



# PATUKIRIKIRI

## 2013 Post Settlement Governance Entity (PSGE) Ratification

### Information Booklet

(JULY 2013)

*“Ko te ‘Toka a Kapetaua’ kei Waitemata  
ki te mara ‘Te Rakato’ kei Kapanga  
ka puta mai nga hua o Patukirikiri  
Tu tonu, tu tonu, tu tonu ake  
Tihe Mauri ora!”*

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## Introduction

The mandated negotiators for Patukirikiri have been negotiating with the Crown since 2009 in relation to the customary interests of Patukirikiri, mai Matakana ki Matakana.

In order to receive the various redress from the Tāmaki Makaurau /Mahurangi and Hauraki negotiations (which are happening at both a collective level with other iwi in those regions together with Patukirikiri), Patukirikiri needs to establish a legal entity that will receive and manage 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 (aged 18 years and over) of Patukirikiri are therefore being asked to vote by way of show of hands at a hui to be held on 21 July 2013 at the Coromandel Hospital. Registered adult members will be asked to vote on the following two resolutions:

1. *I, as a member of Patukirikiri, agree that the Te Patukirikiri Iwi Trust will be the post-settlement governance entity and the recipient of Patukirikiri Treaty settlement redress.*
2. *I, as a member of Te Patukirikiri, agree that the interim trustees for Te Patukirikiri Iwi Trust will be;*
  1. RANGITUIA PETERS
  2. DAVID CONDON WILLIAMS
  3. JAMI DIANA DICKSON
  4. STEWART KONUI PETERS
  5. JANE HEMO ANTHONY
  6. WILLIAM KAPANGA PETERS

A copy of the Trust Deed for the Patukirikiri PSGE will be available on the Patukirikiri website ([www.patukirikiri.iwi.nz](http://www.patukirikiri.iwi.nz)) or email [William@patukirikiri.iwi.nz](mailto:William@patukirikiri.iwi.nz) for a digital copy (PDF). Hard copies will also be available from the Coromandel Hospital office and at the Hauraki Collective office as follows:

- Coromandel Hospital: 1740 Rings Road, Coromandel
- Hauraki Collective Office: 111 Queen Street, Thames
- William Peters: [William@patukirikiri.iwi.nz](mailto:William@patukirikiri.iwi.nz)

The mandated negotiators for Patukirikiri, David Williams and William Peters, will continue to be the mandated negotiators for Patukirikiri during the ongoing Treaty negotiations with the Crown.

Much of the settlement redress for Patukirikiri is still under negotiation with the Crown (the exception is the Tāmaki Collective redress which was ratified in 2012). Registered adult members of Patukirikiri 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 Patukirikiri PSGE**

The Patukirikiri 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 Patukirikiri. We encourage you to make your vote count.

## **Structure of the proposed Patukirikiri PSGE**

The structure of the proposed Patukirikiri 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 Patukirikiri in accordance with the Trust Deed.

The trust will be called the Te Patukirikiri Iwi Trust.

## **What happens to Te Patukirikiri Iwi Incorporated (TPI)?**

Te Patukirikiri Iwi Incorporated (known as TPI) has long managed the affairs of Patukirikiri, particularly cultural, social, political and economic matters and the Treaty of Waitangi settlement negotiations with the Crown.

TPI will remain in place until our Patukirikiri people decide it is no longer required.

## **Purpose of Te Patukirikiri Iwi Trust**

The Te Patukirikiri Iwi 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 Patukirikiri; and
- fostering, developing and representing the interests of the members of Patukirikiri.

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 Patukirikiri 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 Patukirikiri 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 Patukirikiri's fisheries settlement assets be transferred from the Pare Hauraki Fishing Trust.

## **Trustees of the Te Patukirikiri Iwi Trust**

There will be a minimum of four (4) and a maximum of six (6) trustees for the Te Patukirikiri Iwi Trust. The trustees will be responsible for the overall governance of the Trust. The trustees will act on behalf of all Patukirikiri in managing the settlement redress received by Patukirikiri through robust decision-making processes.

### **Initial Trustees**

The initial trustees will be the current trustees of TPI to provide continuity in the transition period for setting up the Te Patukirikiri Iwi Trust. They are:

- David Condon Williams
- Stewart Konui Peters
- Jami Diana Dickson
- Rangituaia Peters
- Jane Hemo Anthony
- William Kapanga Peters

Three (3) 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 three (3) trustee positions giving us six (6) trustees. The trustees elected at this point will be appointed for a term of two years.

The remaining three (3) 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 six (6) 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 Patukirikiri will be able to nominate people for election as a Trustee.

Any registered adult member of Patukirikiri 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 Patukirikiri website). A nomination will need to be in writing and signed by at least three registered adult members of Patukirikiri. 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 Patukirikiri will be entitled to elect the trustees. Voting will be by way of secret ballot. In limited circumstances a surviving partner of a deceased Patukirikiri member will have the right to vote on behalf of their children (who are Patukirikiri) until such time as those children are 18 years old.

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 Wahi Pooti will be held on the closing date for an election.

## **Subsidiary bodies**

The Trust may establish subsidiaries to assist with the management of Patukirikiri's assets. Any subsidiary must manage the Trust assets it owns and holds for the benefit of Patukirikiri. 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 Patukirikiri**

The Patukirikiri Iwi Trust will be accountable to Patukirikiri iwi.

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

- the annual objectives 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 Patukirikiri. 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 Patukirikiri will be entitled to vote on resolutions to approve the remuneration of the trustees.

Adult registered members of Patukirikiri 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 Patukirikiri 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 Patukirikiri specific hui will take place to discuss the Patukirikiri PSGE.

Your mandated negotiators strongly urge you to take the opportunity to attend this hui. The following sets out the Patukirikiri hui details:

Date	Time	Venue
Sunday, 21 July 2013	10.00pm	Coromandel Hospital – 1740 Rings Rd Coromandel

## Voting Process

The voting process will be:

- All adult registered members (people aged 18 and over) of Patukirikiri descent are eligible to vote and are encouraged to do so. Adult members of Patukirikiri descent who are not registered, can register at the hui.
- All eligible voters must attend the hui for their vote to count.
- Voting will be by show of hands on the day.

There will be NO:

- Proxy voting or Proxies.
- Postal Ballot/s
- Electronic Voting.

## **Voting outcome**

It is very important that as many adult members of Patukirikiri 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 Te Patukirikiri Iwi Trust can be established. If the PSGE proposal is not ratified (ie, not accepted by the adult members of Patukirikiri) then Patukirikiri and the Crown will need to reassess the PSGE proposal.

## **Registration**

If you are not yet registered with Patukirikiri contact:

William Peters on 027 625 4980 – [William@patukirikiri.iwi.nz](mailto:William@patukirikiri.iwi.nz) or

David Williams on 021 0221 9658 – [david@patukirikiri.iwi.nz](mailto:david@patukirikiri.iwi.nz) for a registration form.