8 May 2020

Item	Date	Document description	Decision
1.	20 March 2011	<i>Ratification hui observer report: Ngāti Manuhiri – Omaha Marae</i>	<i>Released in Full</i>
2.	23 March 2011	<i>Ratification hui observer report: Ngāti Manuhiri – Rotorua</i>	<i>Released in full</i>
3.	24 March 2011	<i>Ratification hui observer report: Ngāti Manuhiri – Auckland</i>	<i>Released in full</i>
4.	March 2011	<i>Ngāti Manuhiri Settlement: Ratification Booklet</i>	<i>Released in full</i>

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

RATIFICATION HUI OBSERVER REPORT: Ngāti Manuhiri

Iwi / Hapū	Ngāti Manuhiri		
Location	Omaha Marae Omaha Block Access Road LEIGH		
Date	20 March 2011		
Start time	~10am	Finish time	~12.30pm
Chair	Vern Rosieur (also Chair of MOKO Trust)		
Observer(s)	Kererua Savage (TPK, Policy)		
Presenter(s)	Mook Hohneck (Lead Negotiator) and Toko Kapea (Tuia Legal, Consultant).		
Attendance	~24 attendees*, including 1 TPK observer. *approximate only as people were arriving and leaving throughout the hui.		
Purpose	To provide information and answer questions about: <ul style="list-style-type: none"> • the draft Deed of Settlement; • the post settlement governance entity; and • the voting process. 		
Agenda	<ul style="list-style-type: none"> • Mihimihi / Karakia • PowerPoint presentation • Questions & Answers • Karakia whakamutunga • Hākari whakanoa 		
Presentation	<p>Mook Hohneck presented a short PowerPoint presentation first. He closely followed the PowerPoint slides. Additional comments are recorded under the corresponding slide.</p> <ul style="list-style-type: none"> • Hikoi <ul style="list-style-type: none"> ○ Treaty settlement negotiations were stalled because of the Ngāti Whātua o Ōrākei negotiations. ○ In response Sir Douglas Graham spoke to a 		

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<p>number of recognised groups in Kaipara, Tamaki Makaurau and Hauraki region.</p> <ul style="list-style-type: none">○ Ngāti Manuhiri found a way forward. <ul style="list-style-type: none">● Hikoi (2)<ul style="list-style-type: none">○ In December 2009, the Ngāti Manuhiri mandate was recognised and an Agreement in Principle was signed with the Crown.● Milestones● Specialists Involved<ul style="list-style-type: none">○ Graeme Murdoch was the historian and completed some good work for Ngāti Manuhiri.● Iwi / Cross claimants involved● Crown Authorities● Milestone<ul style="list-style-type: none">○ The negotiations have reached a point that the settlement package is taken back to the people for ratification.● Ratification <p>Toko Kapea of Tuia Legal, then made a presentation on the draft Deed of Settlement, the post settlement governance entity, and the voting process.</p> <ul style="list-style-type: none">● Introduction● Deed of Settlement<ul style="list-style-type: none">○ Commercial properties include Warkworth Court House, Pakiri School and Mangawhai forest.○ South Mangawhai: it is a big and valuable forest worth \$9 million.○ Cultural redress includes Hauturu island.● Resolution● Post settlement governance entity● Current Ngāti Manuhiri structures
--	---

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<ul style="list-style-type: none"> ● Ngāti Manuhiri settlement trust <ul style="list-style-type: none"> ○ Non charitable status ○ Custodian trustee is a company for administration purposes only. It makes it easier for land titles, particularly when there is a change in trustees. ○ There is the opportunity to bring the MOKO Trust into the post settlement structure as the charitable trust. ● The new entity ● Trust Deed <ul style="list-style-type: none"> ○ Explanation of how to choose trustees. There will be only three. ○ One person, one vote. ○ The Nominations will be pooled. Every eligible voter has the ability to vote for up to three trustees. ● Key features <ul style="list-style-type: none"> ○ Meetings ○ Major transaction clause explained as a protection mechanism. ● Nominations process <ul style="list-style-type: none"> ○ To note, Ngāti Manuhiri will not be able to receive the Treaty settlement redress until the entity is operational. ● Elections <ul style="list-style-type: none"> ○ It is highly likely that an independent election company, i.e. electionz.com Ltd, will run the elections for the initial trustees. ○ There will be plenty of notice for all of Ngāti Manuhiri. ● Voting process ● Ratification
<p>Questions and comments</p>	<p>Q1: For Hauturu Island, is there joint Kaitiakitanga?</p> <p>A1: There will be a gift back, the Crown will give Hauturu to Ngāti Manuhiri and Ngāti Manuhiri will give it to all the people of New Zealand. Negotiators decided this after heated discussions with the Crown.</p> <p>It is appropriate as Te Kiri had mana over the island. Ngāti Manuhiri acknowledge that Ngāti Rehua and Ngāti</p>

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<p>Wai have interests there and are welcome.</p> <p>It was a concern that other iwi are trying to stake their interests in the island. King Tawhiao acknowledged Ngāti Manuhiri's presence.</p> <p>Q2: Is there a joint management regime?</p> <p>A2: Yes. Ngāti Manuhiri will be involved at the strategic level. The management and decision making will be with Ngāti Manuhiri and the Conservator. Not interested in the lower tiers of the decision making process.</p> <p>Comment: Tautoko the hard work the negotiators have done, and very pleased with the package presented.</p> <p>Q3: What is the annual rental on the forest? Concerned that Ngāti Manuhiri isn't getting fully compensated.</p> <p>A3: It is \$68k per year (forest rentals).</p> <p>For context, the Ngāti Manuhiri settlement package is 20 times better per capita than the Ngāti Porou settlement package.</p> <p>Comment: (Mr Kapea) Tautoko to Mr Hohneck. The original quantum offer was \$6 million. The negotiators successfully increased this by 50% to \$9 million.</p> <p>Q4: Where is the G trust?</p> <p>A4: It doesn't need to be up there as it is a Māori land trust and dealt with in a different context.</p> <p>Q5: How do the entities integrate?</p> <p>A5: There is no suggestion that they will be integrated, rather an illustration of the current entities for Ngāti Manuhiri.</p> <p>Comment: The Settlement Trust may look at this in the future but that is subject to future discussions. The kaupapa today is for this initial setup of the post settlement governance entity to receive the negotiated settlement package.</p> <p>Q6: Has the government given any timeframes?</p> <p>A6: Yes, it is expected that the Settlement Trust will be set up for the signing of the Deed of Settlement.</p> <p>Q7: Is this your (referring to Mr Kapea) model?</p> <p>A7: Yes, but this is pretty standard for Treaty settlement negotiations.</p> <p>Q8: Why are there only three trustees on the Settlement Trust?</p>
--	---

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<p>A8: So it can be small and focussed.</p> <p>Comment: There are six Ngāti Manuhiri whānau groups, therefore there should be six trustees on the Settlement Trust.</p> <p>Comment: In response, it is possible to use the Charitable trust to give coverage to all of those whānau groups. Too many trustees are cumbersome.</p> <p>Comment: (Mr Hohneck) It should not be about the number of trustees, rather, it should be about getting the right trustees. Waikato Tainui is a prime example of having too many.</p> <p>Comment: Ngāti Manuhiri is an iwi not a hapū. We need to kōrero about this (the PSGE structure) more.</p> <p>Comment: There has been a lot of consultation to date. There is also the opportunity for discussion to go through the kaumātua taumata.</p> <p>Comment: (Mr Hohneck) It is hoped the Settlement trust will attract three good people. The marae is designed and remains the place for whakanohi and discussions.</p> <p>Q9: Is it possible to register and amend details on the internet?</p> <p>A9: Yes. The forms can be downloaded off the Ngāti Manuhiri website.</p> <p>Q10: What is the role of the custodian trustee?</p> <p>A10: (Mr Kapea) The role of the custodian trustee is primarily administrative. A company has a legal personality whereas a Trust does not. Therefore, a Trust cannot hold land, the Trustees do. So if there is a change of trustees on the Settlement trust, every single land title must be changed.</p> <p>The benefit of the custodian trustee is that the trustees can change and the custodian trustee remains the legal personality on the land title.</p> <p>Q11: Where does the voting happen?</p> <p>A11: The voting happens not for the draft Deed of Settlement and the post settlement governance entity. For the trustees, it will happen sometime in the future.</p> <p>Q12: Who confirms the registration?</p> <p>A12: The registrations come back through the MOKO Trust and a whakapapa committee decides whether each registration is valid or not.</p>
--	---

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

Resolution(s)	<ol style="list-style-type: none"> 1. <i>I accept the Ngāti Manuhiri Deed of Settlement; and</i> 2. <i>I accept the Ngāti Manuhiri Settlement Trust as the post-settlement governance entity for Ngāti Manuhiri.</i>
Voting process	<p>The ratification took place by postal vote.</p> <p>Special voting was available at the hui for those not registered or those who had not received a voting and information pack by post.</p> <p>Electronic voting was also available online.</p> <p>Special voting at the hui was conducted by the TPK Observer. One person made a special vote as they did not receive a voting pack.</p>
Voting result	<p>To be announced after the closing date (15 April 2011) for the postal ballot.</p>
Other comments	<ul style="list-style-type: none"> • There was sufficient opportunity for discussion and questions at the hui. • The hui was run in a fair and open manner. • A number of documents were available for attendees, including information packs, registration forms, copies of the Trust deed and the draft Deed of Settlement. • Hui attendees had the opportunity to place a special vote if they weren't currently registered, or had not received a voting pack, although only one person did.

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

RATIFICATION HUI OBSERVER REPORT: Ngāti Manuhiri

Iwi / Hapū	Ngāti Manuhiri		
Location	Wylie Court Motor Lodge 345 Fenton Street ROTORUA		
Date	23 March 2011		
Start time	~6.30pm	Finish time	~7.40pm
Chair	Vern Rosieur (also Chair of MOKO Trust)		
Observer(s)	Watu Mihinui (TPK, Rotorua Regional office)		
Presenter(s)	Mook Hohneck (Lead Negotiator) and Toko Kapea (Tuia Legal, Consultant).		
Attendance	~36 attendees*, including 1 TPK Observer. Also, Chair, Chief Negotiator, Strategic Project Manager, Tuia Legal (x 2 legal advisors). *approximate only as people were arriving and leaving throughout the hui.		
Purpose	To make sure that Ngāti Manuhiri members have all the information required to make a fully informed decision on whether to vote for the Deed of Settlement and the proposed PSGE structure		
Agenda	<ul style="list-style-type: none"> • Karakia • Whakatau • Introduction/Overview/Power Point Presentation- Mook Hohneck • PSGE Framework/Trust Deed – Toko Kapea • Questions and answers • Whakamutunga 		
Presentation	Refer PowerPoint presentation.		
Questions and comments	<p>Q1: Will I have to give over my (privately owned) land to the Crown?</p> <p>A1: (Mook Hohneck) No, your privately owned land is yours and not included in the settlement.</p>		

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

Resolution(s)	<ol style="list-style-type: none"> 1. <i>I accept the Ngāti Manuhiri Deed of Settlement; and</i> 2. <i>I accept the Ngāti Manuhiri Settlement Trust as the post-settlement governance entity for Ngāti Manuhiri.</i>
Voting process	<p>Electionz.com Ltd has been engaged to conduct the Voting Process.</p> <ul style="list-style-type: none"> • Postal Ballot - voting forms had already been posted out to members whose addresses were known. • Special Voting forms were handed to members where required • Te Puni Kōkiri Observer collected voting papers for return to Electionz.com Ltd (pre-stamped courier pack sealed at hui)
Voting result	To be announced after the closing date (15 April 2011) for the postal ballot.
Other comments	-

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

RATIFICATION HUI OBSERVER REPORT: Ngāti Manuhiri

Iwi / Hapū	Ngāti Manuhiri		
Location	Haerenga Meeting Room Civic Building 1 Greys Avenue AUCKLAND		
Date	24 March 2011		
Start time	~6pm	Finish time	~7pm
Chair	Mook Hohneck		
Observer(s)	Kererua Savage (TPK, Policy)		
Presenter(s)	Mook Hohneck (Lead Negotiator) and Toko Kapea (Tuia Legal, Consultant).		
Attendance	Total of ~12 attendees*, including 1 TPK observer. *approximate only as people were arriving and leaving throughout the hui		
Purpose	To provide information and answer questions about: <ul style="list-style-type: none"> • the draft Deed of Settlement; • the post settlement governance entity; and • the voting process. 		
Agenda	<ul style="list-style-type: none"> • Mihimihi / Karakia • PowerPoint presentation • Questions & Answers • Karakia whakamutunga • Hākari whakanoa 		
Presentation	Mook Hohneck presented a short PowerPoint presentation first. He closely followed the PowerPoint slides. Additional comments are recorded under the corresponding slide. <ul style="list-style-type: none"> • Hikoi <ul style="list-style-type: none"> ○ Treaty settlement negotiations were stalled because of the Ngāti Whātua o Ōrākei negotiations. 		

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<ul style="list-style-type: none">○ In response Sir Douglas Graham spoke to a number of recognised groups in the Kaipara, Tamaki Makaurau and Hauraki region.○ Ngāti Manuhiri were fortunate enough to be one of those groups.○ Without iwi help (Ngāti Wai), it would have been hard for Ngāti Manuhiri to progress.● Hikoi (2)● Milestones<ul style="list-style-type: none">○ An agreement in principle was signed with the Crown on 22 December to take back to the people of Ngāti Manuhiri.○ On 12 January 2010, CFRT funding was received.● Specialists Involved● Iwi / Cross claimants involved● Crown Authorities● Milestone<ul style="list-style-type: none">○ 2 March 2011 in Wellington. It was determined that this was the best that could be negotiated.● Ratification <p>Toko Kapea of Tuia Legal, then made a presentation on the draft Deed of Settlement, the post settlement governance entity, and the voting process.</p> <ul style="list-style-type: none">● Introduction● Deed of Settlement<ul style="list-style-type: none">○ South Mangawhai: it is a big and valuable forest.○ Cultural redress includes Hauturu island.● Resolution● Post settlement governance entity● Current Ngāti Manuhiri structures● Ngāti Manuhiri settlement trust<ul style="list-style-type: none">○ Non charitable status○ Custodian trustee is a company for administration purposes only. It makes it easier for land titles, particularly when there is a change in trustees.○ There is the opportunity to bring the MOKO Trust into the post settlement structure as
--	---

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<p>the charitable trust.</p> <ul style="list-style-type: none"> • The new entity • Trust Deed <ul style="list-style-type: none"> ○ Explanation of how to choose trustees. There will be only three. ○ One person, one vote. ○ The Nominations will be pooled. Every eligible voter has the ability to vote for up to three trustees. • Key features <ul style="list-style-type: none"> ○ Meetings ○ Major transaction clause explained as a protection mechanism. • Nominations process <ul style="list-style-type: none"> ○ To note, Ngāti Manuhiri will not be able to receive the Treaty settlement redress until the entity is operational. • Elections <ul style="list-style-type: none"> ○ It is highly likely that an independent election company, i.e. Electionz, will run the elections for the initial trustees. ○ There will be plenty of notice for all of Ngāti Manuhiri. • Voting process • Ratification
<p>Questions and comments</p>	<p>Comment: (Greg McDonald) A comment was made that there needed to be people added as it was always the same people involved.</p> <p>There was mention that he (Mr McDonald), is the named claimant for Wai 532 and wanted to have a proper hui and see who is actually going to be on there [the entity].</p> <p>Response: (Mr Hohneck). Mr Hohneck explained that it was about whanaungatanga and it is what the majority of Ngāti Manuhiri want.</p> <p>Mr Hohneck spoke of the settlement deal being transparent the whole time. He acknowledged Mr McDonald as the named claimant for Wai 532, but said that is an issue for Mr McDonald to take up with the Crown. The hui today is for the ratification of the settlement package.</p> <p>Comment: (Greg McDonald) Mr McDonald mentioned that since this is a new process, it is important to have understanding of it. He also made mention that people</p>

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

	<p>shouldn't have to be registered with the MOKO trust to vote.</p> <p>Response: (Toko Kapea) Mr Kapea explained the voting process, and said that there may have been a misunderstanding in the interpretation by Mr McDonald. Mr Kapea provided clarification that anyone from Ngāti Manuhiri has the opportunity to vote, and they do not have to be registered with the MOKO Trust as this is about the new entity and a clean slate. Mr Kapea went on further and reiterated that the three elected trustees for the new entity will be there to act in the interests of the whole of Ngāti Manuhiri and not the traditional family structures.</p> <p>Comment: (Mook Hohneck) Mr Hohneck explained that the settlement trust was for the commercial interests of the tribe. Regarding the amount of trustees he referred to Waikato Tainui, and the fact that more trustees or representatives is not necessarily better, and in many cases a hindrance. Mr Hohneck also clarified that the traditional place for discussion will still be at Omaha Marae. Mr Hohneck made the point that the ratification process gave the people of Ngāti Manuhiri the opportunity to decide whether or not they are happy with the settlement package they have negotiated through the postal vote.</p> <p>Comment: (Greg McDonald) Mr McDonald said that he was not happy with aspects of the deed of settlement and that some of the research on the claims was being run by the Mahurangi Claims collective. Mr McDonald expressed his annoyance concerning the Wai 532 claim and the fact it was subsumed in the current negotiations process.</p> <p>Comment: (Mook Hohneck) Mr Hohneck explained to Mr McDonald that the issues are with the Crown and suggested he contact Ben White from the Office of Treaty settlements.</p> <p>Mr Hohneck made the closing comments that the majority of the tribe are happy with the way the process is being run.</p>
Resolution(s)	<ol style="list-style-type: none"> 1. <i>I accept the Ngāti Manuhiri Deed of Settlement; and</i> 2. <i>I accept the Ngāti Manuhiri Settlement Trust as the post-settlement governance entity for Ngāti Manuhiri.</i>
Voting	The ratification took place by postal vote.

This file note is a final summary report of the hui. It is not a full transcript or a full record of the hui. It is intended for internal Te Puni Kōkiri use only and not public distribution. It may, however, be subject to Official Information Act 1982 requests in the future.

process	<p>Special voting was available at the hui for those not registered or those who had not received a voting and information pack by post.</p> <p>Electronic voting was also available online.</p> <p>Special voting at the hui was conducted by the TPK Observer. No one made a special vote at this hui.</p>
Voting result	<p>To be announced after the closing date (15 April 2011) for the postal ballot.</p>
Other comments	<ul style="list-style-type: none">• There was sufficient opportunity for discussion and questions at the hui.• The hui was run in a fair and open manner.• A number of documents were available for attendees, including information packs, registration forms, copies of the Trust deed and the draft Deed of Settlement.• Hui attendees also had the opportunity to place a special vote if they weren't currently registered or had not yet received a voting pack, although no one did.

Ngāti Manuhiri

ME PIKI TAUA KI TE TIHI O HAUTURU
MUIA AO
KA MAATAKITAKI TAUA KI NGĀ POITO
O TE KUPENGA
O TOI-TE-HUATAHI
E TAMA TANGI KINI EE
HAUTURU EE

Ngāti Manuhiri Settlement

Information Booklet
March 2011

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Contents

Mihi	4
1. Overview	6
2. Crown Settlement Offer	8
3. Information hui, voting and resolutions	10
4. Historical Background to our Claims	13
5. Crown Apology, Crown Acknowledgement and Historical Account	19
6. Cultural Redress	21
7. Commercial and Financial Redress	26
8. Post-Settlement Governance Entity	27
Information Details	31
Glossary of Terms used	32

Mihi

*Ka tangata whenua te titiro ki te ao
Manuhiri te tupuna
Manuhiri te tangata
Manuhiri te tapu*

*E ngā Raurangatira, ngā pari
karangaranga, te iti me te rahi, tēnā
koutou, tena tātou. Me mihi ki ngā
parekawa i waenganui i a tātou,
whakatakato mai, okioki ai. Ngā kanohi
ora o Ngāti Manuhiri, tēnā tātou katoa.*

*Over the past 170 years successive Tupuna of Ngāti
Manuhiri and their descendants have maintained and
endured the struggle of long standing grievances with
the Crown. Promoting and speaking out against the
injustices during their time. Driven by self belief, dedication
and strength of heart the surviving descendants of Ngāti
Manuhiri have carried on the efforts of those Tupuna. The
end is in sight with the initialling of a Deed of Settlement
between the Crown, represented by The Honourable
Chris Finlayson, Minister for Treaty Settlements and
Crown Negotiator Michael Dreaver and Ngāti Manuhiri
represented by Rangatira Laly Haddon and myself, Lead
Negotiator, Mook Hohneck.*

*Our ability to reach this long awaited milestone has hinged
on the commitment of those members of Ngāti Manuhiri
who have worked extremely hard to reach this point. Key
elements of the settlement offer from the Crown to Ngāti
Manuhiri are contained in this booklet as is the proposed*

structure that will manage the settlement assets of Ngāti Manuhiri. The settlement offer outlined gives us the opportunity to reaffirm our mana over our ancestral taonga encompassing all aspects of Manuhiritanga, as well as monetary compensation for the social, economic and cultural deprivation suffered by past generations of Ngāti Manuhiri. It also provides evidence of recognition by the Crown of our longstanding claims. We now prepare to embark on a new journey of self awareness facing the likelihood that the immediate and future generations discover the opportunities that their Tupuna were denied. Instead of the weight of injustice on our backs we will carry the excitement, hopes and aspirations of Ngāti Manuhiri forward into prosperity.

This booklet contains crucial information affecting the future of Ngāti Manuhiri and I urge you strongly to read it carefully and discuss with whānau members. Over the next few weeks I will be travelling around the motu with my claims team to discuss the Deed of Settlement and the proposed settlement structure and address any questions that may be asked. After attending the Information Hui and reading this booklet you will be able to make a fully informed decision when voting for the Deed of Settlement and the proposed settlement structure. Supporting the Deed of Settlement and the proposed settlement structure will allow us to start the new journey, one that leaves our grievances behind and signals the start of a new future for our children and mokopuna of Ngāti Manuhiri.

Na reira ma te atua koe e manaaki, e tiaki.

Mook Hohneck
Lead Negotiator

1 Overview

The purpose of this booklet is to provide you with information about the Crown's settlement offer and the proposed Ngāti Manuhiri Post-Settlement Governance Entity, so that you are well-equipped to participate and make an informed ratification decision.

On 2 March 2011 Ngāti Manuhiri and the Crown initialled a Deed of Settlement that contains the Crown's formal offer to settle all Ngāti Manuhiri historical claims resulting from acts or omissions by the Crown prior to 21 September 1992.

All eligible members of Ngāti Manuhiri now have the opportunity to vote on whether or not to accept the Crown's settlement offer. This process is called Ratification.

Before settlement assets can be transferred, a legal structure referred to as the post-settlement governance entity (PSGE) must be in place to receive them. The trustees of Manuhiri Omaha Kaitiakitanga Ora (MOKO) Trust have undertaken extensive work and sought expert advice to develop a proposal for the establishment of a suitable PSGE and operational structure to receive, manage and grow the Ngāti Manuhiri settlement assets. As part of the ratification process members of Ngāti Manuhiri are also being asked to vote to approve this proposal.

In the second part of this booklet we provide an overview of the proposed PSGE and associated operating structures. A detailed explanation of this proposed structure will be provided as part of the Information Hui and a copy of the proposed PSGE Trust Deed can be found on the Ngāti Manuhiri website or can be obtained from the Ngāti Manuhiri office – refer to Part 9 of this Information Booklet for the details on how to obtain the Trust Deed.

To ensure a common understanding of some of some of the key terms used in the table below, we have added a glossary to the back of this Information Booklet.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

2 Crown Settlement Offer

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

The Crown's settlement offer, as presented in the Deed of Settlement, includes:

- The **Crown Apology**: including an agreed Historical Account and Crown Acknowledgements. This is fundamental to our settlement as it finally acknowledges the validity of the claims that our tupuna have made over generations and in doing so, reaffirms and recognises our mana.
- The **Historical Account**: is an agreed statement of the history of interaction between the Crown and Ngāti Manuhiri. Reaching agreement on the Historical Account involved a considerable level of negotiation that focused on the weight given to evidence used in establishing breaches of the Treaty. Events covered in the Historical Account relate to three key areas of historical Crown activity:
 - Crown purchasing activity from 1841 including the forced acquisition of Hauturu by the Crown;
 - Native Land Court operations; and
 - Twentieth Century land administration.

Based on the agreed Historical Account, the Crown acknowledges that certain historical acts and omissions were in breach of the Treaty.

- **Cultural Redress:** The cultural redress package provides for six sites (totalling approximately 71 hectares) to be vested in the PSGE. The cultural redress package recognises our ability to express our cultural, spiritual, historical and traditional associations and exercise our kaitiaki responsibilities with the rivers, lakes, land and natural resources in our rohe all of which have been drastically eroded over the last 170 years. The settlement offer provides us with a range of mechanisms to see our mana over taonga restored.
- **Financial and Commercial Redress:** made up of cash, properties and mechanisms for acquiring properties, with a total value of \$9 million (plus interest from Agreement in Principle to the day before Settlement Date) less the value of the commercial properties that are to be acquired by Ngāti Manuhiri. This redress aims to provide resources to assist us to develop our economic, social and cultural well-being. Mechanisms such as the Right of First Refusal (RFR) give Ngāti Manuhiri the right and opportunity to buy certain Crown assets, which will in turn provide the platform to generate funding for our social and cultural development.
- **Accumulated rentals:** As part of the settlement package Ngāti Manuhiri will purchase South Mangawhai Forest. Ngāti Manuhiri will also receive the rentals that have accumulated on that land since 1989 which are worth approximately \$1.1 million. The accumulated rentals are in addition to the commercial redress that Ngāti Manuhiri will receive.

3 Information hui, voting and resolutions

Information Hui

The purpose of the Information Hui is to make sure that Ngāti Manuhiri members have all the information required to make a fully informed decision on whether to vote for the Deed of Settlement and the proposed PSGE structure. For this reason the MOKO trustees strongly urge all Ngāti Manuhiri members to take the opportunity to attend at least one of the three Information Hui.

DATE	TIME	VENUE
Sunday 20 March 2011	10am – 1pm	Omaha Marae, 70 Cumberland Street, Leigh, Rodney District, Auckland (ph 09 422 6292).
Wednesday 23 March 2011	6pm – 9pm	Wylie Court Motor Lodge, 345 Fenton Street, Rotorua (ph 07 347 7879).
Thursday 24 March 2011	6pm – 9pm	Haerenga (large meeting room), Civic Building, 1 Greys Avenue, Auckland Central (ph 09 379 2020).

Voting

Postal Ballot closing Date – Friday 15 April 2011

The Ngāti Manuhiri Deed of Settlement and PSGE are subject to ratification by Ngāti Manuhiri members – there are 3 possible ways to vote:

- Online;
- By post; or
- By placing your voting paper in the ballot box at any one of the Information Hui mentioned above.

To ensure the integrity of the ratification process, Ngāti Manuhiri has engaged electionz.com to act as an independent Returning Officer who will receive and collate the votes. MOKO Trust will not be involved in the voting process once the voting period commences.

It is very important that all Ngāti Manuhiri members participate in this process. If a sufficient majority of those who vote support the PSGE proposal – Ngāti Manuhiri can formally establish the PSGE.

More information on the voting process is outlined in the documents that come with this Information Booklet.

Resolutions

We urge you to take the opportunity to read the information provided in this booklet and attend one of the three Information Hui that have been scheduled throughout the country. You will then be able to fully participate in the decisions that affect your future as a beneficiary of this settlement. As mentioned above, there are three ways you can vote.

When the time comes to vote, the trustees of MOKO Trust unanimously recommend that Members of Ngāti Manuhiri approve the resolutions by voting as follows:

- I accept the Ngāti Manuhiri Deed of Settlement; and
- I accept the Ngāti Manuhiri Settlement Trust as the post-settlement governance entity for Ngāti Manuhiri.

4 Historical Background to our Claims

Historical Background to the Claim

The historical basis for the Ngāti Manuhiri claim is set out in the draft Deed of Settlement as an “Agreed Historical Account” (AHA) negotiated between Ngāti Manuhiri and the Crown. The AHA is introduced by a brief section on the origins and identity of Ngāti Manuhiri. It then describes the relationship between the Crown and Ngāti Manuhiri since 1840, and identifies Crown actions and omissions which have impacted negatively on Ngāti Manuhiri over the generations. It provides the context for the Crown’s acknowledgments of its historical Treaty breaches against Ngāti Manuhiri and for the Crown’s offer of an apology to Ngāti Manuhiri. The basis of the Ngāti Manuhiri claim is as follows:

Early Land Transactions

Ngāti Manuhiri were impacted by six early land transactions negotiated by Europeans and Iwi who were not permanently resident in the area. None of them involved Ngāti Manuhiri. These transactions impacted significantly on Ngāti Manuhiri, and marked the first stage in a process that eventually led to the alienation of most Ngāti Manuhiri land and many places of significance.

The 1841 Mahurangi and Ōmaha Purchase

On 13 April 1841, the Crown purchased an approximately 110,000 acre area called “Mahurangi and Ōmaha”, which extended from Maungauika (North Head) along the east coast to Te Ārai Point. The Crown entered into this transaction without an adequate investigation of customary rights in the district and did not properly survey the land. This purchase included a large area of Ngāti Manuhiri land yet the Iwi had no knowledge of the purchase at the time, or of its later investigation by the Crown. The 1841 Crown purchase set in train a process of land alienation that continued for a period of 30 years.

Although the Crown took the position after 1841 that the “Ōmaha and Mahurangi” block was government land, it began to investigate customary rights in the district because of Māori protest. In 1853 Parihoro signed a deed extinguishing Ngāti Manuhiri interests at Matakana, apart from a reserve at Tāwharanui-Mangatawhiri. While Ngāti Manuhiri participated in the 1853 transaction they had little option but to do so, and the disadvantage created by the 1841 transaction was permanently locked into place. Ngāti Manuhiri lost treasured resources, landmarks on the eastern coastline and came into conflict with settlers and other Iwi.

Crown Purchases 1854-1865

In 1854 the Crown began a systematic programme of land purchasing north of Auckland. Over the next decade they purchased over 115,000 acres within the Ngāti Manuhiri rohe. The purchases were excessive, the prices paid for the land were generally low, and Ngāti Manuhiri were left confined to the Rakiri-Omaha area. In addition Ngāti Manuhiri gained little long term benefit from a “tenths” clause included in the Mangawhai (1854) deed.

The Native Land Court and Crown land purchasing 1865 to 1890

In 1865 the Native Land Court was established to ascertain the ownership of Māori land and to convert customary title into title derived from the Crown. Ngāti Manuhiri got title to some reserve land, but in many cases only as part of the sale of the land. Securing title through the Native Land Court carried significant costs. On some occasions Ngāti Manuhiri were unable to assert rights to ancestral land through the Court and were left with insufficient reserves. The Court process led to a fragmentation of shares and the ultimate sale of land which was uneconomic to manage. A significant issue was the subdivision and Crown purchase of two thirds of

the 30,000 acre Pākiri North reserve which was the only large area of land remaining in Ngāti Manuhiri ownership. Ngāti Manuhiri attempted to protect significant wāhi tapu, although they were not made inalienable, and none remain formally protected today.

Hauturu

Hauturu (Little Barrier Island) is a place of iconic importance for Ngāti Manuhiri and those other iwi who shared title to it with them. The Crown had shown interest in purchasing Hauturu from 1840. Ngāti Manuhiri had indicated a willingness to sell the island from 1862, although the sale did not proceed. The Native Land Court investigated and re-investigated the title to Hauturu several times 1881-1886, with each Court reversing the decision of the previous Court. At the Crown's request the Court imposed alienation restrictions in 1881 and formally notified its intention to acquire Hauturu. The Court hearings were expensive and particularly damaging to relationships between and within Ngāti Manuhiri and related iwi, which remain unhealed.

The Crown had refrained from completing the purchase of Hauturu until title was finally resolved. During his time, however, the informal sale and milling of timber continued. In late 1886 the Crown considered an offer from Rahui Te Kiri and her husband Tenetahi Te Riringa, two of the owners, for £4000 subject to their retaining 100 acres and their dwellings on the island. In 1890 the principal owners agreed to accept a government offer of £3000, conditional on all of the owners agreeing. This condition was not satisfied and no purchase was made. Tenetahi began to cut the trees on the island to recover the significant personal costs, calculated at £2496, he had acquired as a result of the hearings and associated litigation. The Crown issued injunctions on several occasions to prevent timber

milling, effectively preventing the owners from gaining direct economic benefit from their land. It also prohibited by proclamation any private purchasing. In January 1892 the Māori owners withdrew the island from sale because of dissatisfaction that the Crown offer did not account for the full value of the standing timber. By this time, the Crown wanted to acquire Hauturu as a sanctuary for flora and fauna. For such protection to be effective the Crown wished to ensure that no permanent human occupation and traffic could take place on the island.

In May 1892 the court determined the relative interests of owners and started to buy out the interests of individual owners. The ongoing refusal of Tenetahi and his family and to sell their interests, and the Crown's fear they would damage the island habitat, led the Crown to enact compulsory measures to acquire the remaining owners' shares. The Little Barrier Island Purchase Act came into operation in October 1894, making Hauturu Crown land. In 1895, Little Barrier Island was made a Nature Reserve. Tenetahi and his family and relatives, who had not sold by that date, refused to accept the compensation determined for their shares until their costs had been covered. They also refused to leave Hauturu. The Crown deemed them to be trespassers and, along with the other remaining residents, forcibly evicted them in January 1896. In 1912, Tenetahi, Rahui Te Kiri and their daughter Ngapeka, reluctantly agreed to accept payment for their interests in Hauturu at an amount of £551. The consequences of losing their interests in Hauturu and their access to the island were devastating for Ngāti Manuhiri and have remained a source of ongoing grievance.

Twentieth century issues

Māori land management - By 1900 Ngāti Manuhiri landholdings were restricted to parts of the Taumata Māori Reserve, the Pākiri No. 1 block, and the Ōmaha papakāinga and reserve. From 1905 the Crown instituted a new system of Māori land management through Māori Land Boards. The board system was patronising and had the effect of distancing Māori from the management of their lands. By the 1930s Ngāti Manuhiri landholdings had diminished and the economic viability of their remaining lands had become marginal in spite of development schemes and began to be sold. Ngāti Manuhiri lands at Pākiri and Ōmaha were subject to both consolidation and subdivision but remained uneconomic. Many Ngāti Manuhiri sold their remaining interests to support a move out of the district.

In 1932 local farmers became concerned about sand drift from Pākiri beach to their properties and raised the issue with the Public Works department. As a result Ngāti Manuhiri agreed to vest coastal lands in the Crown to enable the planting of forest and marram grass for sand stabilisation purposes. Although the ownership of the coastal fringe has been returned, Ngāti Manuhiri are unable to occupy or utilise the 164 hectare Pākiri G block because of coastal planning restrictions. In the 1940s, Pākiri Māori complained to the Crown about people taking sand from the Pākiri Beach and gaining access to do so across Māori-owned lands. Sand extraction remained an issue of concern for Ngāti Manuhiri and led to litigation that was costly, stressful and damaging to Ngāti Manuhiri relationships with their neighbours before it was finally resolved to some degree. The issue of ownership of the changing Pākiri River bed has remained an issue for many years, and was the focal point of the claim lodged with the

Waitangi Tribunal by Ngāti Manuhiri in 1989. Other modern matters behind the claim include the rating of land, which has been an issue for Ngāti Manuhiri since the 1930s, and dealing with urban development pressures and local government planning processes.

Socio-economic consequences

At around 1840 Ngāti Manuhiri held customary interests to approximately 250,000 acres. Today, Ngāti Manuhiri hold title to just 1,300 acres in small, multiply owned blocks which often have difficulty of access, and limited development potential because of planning restrictions. The loss of most of their lands, high levels of debt and a lack of opportunity to compete in the new economy contributed to the impoverishment of many Ngāti Manuhiri, and their dispersal to other districts from the late nineteenth century. Those who stayed within the rohe experienced difficulties in using their lands.

This process of dislocation has eroded traditional tribal structures and customary knowledge and practices. Many Ngāti Manuhiri have become disconnected from their culture and their identity as Ngāti Manuhiri. Ngāti Manuhiri today consider that the consequences of their landlessness include social and cultural dislocation, impoverishment, and particular health problems in their community. These events have caused trauma for Ngāti Manuhiri and marginalised them as an indigenous people of Aotearoa New Zealand.

5 Crown Apology, Crown Acknowledgement and Historical Account

One of the most important aspects of the settlement offer is a formal apology by the Crown that seeks to atone for the past wrongs, indicates the Crown's desire to build a relationship of trust and mutual co-operation with Ngāti Manuhiri and expresses the intention to assist the process of healing grievances.

The Crown Apology is included as part of the Deed of Settlement and the settlement legislation to publicly acknowledge the full effects of acts and omissions of the Crown and the failure to actively protect the interests of Ngāti Manuhiri.

It should be read in conjunction with the Historical Account and Crown Acknowledgements, which together vindicate the claims our tupuna have made over seven generations, and recognise and reaffirm Ngāti Manuhiri's mana.

The Historical Account (which is provided in full in the Deed of Settlement) is an agreed statement of the history of interaction between the Crown and Ngāti Manuhiri. Reaching agreement on the Historical Account involves a considerable level of negotiation that focuses on the weight given to evidence used in establishing breaches of the Treaty.

Events covered in the Historical Account relate to the following areas of historical Crown activity:

- The 1841 Mahurangi purchase;
- Old land claims;
- Pre-emption waiver claims;
- Crown purchases 1851 – 1865;
- Native Land Court and land sales 1864 – 1900;
- Crown acquisition of Hauturu/Little Barrier Island Nature Reserve;
- Land administration in the twentieth century; and
- The socio-economic consequences in relation to the above.

The Crown Apology, Crown Acknowledgement and the agreed Historical Account assists in addressing the hurt inflicted on Ngāti Manuhiri by the Crown, enabling us all to move on from the past, and work towards a more positive future for our mokopuna. For further explanation, please refer to the Deed of Settlement (see Part 9 of this information Booklet for details on how to obtain the Deed of Settlement).

6 Cultural Redress

The identity of Ngāti Manuhiri is strongly associated with our natural environment. The whenua, maunga and awa in the region define us as an Iwi, they are the source of our stories and whakatauki, and in some cases embody our Tupuna. Over the past 170 years Ngāti Manuhiri's ability to express these relationships and exercise our kaitiaki responsibilities has been drastically eroded.

The Crown's settlement offer provides a range of instruments that aim to restore Ngāti Manuhiri's mana over taonga and gives practical effect to our kaitiaki responsibilities in areas of significance to Ngāti Manuhiri.

These cultural redress mechanisms:

- Recognise and safeguard our interests, enhancing the Iwi's ability to have Ngāti Manuhiri's values acknowledged and provided for;
- Provide opportunities for active management, control or ownership of sites, areas or customary resources on Crown-owned land with which we have traditional and cultural associations; and
- Create partnerships and relationships with government departments and other agencies such as local bodies, which play significant roles in the areas in which Ngāti Manuhiri have traditional and cultural associations.

In the following pages we review the most significant areas of cultural redress within the Crown's settlement offer.

Sites to be vested (totalling approximately 71 hectares)

SITE	AREA	AGENCY	CONDITIONS ON TRANSFER
Hauturu / Little Barrier Island Nature Reserve (balance)*	2816 hectares	DOC	To be gifted back to the people of New Zealand
Hauturu / Little Barrier Island (part)	1.2 hectares	DOC	Subject to the PSGE providing a registrable covenant and registrable easements
Leigh Recreation Reserve (part)	5.5 hectares	DOC	Subject to recreation reserve status
Pakiri Block Conservation Area	47.4 hectares	DOC	Subject to the Ngāti Manuhiri Settlement Trust providing a registrable conservation covenant
Mt Tamahunga (part)	10 hectares	DOC	Subject to scientific reserve status
Pakiri Domain Recreation Reserve	2.02 hectares	DOC	Subject to recreation reserve status

SITE	AREA	AGENCY	CONDITIONS ON TRANSFER
Pakiri Riverbed (part)	4.9 hectares (subject to survey)	LINZ	Subject to the Ngāti Manuhiri Settlement Trust providing a registrable conservation covenant

***Hauturu / Little Barrier Island Nature Reserve**

As referred to in the table above, Hauturu/Little Barrier Island Nature Reserve will be vested in the PSGE on settlement. The PSGE will then gift back the island to the people of New Zealand but will retain 1.2 hectares. There will be co-governance arrangements over the gift back area. The PSGE will be involved in the development of the Conservation Management Plan for Hauturu/Little Barrier Island Nature Reserve. The PSGE and the Auckland Conservation Board will co-approve the plan.

Additionally, the PSGE together with the Commissioner (officer appointed to present the Director-General of the Department of Conservation) will be able to co-authorise members of Ngāti Manuhiri to remove stones from Hauturu/Little Barrier Island Nature Reserve for cultural purposes. Hauturu is very much at the heart of Ngāti Manuhiri's settlement. Section four of this document highlights why Hauturu is so important to Ngāti Manuhiri.

Hauturu/Little Barrier Island

1.2 hectares will be vested in the PSGE and a title raised in the name of Ngāti Manuhiri's tupuna, Rāhui Kiri.

Other site-specific cultural redress

REDRESS INSTRUMENT	SITES
Whenua Rahui (overlay classification)	Hauturu/Little Barrier Island Nature Reserve (gifted back area) Wakatū whenua (comprising the remainder of Leigh Recreation Reserve, Goat Island Scientific Reserve Cape Rodney-Okakari Point Marine Reserve)
Statutory acknowledgements (non-exclusive)	Motu Hawere (comprising the remainder of Leigh Recreation Reserve and Goat Island Scientific Reserve) Remainder of Mount Tamahunga (Omaha Ecological Area) not transferred Coastal area Hoteo, Puhoi, Pakiri, Matakana, Waiwerawera and Poutawa Rivers Ngaroto lakes (Spectacle, Slipper and Tomarata lakes) Tohitohi o Reipae (The Dome) Pohuehue Scenic Reserve Kawau Island
Deed of Recognition	Remainder of Mount Tamahunga (Omaha Ecological Area) not transferred

REDRESS INSTRUMENT	SITES
Geographic name changes (subject to recommendation by the NZGB and approval Minister for Treaty of Waitangi Negotiations)	Paepae-Ō-Tū (Bream Tail)
	Te Hauturu-o-Toi (Hauturu/Little Barrier)
	Motu-Hāwera-a-Maki (Goat Island)
	Te Kohuroa (Matheson Bay)
	Te Hauturu-o-Toi (Hauturu/Little Barrier)
	Ngāroto (Lake Spectacle and Slipper Lake)

Relationship cultural redress included

Other cultural redress mechanisms include Protocols that set out how the Crown will interact with the PSGE. The Protocols are:

- Conservation Protocol;
- Taonga Tūturu Protocol; and
- Crown Mineral Protocol

The responsible Minister will sign and issue the Protocol.

Other relationship cultural redress includes letters of introduction of the PSGE from the Minister for Treaty of Waitangi Negotiations to identified agencies, including three museums where Ngāti Manuhiri taonga has been identified.

7 Commercial and Financial Redress

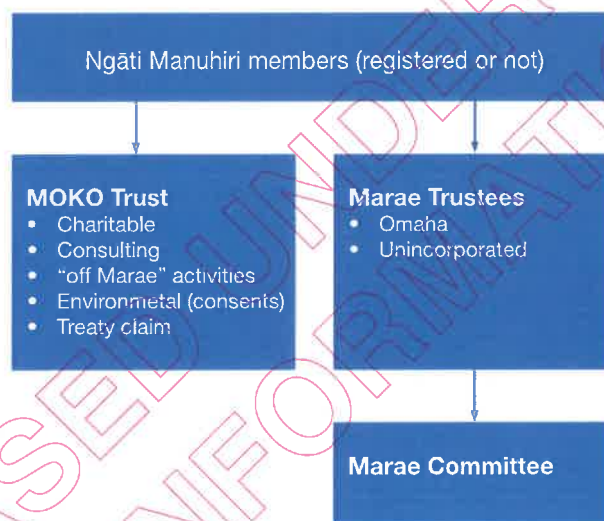
The Commercial and Financial Redress component of the settlement offer consists of mechanisms that will assist Ngāti Manuhiri to secure and grow our collective asset base. The overall value of the Ngāti Manuhiri commercial settlement is \$9 million (plus interest from Agreement in Principle to the day before Settlement Date) less the value of the properties that are to be acquired by Ngāti Manuhiri. The amount of accumulated rentals received from the Crown Forest Rental Trust is additional to the commercial settlement amount.

Commercial redress properties

TYPE OF REDRESS	NAME/ADDRESS OF PROPERTY
Crown Forest Licensed land	South Mangawhai CFL (approx. 753.99 ha).
Purchase and Lease Back	Warkworth District Court (land only) (0.0868 ha).
	Pakiri School (land only) (0.8094 ha).
RFR	Ngāti Manuhiri is entitled to 40% of properties in their area of interest on a RFR basis. The RFR is for 169 years. Properties will be selected and agreed between Ngāti Manuhiri and the Crown between initialling and signing of the Deed.

8 Post-Settlement Governance Entity

Ngāti Manuhiri have several current entities that manage Iwi affairs:



We are unable to utilise our existing structure to receive the settlement assets, because it is a charitable trust and therefore does not meet the Crown's representation and accountability requirements.

As part of our ratification process members of Ngāti Manuhiri are being asked to vote to approve the proposed Ngāti Manuhiri PSGE. The Crown has reviewed the proposed PSGE and agrees that it is an appropriate body to receive and manage Ngāti Manuhiri's settlement assets and meets accepted standards of good governance and fair representation of registered and non-registered members.

In this section, we provide an overview of the proposed PSGE and how it fits within the broader post-settlement operating structure. We have taken expert advice to identify the best option for Ngāti Manuhiri's PSGE, with the aim of achieving a simple, flexible and tax effective structure that complies with legislative requirements. We have also consulted with Ngāti Manuhiri members last year about how a PSGE structure could be developed.

It is recommended that the proposal outlined below offers the most effective means to manage the redress acquired in the settlement process to establish enduring benefits for our Iwi. Further information about the proposal will be provided at the Information Hui and is available on our website.

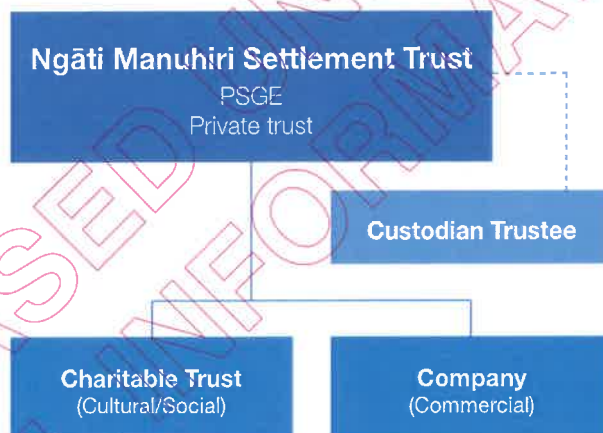
The proposed PSGE will be a private trust - Ngāti Manuhiri Settlement Trust, which will receive the commercial and financial settlement assets and cultural redress on behalf of Ngāti Manuhiri. The Ngāti Manuhiri Settlement Trust will include the following structures:

- **A company:** which will function as the asset holding company carrying out some or all of the commercial activities for Ngāti Manuhiri and allowing the tax-effective consolidation of commercial operations in one entity. The aim of the Company is to generate financial returns and secure the growth of Ngāti Manuhiri's assets for its shareholder, the PSGE. We may also establish other companies over time as we grow;
- **A custodian trustee company:** to hold assets on behalf of Ngāti Manuhiri Settlement Trust. The sole function of this company is to act as a custodian trustee pursuant to the Trustee Act 1956 and to hold property, invest funds, dispose of benefits and otherwise act in accordance with resolutions of

the trustees of Ngāti Manuhiri Settlement Trust. A custodian trustee company structure alleviates the administrative burden of changing trustee details on assets owned when trustees change, and

- **A charitable trust:** (possibly MOKO Trust) which will be responsible for distributing benefits for charitable purposes to Ngāti Manuhiri members.

The proposed structure will look like this:



The MOKO trustees and their advisers have worked hard to ensure that the proposed PSGE structure reflects the principles of Accountability, Transparency and Representation which are key Crown requirements.

Some key features of the Ngāti Manuhiri Settlement Trust Deed that reflect the principles of Accountability, Transparency and Representation are:

- **Purpose of the Ngāti Manuhiri Settlement Trust:** To receive, hold, manage and administer the Trust's assets on behalf of and for the benefit of present and future members of Ngāti Manuhiri.
- **Eligibility and election of trustees:** All Adult Registered Members of Ngāti Manuhiri (being persons registered as Ngāti Manuhiri who are 18 years and over) are entitled to nominate up to three candidates to become trustees. The top three ranked nominees will become trustees.
- **Meetings, quorum and resolutions:** The Trust must hold an Annual General Meeting (AGM). The quorum for the AGM (or special meetings) shall be twenty Adult Registered Members of Ngāti Manuhiri. All resolutions tabled at an AGM require approval of not less than a majority of the Adult Registered Members of Ngāti Manuhiri who validly cast a vote.
- **Special Resolutions:** Major transactions and amendments to the Trust Deed require a special resolution to be passed (approved by not less than 75% of all Adult Registered Members of Ngāti Manuhiri who are entitled to vote and cast a valid vote).
- **Notice:** Adult Registered Members of Ngāti Manuhiri will be given sufficient notice of the nomination process, AGM, special meetings etc in accordance with the Trust Deed.

Information Details

A full copy of the Trust Deed and Deed of Settlement can be obtained from:

- The Ngāti Manuhiri office: Manuhiri Omaha Kaitiaki Ora Trust, 20 Cumberland Street, Leigh, Rodney District, Auckland. Ph: (09) 422 6548 / Fax: (09) 422 6547 / Email: mokotrust@ihug.co.nz
- The Ngāti Manuhiri website: www.ngatimanuhiri.iwi.nz

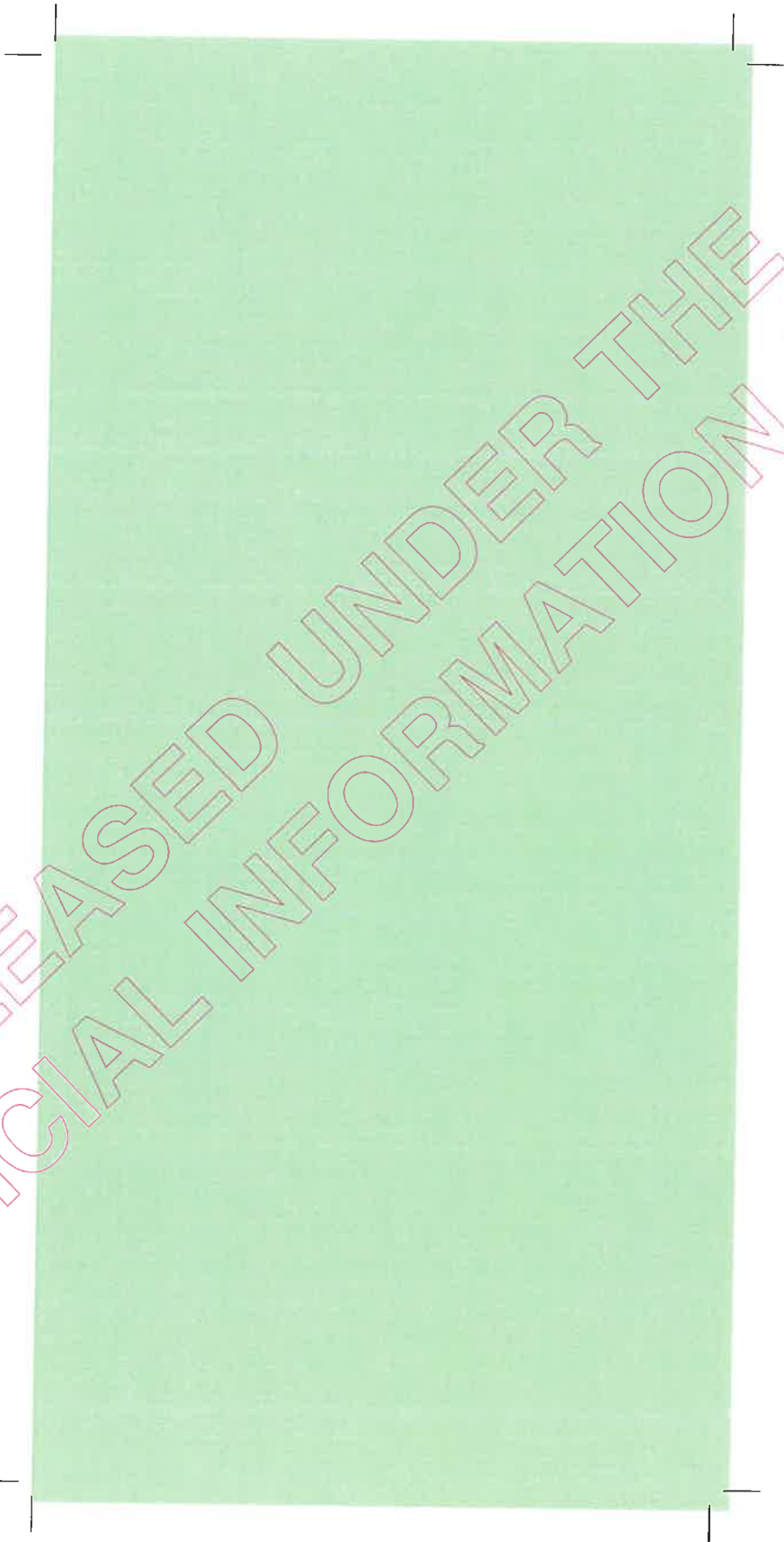
Glossary of Terms

TERM	DEFINITION
Crown Forest Licensed land	Crown land predominantly under exotic forests as defined by section 2 of the Crown Forest Assets Act 1989.
Deed of Recognition	Provides for the PSGE to be consulted on specified matters and regard had to its views; maybe added to an area where a statutory acknowledgement has been made; only used over land managed by the Crown.
Overlay Classification	Highly significant sites administered by the Department of Conservation. A statutory instrument which allows for the recognition of a claimant group's traditional values to a specific area without altering the underlying classification of the land.
New Zealand Geographic Board	The New Zealand Geographic Board assigns, approves, alters or discontinues the use of names for geographic features (e.g. place names), undersea features and Crown protected areas in New Zealand, its offshore islands and its continental shelf and the Ross Sea region of Antarctica.
Post-settlement governance entity	Body that receives and manages the assets on behalf of the settlement group.

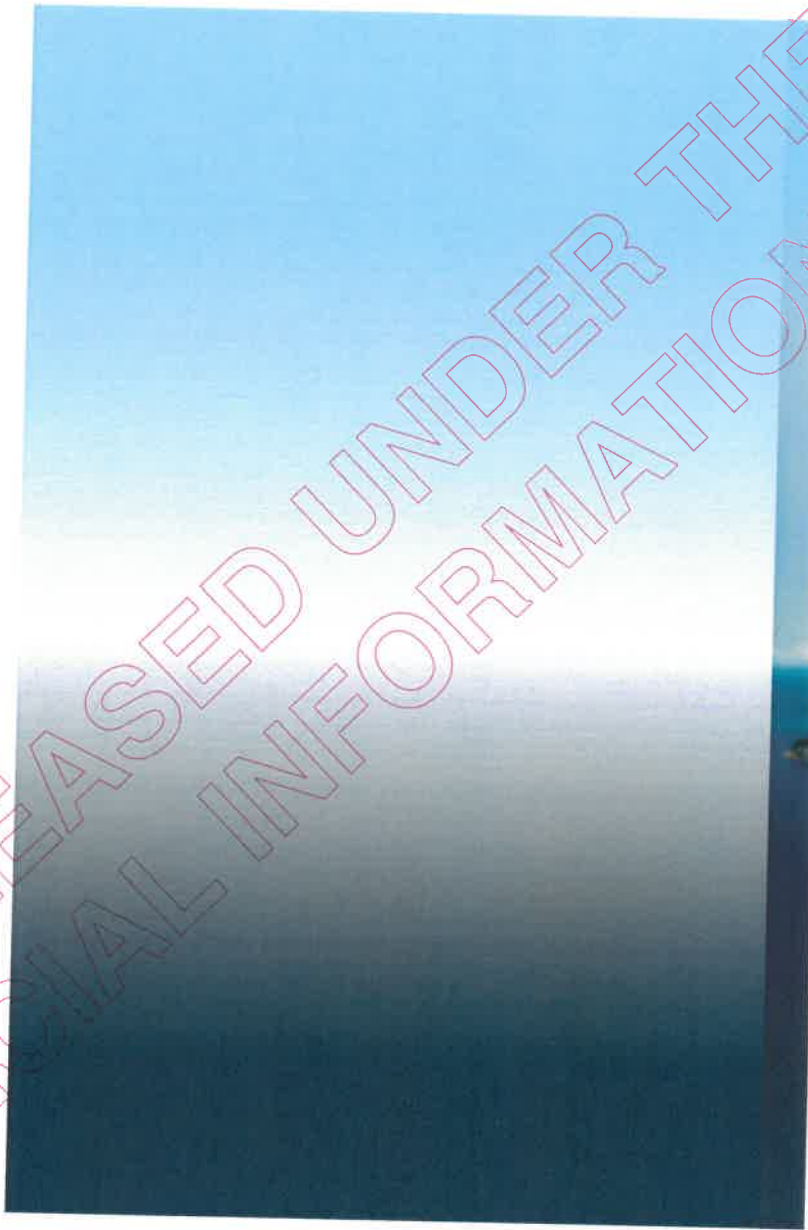
TERM	DEFINITION
Purchase and leaseback	Refers to non-surplus Crown land sold to claimant group on condition that they provide lease to the Crown for a defined period, usually long-term.
Right of First Refusal	Right of a claimant group to have, for a specified period, the opportunity to purchase specified surplus Crown properties ahead of other potential buyers.
Settlement date	Date that the settlement legislation comes into effect.
Settlement legislation	Legislation which confirms in law the details of settlement, including the Crown apology and the full and final nature of the settlement.
Statutory Acknowledgement	Statutory instrument in which the Crown recognises a claimant groups special relationship with sites of high and significant importance to them, e.g. lakes, rivers, mountains, forests, islands, wetlands, coastal areas etc.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



RELEASED UNDER THE
OFFICIAL INFORMATION ACT



RELEASED UNDER THE
OFFICIAL INFORMATION ACT