

**Matter to be tabled at Kahukuraariki Trust Board SGM & AGM
on
June 18, 2022 at 9:00am**

Notice to Kahukuraariki Trust Board

Dear Trust Board,

Te Umanga Ltd is the commercial arm of the hapu Ngati Aukiwa.

We refer to the Ngatikahu ki Whangaroa Trust Deed, and to the settlement whereby the Kahukuraariki Trust Board was given a mandate to negotiate a deed of settlement with the Crown.

Te Umanga/Ngati Aukiwa have serious concerns about the trust deed. In particular:

1. Ngati Aukiwa have always opposed the authority of the trust board to negotiate on it's behalf and have been in opposition to the inclusion of their claims in negotiation with the Crown.
A Statement. Noted
2. Ngati Aukiwa have always believed that they have unextinguished native aboriginal title to the Stoney Creek Station (Waikohatu).
A Statement. It is not enough to unilaterally believe you have unextinguished native aboriginal title. Evidence of continuous occupation is one of the thresholds the courts require to uphold this belief.
3. The dispute from Ngati Aukiwa remains in relation to the ownership of Stoney Creek Station (Waikohatu).
A Statement. Noted
4. In the original trust deed, the Trust Board have given the commercial redress component of the settlement to nine (9) other maraes, but Ngati Aukiwa maintain our ahikaa status over Stoney Creek Station (Waikohatu).
A Statement. Noted
5. The whenua Stoney Creek Station (Waikohatu) belonged to Ngati Aukiwa tupuna, PAEARA, and historically, earlier to their tupuna Kahukuraariki.
A Statement and not disputed. Noted
6. Other marae were considered in the trust deed, however they cannot claim beneficial ownership or ahikaa to Stoney Creek Station (Waikohatu), because the boundaries or rohe of the station belong solely to Ngati Aukiwa and all those who whakapapa back to Ngati Aukiwa.
A literal interpretation in relation to the location of the land that was settled in recognition of grievances suffered by all who are included as beneficiaries/descendants of Kahukuraariki. In reality land may have been settled within Otangaroa; Waihapa; Waitaruke, Kowhairoa, if the Crown owned land in those places. It just happened that the only land available to settle was Stony Creek Station (a previous Landcorp property). The location was a matter of chance.
7. It is also of relevant importance, legally – that an authorised person from Ngati Aukiwa Hapu, never signed the trust deed.
This is incorrect. At least one of the signatories can claim whakapapa to Ngati Aukiwa.

8. The Trust Board has therefore knowingly engaged in a process, without consultation of the people contemplated in the original settlement negotiations, and against the interests of Ngati Aukiwa.
This is incorrect. A consultation process was undertaken with all hapu of Ngati Kahu ki Whangaroa. It is one of the requirements of the settlement process with the Crown. This would have been monitored and evidenced by the Crown.
9. Te Umanga and Ngati Aukiwa never authorised the Trust Board to settle their interests in relation to Stony Creek Station (Waikohatu), nor did they ever agree to share in the commercial redress component with others.
The devolution of ownership of Stony Creek Station was implemented through a settlement process from the Crown. The settlement was made to the claimants on behalf of the descendants of Kahukuraariki.
10. In relation to the special resolution voted on and passed recently, regarding ownership of Stony Creek Station. The Trust Board has failed to consult with the adult members of Ngatikahu ki Whangaroa, and has also failed to hold a Special General meeting prior to any recommendations from the Trust Board as per clause 33.2 of the Trust Deed.
Consultation took place via hui held (5 hui in total), over a number of months in 2021, at a number of Marae throughout the rohe and Auckland. The SGM occurred prior to the AGM 18 June 2022. Notification and voting occurred via process outlined in the Trust Deed and Independently implemented by Election Services Ltd.

33.2 Consultation on review process

The process referred to in clause 33.1 shall be initiated by the Trustees only after the Trustees have consulted with the Adult Members of Ngatikahu ki Whangaroa at a special general meeting called for this purpose in accordance with clause 14.4

11. Not only is the Trust Board using outdated member registers in relation to the adult members of Ngatikahu Ki Whangaroa, but we now maintain that in accordance with Clause 33, you have failed to initiate a timely, fair and transparent process that is open to all adult members of Ngatikahu ki Whangaroa in relation to the final ownership of Stony Creek Station.
All descendants of Kahukuraariki were encouraged to register and vote – (including yourself on at least two occasions). No one was excluded.

In particular:

REVIEW OF OWNERSHIP OF STONY CREEK STATION

33.1 Review process for Stony Creek Station

Notwithstanding any other clause of this Deed the Trustees must, no later than four (4) years after the Settlement Date, initiate a fair and transparent process that is open to all Adult Members of Ngatikahu ki Whangaroa to review and determine the final ownership of Stony Creek Station.

The Ngatikahu Ki Whangaroa Deed of Settlement was signed on 18th December, 2015. The Trust Board has failed to meet this deadline of 18th December, 2019, which came into effect prior to the outbreak of COVID-19.

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clause 14.4

The Trustees have failed to consult with the adult members of Ngatikahu ki Whangaroa at a special general meeting prior to the process referred to in clause 33.1 being initiated by the Trustees.

33.3 Trustees to make recommendation

Following completion of the process referred to in clause 33.1 the Trustees shall make a recommendation on the final ownership of Stony Creek Station for approval by special resolution.

The Trustees have failed to complete the process referred to in clause 33.1 before making it's recommendation, and any subsequent special resolution being voted on.

12. Te Umanga and Ngati Aukiwa put the Trust Board on notice that we intend to consider further redress against the Crown for their failure to negotiate in good faith, when settling the Ngatikahu ki Whangaroa claim.

A Statement. Noted

13. The Crown was on notice, that we were in opposition to the negotiations from the outset and have at all times disclosed that our boundaries are our boundaries.

A Statement. Noted

14. We seek immediate recall of the special resolution made determining the ownership of the Stony Creek Station and insist that the Trust Deed is reviewed and its registers detailing their members be audited forthwith.

The Trust will not "redo" the Review of ownership of Stony Creek Station. The Trustees believe the process was an inclusive one and all descendants of Kahukuraariki had the opportunity to register and use their vote as they wanted. Reviewing the Trust Deed will be an iterative process going forward when and how the Trustees deem it should happen. The Iwi Registration Database has gone through an audit process and this will be continual to ensure Iwi members details are correct, up-to-date and to encourage wider and new whanau to register.

Sincerely,

Date: 16th June, 2022

Signed:



Mr Graham Williams
Director
Te Umanga Ltd