



**Information for Members of Ngāti Hine on  
Withdrawal from the Te Runanga-a-Iwi o Ngapuhi Charitable Trust**



*He tawhiti kē to koutou haerenga,  
Ki te kore e haere tonu  
He tino nui rawa o koutou mahi  
Kia kore e mahi nui tonu*

*You have come to far not to go further  
You have done to much not to do more*

*He kōrero nā Ta Himi Tau Henare*

**Te Pae Tawhiti (Vision)**

Ngāti Hine's vision is:

***Ma Ngāti Hine ano Ngāti Hine e korero  
ma roto i te whanaungatanga me te kotahitanga***

*'Self determination through kinship and unity'*

**Kaupapa (Mission Statement)**

***Ki te whakapumau i te 'tu o Ngāti Hine',  
ki te whakakotahi i nga whakaaro me te reo korero,  
kia tutuki tika a tatou wawata***

*'To preserve and enhance the 'essence of Ngāti Hine',  
to express our collective will and unite us in purpose,  
thereby achieving our goals successfully.'*

## **Withdrawal from Te Runanga-a-Iwi o Ngapuhi Charitable Trust**

It has always been the desire of Ngati Hine to manage its Maori Fisheries Settlement Assets. This is evident through the direction of Te Runanga o nga Kuia me nga Kaumatua i raro i te Tiriti o Waitangi, Ngati Hine's application to the Treaty of Waitangi Fisheries Commission, the High Court and the Select Committee.

More recently Ngati Hine released its strategic plan – Te Pae Tawhiti. This strategic plan has been developed over the last 3 years following numerous Ngati Hine hui. Te Pae Tawhiti reaffirms Ngati Hine's vision to be self-determining and to receive and manage its own assets.

***Ngati Hine are not withdrawing from the iwi Ngapuhi, we are withdrawing from Te Runanga-a-Iwi o Ngapuhi, a charitable trust based in Kaikohe.***

Our ancestral ties to our Ngapuhi Nui Tonu relations, within Te Whare Tapu o Ngapuhi, the ancestral house of Ngapuhi, remain deep and lasting.

## **History of the Maori Fisheries Settlement**

The Maori Fisheries Settlement provided for the full and final settlement of Maori claims to commercial fishing and discharged the Crown's obligations in respect of Maori commercial fishing interests under the Treaty of Waitangi.

The Maori Fisheries Settlement is worth about \$750 million dollars. The Maori Fisheries Act 2004 provides a scheme for allocation of these assets to iwi. The assets are allocated to the 57 recognised iwi.

In 2005 Te Runanga-a-Iwi o Ngapuhi received \$60,549,000 worth of Maori Fisheries Settlement Assets. A breakdown of this is:<sup>1</sup>

<b>Cash</b>	<b>Quota Share Value</b>	<b>AFL Share Value</b>	<b>Total</b>
\$3,666,000	\$18,924,000	\$37,959,000	\$60,549,000

Since then TRAION has also received approximately \$2.5m worth of Coastline Based Assets.

## **Ngati Hine's struggle for recognition**

The Maori Fisheries Settlement dates back over 20 years. For Ngati Hine it has been a significant struggle to have our rights and our tino rangatiratanga in respect of our fisheries recognised. The only opposition Ngati Hine has had is from Te Runanga-a-Iwi o Ngapuhi. Therefore Ngati Hine have been held back from receiving what is rightfully ours as guaranteed to us by our tikanga, article 2 of Te Tiriti o Waitangi (and the Treaty of Waitangi) and the Maori Fisheries Act 2004.

<sup>1</sup> Information sourced from [http://teohu.maori.nz/iwiregister/?iwi\\_id=9](http://teohu.maori.nz/iwiregister/?iwi_id=9)

**The ability for Ngati Hine to receive Maori Fisheries Settlement Assets is a statutory right given under the Maori Fisheries Act 2004 (the Act).**

In 1997, Te Runanga o nga Kaumatua me nga Kuia o Ngati Hine i raro i te Tiriti o Waitangi, at a meeting at Te Rapunga, expressed disquiet over the Maori fisheries settlement situation and asked that Erima Henare look at having Ngati Hine accepted as an “iwi” for the purposes of receiving fisheries assets and cash. Te Runanga o nga Kaumatua me nga Kuia o Ngati Hine i raro i te Tiriti o Waitangi wanted Ngati Hine to manage its own cash and assets so that its development and aspirations are not compromised by outside influences.

Therefore Ngati Hine applied to the Maori Fisheries Commission be recognised as an “iwi”.

Ngati Hine were required to prove they have:

1. A Common Tupuna
2. Recognised Group of hapu
3. Recognised marae
4. Recognition of neighbouring iwi

Ngati Hine fulfilled all the criteria of the “iwi” definition in that:

- we have a common tupuna, Hineamaru.
- we have a recognised group of hapu being Ngati Te Rino, Te Orewai, Ngati Ngaherehere, Te Kau-i-mua, Ngati Kopaki, Ngati Te Ara, Ngati Hine, Ngati Te Tarawa and allied hapu of Ngati Manu, Te Kapotai, Te Uriroroi, Te Parawhau, Te Kahu o Torongare and Ngati Hau .
- we have recognised marae, Matawaia, Otiria, Tere Awatea, Te Aroha, Motatau, Eparaima Makapi, Mohinui, Kawiti, Te Rito, Horomanga, Maungarongo, Tau Henare and Miria.
- we received letters of support from neighbouring iwi of Ngati Wai, Te Roroa, Ngati Whatua, Te Rarawa, Ngati Kahu and Te Aupouri.

However, the Maori Fisheries Commission turned down Ngati Hine’s application as it did not have the support/recognition of Ngapuhi (that is Te Runanga-a-Iwi o Ngapuhi).

Ngati Hine then applied to the High Court seeking validation of our status as an “iwi” to receive Maori fisheries assets. While the High Court spoke warmly and supportively of the Ngati Hine case, the High Court expressed concern that the legal mechanism of the High Court may not be appropriate to a satisfactory conclusion to our case.

Therefore when the Maori Fisheries Bill was introduced in 2003 Ngati Hine made a submission for recognition as an “iwi” to the Select Committee. The Select Committee found favourably for Ngati Hine by including a provision in the Act for Ngati Hine to be able to withdraw from Ngapuhi and be recognised as a separate “iwi” if it so decides.

In 2004 the Maori Fisheries Act was passed and it became law. Section 20(1) of the Act provides for Ngati Hine to be able to withdraw from Te Runanga-a-Iwi o Ngapuhi, be recognised as a separate iwi and receive Maori Fisheries Settlement Assets.

## **Withdrawal Process**

In order for Ngati Hine to withdraw from Te Runanga-a-Iwi o Ngapuhi Charitable Trust and receive our share of the Maori Fisheries Settlement Assets we must follow the process outlined in the Maori Fisheries Act 2004 and Te Runanga-a-Iwi o Ngapuhi's Trust Deed.

Ngati Hine have already started working towards this by:

- registering over 7000 Ngati Hine on the Ngati Hine register (before even commencing the process Ngati Hine was required by Te Runanga-a-Iwi o Ngapuhi to have a register of at least 5000 people);
- communicating regularly with Ngati Hine through Te Runanga o Ngati Hine meetings, information hui at each marae and the website;
- preparing a draft Charitable Trust Deed (Te Matau a Ngati Hine) and an Asset Holding Company Constitution (Te Kupenga a Ngati Hine) that meet the requirements of the Act; and
- meeting with Te Runanga-a-Iwi o Ngapuhi to seek an agreement.

Ngati Hine must now hold:

- 2 preliminary (information) hui for registered members of Ngati Hine to discuss the possibility of withdrawing from Te Runanga-a-Iwi o Ngapuhi; and
- 2 consultative hui open to all members of Ngapuhi.

At the preliminary hui and consultative hui **the members of Ngati Hine must resolve by a 75% majority, by either voting in person or by postal ballot that the withdrawal is in the best interests of the members of Ngati Hine.** According to the Te Runanga-a-Iwi o Ngapuhi Charitable Trust Deed in making such decision, the members of Ngati Hine must consider the tikanga of Ngapuhi, especially "Kia tu tika ai Te Whare Tapu o Ngapuhi".

## **Preliminary Hui**

Te Runanga o Ngati Hine will be holding 2 preliminary hui to discuss the possibility of Ngati Hine withdrawing from Te Runanga-a-Iwi o Ngapuhi Charitable Trust on:

- 30 April 2010, Matawaia Marae, Matawaia, 6.00pm – 9.00pm
- 1 May 2010, Piringatahi Marae, 17-19 Luckens Road, West Harbour, Auckland, 2.00pm – 5.00pm

## **Agenda**

Powhiri

Kapu ti

Presentation by Te Runanga o Ngati Hine on the Maori Fisheries Settlement and withdrawal from Te Runanga-a-Iwi o Ngapuhi under the Maori Fisheries Act 2004

Presentation by Te Runanga-a-Iwi o Ngapuhi

Vote – a vote of adult members (18yrs +) of Ngati Hine will be taken on the following motion:

*That the withdrawal of Ngati Hine from Te Runanga-a-Iwi o Ngapuhi Charitable Trust is in the best interests of the members of Ngati Hine.*

If you are Ngati Hine (a descendant of Hineamaru) and you're unable to attend the hui you may vote by post. Voting papers must be received by post no later than 5pm, Friday 30 April 2010. For further information on the above hui, obtaining voting papers and where you can view or obtain explanatory documentation please contact: Rowena Tana, Secretary of Te Runanga o Ngati Hine, PO Box 36, Kawakawa 0243, Northland, Tel: (09) 404 1988, or e-mail [tepuna\\_omahu@hotmail.com](mailto:tepuna_omahu@hotmail.com)

## **Consultative Hui**

At this stage we are planning to hold these hui in **June 2010**. The dates and venue are yet to be confirmed but they will be publicly notified at least 20 working days before the hui in the Herald, on the Ngati Hine FM Community Notice Board and on the Ngati Hine website <http://www.ngatihine.iwi.nz/>.

## **Information required at each preliminary hui and consultative hui**

Clause 2.2 of Schedule 3 of the Te Runanga-a-Iwi o Ngapuhi Charitable Trust Deed requires Te Runanga o Ngati Hine to provide its members with estimates of:

- (a) The costs for Te Runanga o Ngati Hine of undertaking the withdrawal process set out in Schedule 3;
- (b) The value of the assets that may be transferred to Ngati Hine if withdrawal from Te Runanga-a-Iwi o Ngapuhi is successful;
- (c) The compliance costs to establish and maintain a Mandated Iwi Organisation that complies with the Maori Fisheries Act if withdrawal from Te Runanga-a-Iwi o Ngapuhi is successful; and
- (d) The annual returns from the Fisheries Assets that are likely to be transferred to Ngati Hine if withdrawal is successful.

**Accordingly Te Runanga o Ngati Hine estimates:**

**The costs for Te Runanga o Ngati Hine of undertaking the withdrawal process set out in Schedule 3**

Approximately: \$12,500 (these costs must be covered by Ngati Hine)

This includes: newspaper advertising, venue and catering, printing of information to members of Ngati Hine and postal voting forms and postal of information to members of Ngati Hine and postal voting forms.

**The value of the assets that may be transferred to Ngati Hine if withdrawal from Te Runanga-a-Iwi o Ngapuhi is successful**

Upon recognition as a Mandated Iwi Organisation Te Runanga-a-Iwi o Ngapuhi received Fisheries Assets valued at \$60,549,000.

A breakdown of this is:<sup>2</sup>

Population	Cash	Quota Share Value	AFL Share Value	Total
107,242 (2001 census)	\$3,666,000	\$18,924,000	\$37,959,000	\$60,549,000

Since then TRAION has also received approximately \$2.5m worth of Coastline Based Assets.

The value of the assets that may be transferred to Ngati Hine depends on the agreed notional population to be attributed to Ngati Hine.<sup>3</sup> Ngati Hine and Te Runanga-a-Iwi o Ngapuhi are yet to reach an agreement.

Therefore the following table provides a range of estimates depending on what is agreed.

Ngati Hine's Population	% of Ngapuhi's Population	Minimum Number required on the register (21(b)(i))	Cash	Quota Share Value	AFL Share Value	Total Asset Value
5000	4.66%		\$170,922	\$882,304	\$1,769,782	\$2,823,008
25,000	23%	5000	\$854,609	\$4,411,518	\$8,848,912	\$14,115,039
26,811	25%	5350	\$922,978	\$4,764,439	\$9,556,825	\$15,244,242
32,173	30%	6420	\$1,099,800	\$5,678,000	\$11,387,700	\$18,165,500
37,544	35%	7492	\$1,283,100	\$6,623,400	\$13,285,650	\$21,192,150
50,000	46.6%	9977	\$1,708,356	\$8,818,584	\$17,688,894	\$28,215,834

<sup>2</sup> Information sourced from [http://teohu.maori.nz/iwiregister/?iwi\\_id=9](http://teohu.maori.nz/iwiregister/?iwi_id=9)

<sup>3</sup> **Note:** Section 20(4) of the Act provides that in determining the amount of the notional iwi population to be attributed to a withdrawing group under subsection 20(3)(a) and the proportion of the settlement assets that a withdrawing group must receive under subsection 20(3)(b), a joint mandated iwi organisation and a withdrawing group may use any relevant information, including the relevant data from the census of 2001 or 2006 (but no other census data).

**Note:** These calculations are only based on the Population Based Assets. TRAION has since received Coastline Based Assets valued at approximately \$2.5m which have not been included in these calculations. Also sometime in the future TRAION will also receive Aquaculture Settlement Assets.

**The compliance costs to establish and maintain a Mandated Iwi Organisation that complies with the Maori Fisheries Act if withdrawal from Te Runanga-a-Iwi o Ngapuhi is successful**

To establish a Mandated Iwi Organisation (these costs must be covered by Ngati Hine):

Approximately: \$12,500 to establish a Mandated Iwi Organisation

This includes: Legal advice on Charitable Trust Deed, Asset Holding Company Constitution, Iwi Register Statutory Declaration and Deed of Transfer and Warranty. Ngati Hine have utilized the template trust deed and company constitution. This estimate also includes the cost of ratification.

To maintain a Mandated Iwi Organisation

Approximately: \$30,000 per annum to maintain a Mandated Iwi Organisation

**The annual returns from the Fisheries Assets that are likely to be transferred to Ngati Hine if withdrawal is successful**

The annual returns that are likely to be transferred to Ngati Hine depends on the agreed notional population to be attributed to Ngati Hine and how the market is performing . Ngati Hine and Te Runanga-a-Iwi o Ngapuhi are yet to reach an agreement.

This calculation is based on \$2.6m average of last 5 years annual returns for Ngapuhi Asset Holding Company and a percentage of the Aotearoa Fisheries Limited dividend based on the 2008-2009 NPAT of \$19.2m.

Estimate of the annual returns:

<b>Ngati Hine's %</b>	<b>Average Annual Returns (average \$2.6m per year)</b>	<b>AFL 2008-2009 NPAT \$19.2m</b>	<b>Total</b>
4.66%	\$121,160	\$45,211	\$166,371
23%	\$598,000	\$223,145	\$821,145
25%	\$650,000	\$242,549	\$892,549
30%	\$780,000	\$291,059	\$1,071,059
35%	\$910,000	\$339,569	\$1,249,569
46.6%	\$1,211,600	\$452,112	\$1,663,712

Once successfully following the withdrawal process Ngati Hine will be entitled to a portion of Ngapuhi's Maori Fisheries Settlement Assets. Ngati Hine and Te Runanga-a-Iwi o Ngapuhi must agree on Ngati Hine's portion and an agreement is still yet to be reached.

Finally before any assets are transferred to Ngati Hine we must be recognised as a Mandated Iwi Organisation by Te Ohu Kaimoana, have established a Charitable Trust and have an asset holding company that complies with the Maori Fisheries Act 2004.

## **Conclusion**

There is so much happening and we want to make sure that our whanau are kept up to date. Please make sure you and all your whanau are on the Register! The best way to find out what is happening is to check our website [www.ngatihine.iwi.nz](http://www.ngatihine.iwi.nz)

For further information on the preliminary and consultative hui, obtaining voting papers and where you can view or obtain explanatory documentation please contact:

Rowena Tana, Hekeretari of Te Runanga o Ngati Hine  
PO Box 36, Kawakawa 0243, Northland  
Tel: (09) 404 1988 or e-mail [tepuna\\_omahu@hotmail.com](mailto:tepuna_omahu@hotmail.com)

***These are very important times for Ngati Hine  
No reira kia kaha tatou, whaia te pae tawhiti!***

**Te Pae Tawhiti (vision):  
*Ma Ngati Hine ano Ngati Hine e korero,  
ma roto i te whanaungatanga me te kotahitanga.***  
Self determination through kinship and unity.

***Whaia te pae tawhiti kia tata  
Whaia te pae tata kia mau  
Whakamaua kia tina  
Hui e, taiki e!***

Pursue the distant dreams so they become closer,  
Pursue the close dreams so they can be embraced  
Embrace those dreams and live them!

Te Rūnanga o  
**Ngāti Hine**

