



TARANAKI IWI POST SETTLEMENT GOVERNANCE ENTITY PROPOSAL

# **RATIFICATION INFORMATION HUI**

# INFORMATION HUI - PURPOSE

- Discuss the Taranaki Iwi Post Settlement Governance Entity (PSGE) proposal
- Provide uri with information to make an informed decision
- Facilitate questions and answers


# INFORMATION HUI - HOUSEKEEPING

- Voting and Taranaki Iwi registration
- Crown observers
- Media presence

# INFORMATION HUI – PRESENTATION

- I. Introduction and background
- II. PSGE proposal – Te Kāhui o Taranaki
- III. Establishment arrangements
- IV. Ratification & voting
- V. Question & answer session

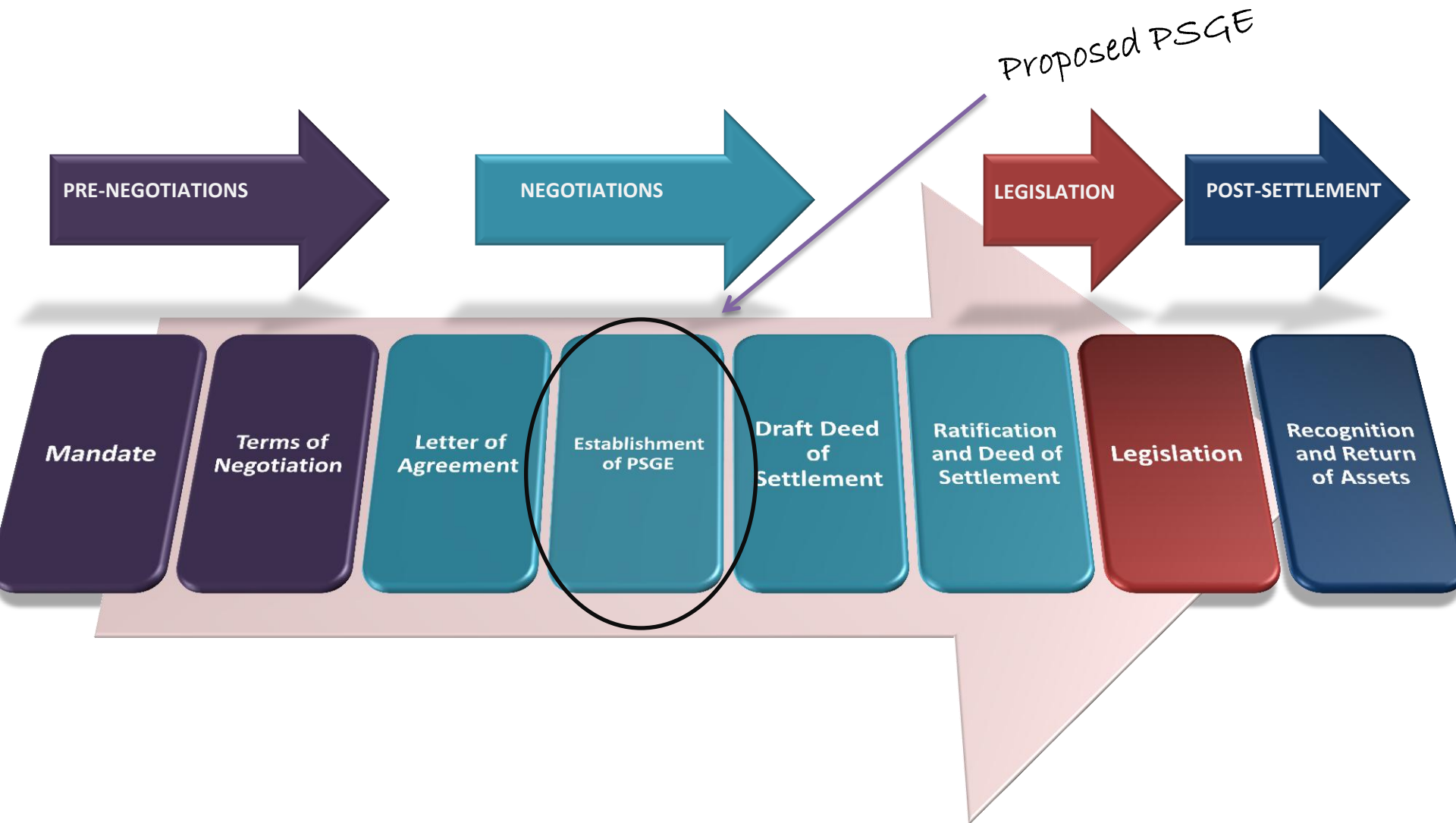


An aerial photograph of a lush, green forested landscape. In the center, a small, dark blue lake is nestled within a valley. The forest is dense and covers a large area, with some hills visible in the background. The sky is blue with some light clouds. In the far distance, a city or town can be seen on the horizon.

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# **I. INTRODUCTION AND BACKGROUND**

# INTRODUCTION AND BACKGROUND





# INTRODUCTION AND BACKGROUND

- Taranaki Iwi Trust and Claims Leadership Team have spent time discussing these arrangements internally since 2012
- PSGE development hui held with Taranaki Iwi members across the country in March 2013
- Careful consideration was given to iwi views expressed at hui and other feedback and these have been reflected in the proposed charter and planning moving forward
- External independent advice sought

# INTRODUCTION AND BACKGROUND

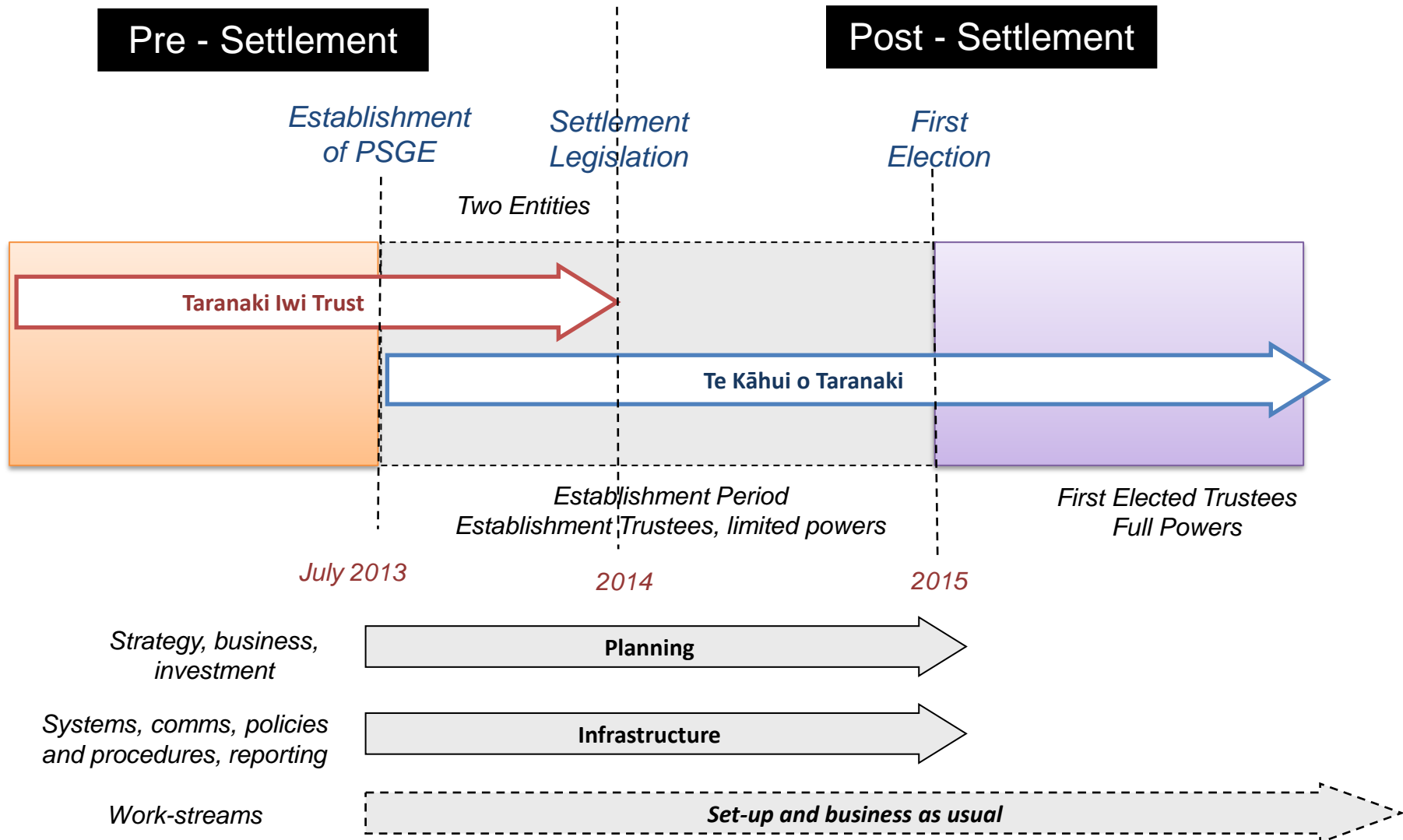
- Strong emphasis on continuity with existing Taranaki Iwi Trust
- Present Taranaki Iwi Trust cannot be the Treaty settlement PSGE (Crown requirement)
- Strong support for a single Taranaki Iwi entity



# INTRODUCTION AND BACKGROUND

- Initiating PSGE early provides an opportunity for Taranaki Iwi to:
  - prepare prior to the receipt of settlement assets
  - secure resources (via an on-account payment), so that such resources can be used to build a strong foundation and assist in shaping an effective PSGE prior to settlement

# INTRODUCTION AND BACKGROUND





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## II. TE KĀHUI O TARANAKI TRUST



# PSGE - KEY CROWN REQUIREMENTS

- Adequately represents and is fully accountable to all members
- Transparent decision making
- Ensures the “beneficiaries” of the settlement and the “beneficiaries” of the governance entity are identical
- The proposed Te Kāhui o Taranaki PSGE meets the Crown requirements

# PSGE STRUCTURE

- A private trust – Te Kāhui o Taranaki
- A trust is a proven legal entity
- Commonly used Treaty settlement legal entity
- Enables the setting up of subsidiary legal entities to manage commercial and cultural redress
- Most simple and cost effective structure with both commercial flexibility and flexibility in relation to distributions to its beneficiaries

# PURPOSE OF TE KĀHUI O TARANAKI

To receive, administer, manage, protect and govern Te Kāhui o Taranaki Assets on behalf of and for the benefit of Taranaki Iwi



# PURPOSE OF TE KĀHUI O TARANAKI

Te Kāhui o Taranaki will specifically:

- Receive, hold and manage settlement property for the beneficial members
- Receive, hold and manage Taranaki Iwi Trust assets and functions
- Make distributions in order to carry out the purposes of Te Kāhui o Taranaki;
- Promote, grow and enhance Taranakitanga
- Promote amongst Taranaki Iwi the educational, spiritual, economic, social and cultural advancement or well-being of Taranaki Iwi and its whanau
- Maintain and establish places of cultural or spiritual significance to Taranaki Iwi

# PURPOSE OF TE KAHUI O TARANAKI

Te Kāhui o Taranaki will specifically:

- Act as the Mandated Iwi Organisation for the purpose of the Māori Fisheries Act 2004
- Act as the Iwi Aquaculture Organisation for the purpose of the Māori Commercial Aquaculture Claims Settlement Act 2004
- Any other purpose that is considered by Te Kāhui o Taranaki from time to time to be beneficial to Taranaki Iwi

# PRINCIPLES OF TE KAHUI O TARANAKI

- Protect Taranaki Iwi assets, taonga and tikanga
- Be representative – you get to vote for those representing you
- Will develop relationships with marae/pā and hapū
- Will be accountable to Taranaki Iwi uri
- Allow for the participation of all Taranaki Iwi uri



# ACCOUNTABILITY & TRANSPARENCY

- Trustees accountable to Taranaki Iwi
- Annual Plan
- Five Year Plan
- Annual General Meetings
- Regular elections via postal/electronic ballot
- Provision for special resolutions for major transactions

# RIGHTS OF ADULT MEMBERS

- Call a special general meeting
- Inspect the Taranaki Iwi register
- Vote in elections
- Be nominated for election and hold office as Trustee subject to he or she being eligible
- Vote on ordinary and special resolutions of members

# RIGHTS OF ADULT MEMBERS

- Receive any notice relating to a major transaction
- Receive reports and information from Te Kāhui o Taranaki
- Attend annual and special general meetings
- Attend meetings of Te Kāhui o Taranaki (on notice and at the discretion of the Chairperson)
- Put forward proposals for amendments to the Charter for the consideration by Te Kāhui o Taranaki

# FISHERIES & AQUACULTURE SETTLEMENT

- PSGE enables Te Kāhui o Taranaki to receive commercial fisheries and aquaculture settlement assets



# TRUSTEES OF TE KĀHUI O TARANAKI

- Seven Trustees
- Responsible for overall governance of Te Kāhui o Taranaki
- Must act for benefit of all members of Taranaki Iwi
- Must be accountable to all members of Taranaki Iwi
- Current Taranaki Iwi Trust Trustees will be Establishment Trustees for proposed PSGE

# TRUSTEE RESPONSIBILITIES

- Receiving the settlement assets
- Setting the vision and strategic direction of Te Kāhui o Taranaki
- Reporting on the nature and scope of the activities proposed by Te Kāhui o Taranaki or its subsidiaries on an annual basis
- Preparing short, medium and long-term plans for governance of post-settlement assets

# ELECTION OF TRUSTEES

- Adult members (aged 18 years and over) of Taranaki Iwi will be entitled to nominate people for election as a Trustee
- Adult members will also be entitled to elect the trustees of Te Kāhui o Taranaki
- Elections will be held as required when the term of a trustee ends or a vacancy arises
- Voting will be by way of secret ballot conducted by post and electronic methods

# ELECTION OF TRUSTEES

- The term of office for the Trustees will be three (3) years and Trustees will be eligible for re-election
- Three (3) months' notice of an election of trustees, the nomination process and how votes may be made
- Notice will be given by post or email, by newspaper, or through the Taranaki Iwi website



# SUBSIDIARY ENTITIES

- Te Kāhui o Taranaki will establish subsidiaries to assist with the management of Taranaki Iwi assets
- Any subsidiary must manage Te Kāhui o Taranaki Iwi assets it holds solely for the benefit of Taranaki Iwi
- The directors or trustees of any subsidiary will be appointed by Te Kāhui o Taranaki and the majority of board members on any subsidiary will be Taranaki Iwi

# SUBSIDIARY ENTITIES

Board Members will be appointed to subsidiaries with reference to the following collective skills:

- A knowledge of Taranaki Iwi tikanga and Taranakitanga
- Proven business experience, skills and expertise that are required of a Board Member on the relevant board of that Subsidiary including:
  - Finance
  - Commerce
  - Operational management
  - Law
  - Communications
  - Technology
  - Good Human Resources practices
  - Best practice governance practices
  - Social development
  - Cultural development
- Commitment to Members of Taranaki Iwi

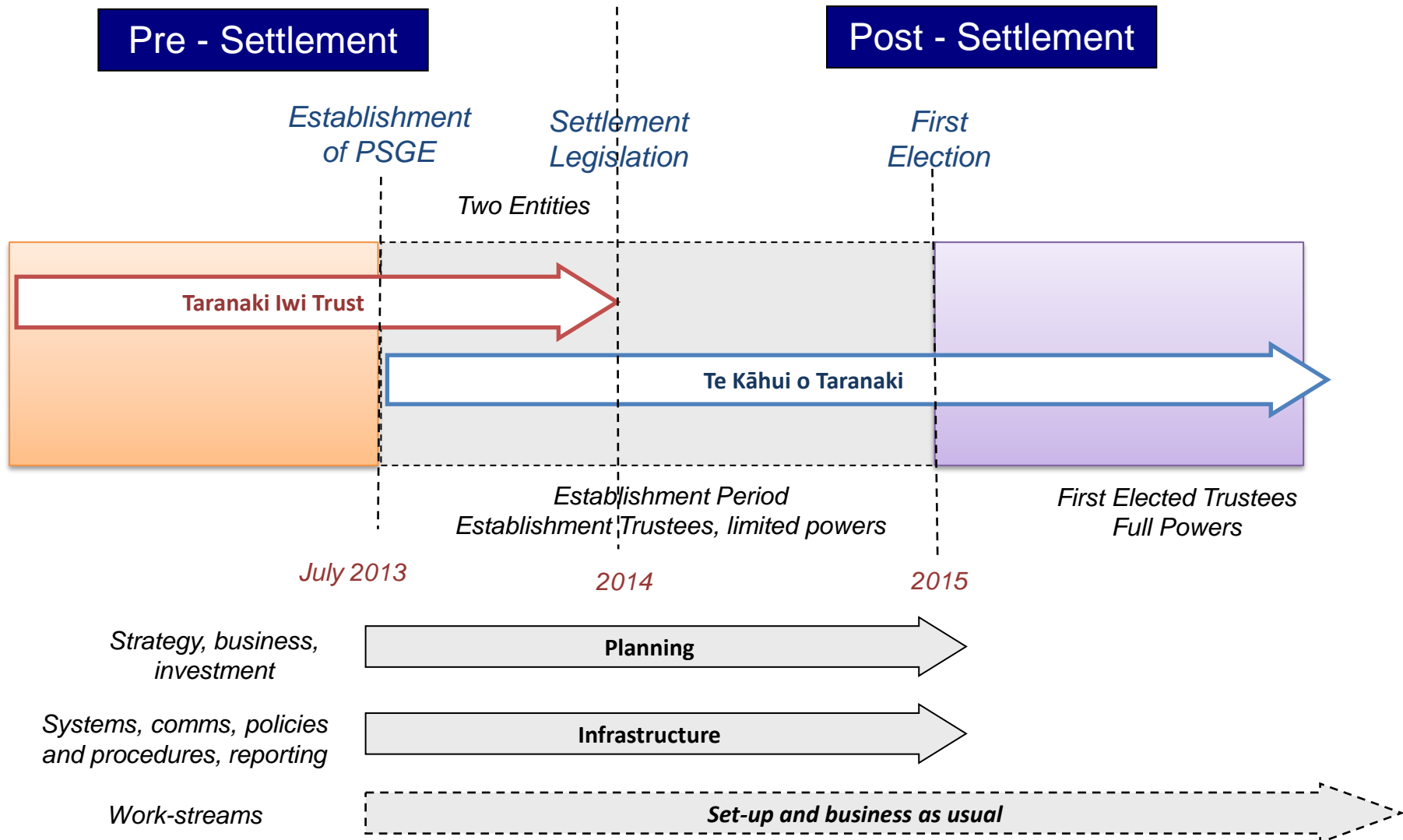


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# **III. TE KĀHUI O TARANAKI ESTABLISHMENT ARRANGEMENTS**



# ESTABLISHMENT PERIOD





# WHAT HAPPENS TO TARANAKI IWI TRUST?

- Objective to have a single Taranaki Iwi Entity
- It is proposed that the Taranaki Iwi Trust will be dissolved through settlement legislation
- That the assets and liabilities of the Taranaki Iwi Trust will be vested in Te Kāhui o Taranaki
- We will have two entities holding Taranaki Iwi assets on behalf of the Iwi for a period of time

# ESTABLISHMENT TRUSTEES

- Current trustees of the Taranaki Iwi Trust
- Caretaker Trustees – limited powers
- Establishment Trustees may change or be replaced in accordance with the Taranaki Iwi Trust election cycle during the establishment period
- Appointed until replaced or until the First Elected Trustees are determined – First Income Year following settlement date
- Responsible for providing continuity in the transition period for setting up Te Kāhui o Taranaki and ensuring the foundation is set in preparation for settlement

# ON ACCOUNT

- An on-account payment is a part payment up to the value of 20% of the settlement quantum in advance of settlement being completed, which has agreed parameters for use and reporting
- Te Kāhui o Taranaki could receive up to 20% of the quantum on-account - \$14 million

# ON ACCOUNT

- Any on-account payment will be conservatively invested with the principal objective to maintain the capital value
- Only interest above the amount required to maintain real value will be utilised
- Such funds will only be used to implement the “Establishment Plan” and will not be expended on negotiation related activity



# ESTABLISHMENT PLAN

- Overarching objective of the establishment plan is to ensure Taranaki Iwi has an effective PSGE prior to the completion of a Deed of Settlement and the receipt of settlement redress
- Assist to clearly define and communicate the role and function of Te Kāhui o Taranaki
- Ensure that Te Kāhui o Taranaki has organisational and operational capability to prepare for the receipt of settlement redress

# TRANSFER OF ASSETS

It is anticipated that the future settlement legislation will allow for the transfer of:

- Treaty settlement assets to Te Kāhui o Taranaki
- All Taranaki Iwi Trust assets to Te Kāhui o Taranaki. The Taranaki Iwi Trust will be succeeded to by Te Kāhui o Taranaki and will no longer exist
- All Taranaki Iwi fisheries assets, which are held by the Taranaki Iwi Trust and its Asset Holding Company the Taranaki Iwi Fisheries Ltd
- Te Kāhui o Taranaki Iwi will become the MIO and IAO under the Māori Fisheries Act 2004

# TARANAKI IWI PSGE RESOLUTION

I, as a member, of Taranaki Iwi, agree that:

- Te Kāhui o Taranaki Trust will be the Post Settlement Governance Entity (PSGE) to receive and manage historical Treaty of Waitangi settlement redress on behalf of Taranaki Iwi;
- the PSGE, Te Kāhui o Taranaki Trust will supersede the Taranaki Iwi Trust as the Mandated Iwi Organisation (MIO) for Taranaki Iwi;
- the Taranaki Iwi Trust will be dissolved by the settlement legislation; and
- the assets and liabilities of the Taranaki Iwi Trust will be vested in the PSGE, Te Kāhui o Taranaki Trust.

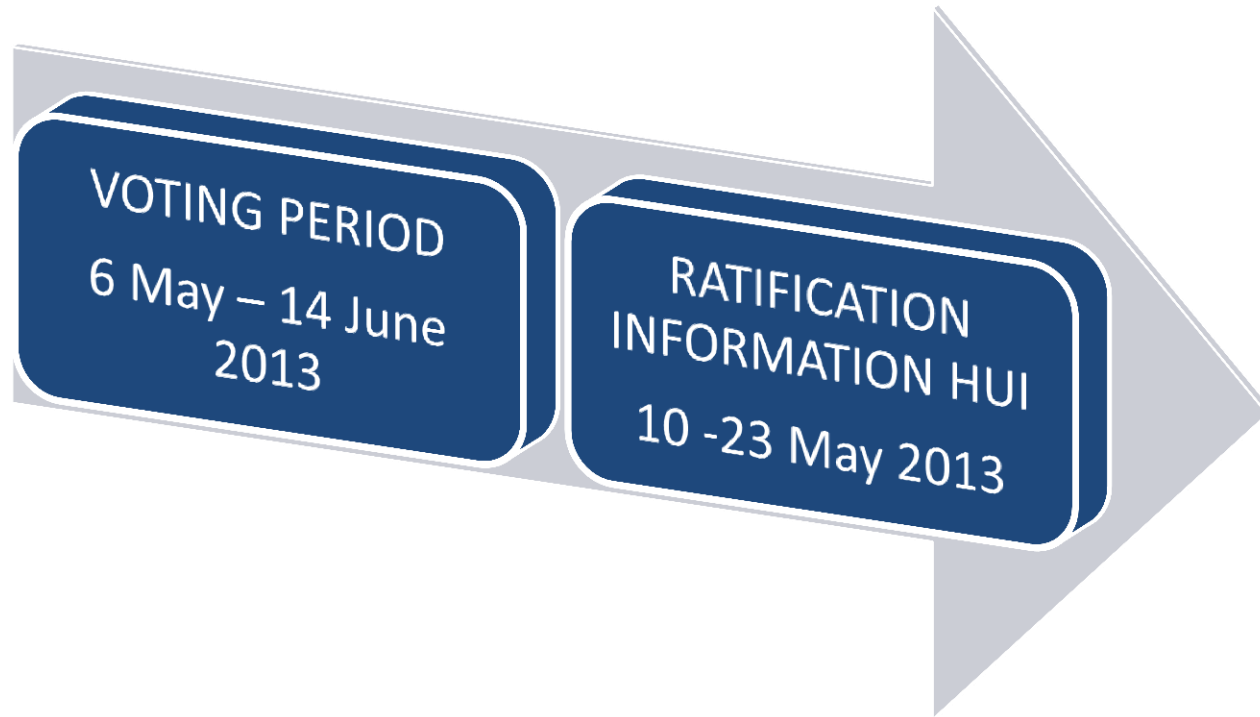




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## **IV. RATIFICATION AND VOTING**

# RATIFICATION AND VOTING





# RATIFICATION HUI

Date	Time	Location
Friday, 10 May 2013	6.00 pm	Te Pōtaka Marae, State Highway 45, Oaonui, Taranaki
Saturday, 11 May 2013	10.00 am	Kingsgate Hotel, 100 Garnett Ave, Te Rapa, Hamilton
Sunday, 12 May 2013	10.00 am	Te Kura Kaupapa Māori o Ngā Maungārongo, 140 Haverstock Road, Mt Albert, Auckland
Thursday, 16 May 2013	6.00 pm	Te Tatau o te Pō Marae, 437 Hutt Road, Lower Hutt, Wellington
Friday, 17 May 2013	6.00 pm	Mana Tamariki, 165 Grey Street, Palmerston North
Sunday 19, May 2013	10.00 am	Araiteuru Marae, 24 Shetland Street, Waikari, Dunedin
Wednesday, 22 May 2013	6.00 pm	Te Niho o Te Atiawa, Mid Parihaka Road, Pungarehu
Thursday, 23 May 2013	6.00 pm	Te Pihipihinga Kākano mai i Rangiātea, 131 South Road, New Plymouth

# RATIFICATION AND VOTING

If sufficient support for Te Kāhui o Taranaki, the Trust will be established and Taranaki Iwi will then be able to move to receive on account funds and initiate and implement the establishment plan

# RATIFICATION AND VOTING - NEXT STEPS

- Negotiations will continue
- Working towards initialling a Deed of Settlement  
December 2013/1st Quarter 2014
- No guarantee settlement will be concluded  
(noting any offer will need to be ratified by  
Taranaki Iwi Members)

# IMPORTANT THAT YOU HAVE YOUR SAY

- We encourage you to vote
- All adult members of Taranaki Iwi (aged 18 years and over before or on 14 June 2013) are eligible to vote
- If you are not yet a registered member, you can vote by:
  - Contacting the Independent Returning Officer on the free phone Election Helpline 0508 666 103 or [elections@electionz.com](mailto:elections@electionz.com) for a special voting pack
  - Alternatively, a special voting pack can be obtained from the Voting Representative at any of the ratification information hui
- Special votes will be subject to confirmation of registration


# IMPORTANT THAT YOU HAVE YOUR SAY

- All eligible voters will be sent a voting pack on Monday 6 May 2013
- Votes can only be made using the official standard and special voting papers or unique internet voting codes, provided by the Independent Returning Officer
- You may vote by post, internet or by placing your vote in the ballot box at any of the ratification information hui



# IMPORTANT THAT YOU HAVE YOUR SAY

- If you lose or damage your voting paper, please contact the Independent Returning Officer on the Election Helpline 0508 666 103



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# **V. QUESTION & ANSWER SESSION**