

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.
2. Ngati Aukiwa have always believed that they have unextinguished native aboriginal title to the Stoney Creek Station (Waikohatu).
3. The dispute from Ngati Aukiwa remains in relation to the ownership of Stoney Creek Station (Waikohatu).
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).
5. The whenua Stoney Creek Station (Waikohatu) belonged to Ngati Aukiwa tupuna, PAEARA, and historically, earlier to their tupuna Kahukuraariki.
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.
7. It is also of relevant importance, legally – that an authorised person from Ngati Aukiwa Hapu, never signed the trust deed.
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.
9. Te Umanga and Ngati Aukiwa never authorised the Trust Board to settle their interests in relation to Stoney Creek Station (Waikohatu), nor did they ever agree to share in the commercial redress component with others.
10. In relation to the special resolution voted on and passed recently, regarding ownership of Stoney 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.

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.

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.

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

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 its 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.

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

Sincerely,

Date: 16th June, 2022

Signed:

Mr Graham Williams
Director
Te Umanga Ltd