

Māori Fisheries Review

**Appendix 3:
Special General Meeting,
30 August 2016**



Minutes of Te Ohu Kaimoana Trustee Limited
Special General Meeting
Te Wharewaka o Poneke
30 August 2016

PRESENT:

Jamie Tuuta (Chairman), Selwyn Parata, Sir Mark Solomon, Ken Mair, Rangimarie Hunia, Paki Rawiri

APOLOGIES:

Hinerangi Raumati (Director), Sir Eddie Durie (NZMC Chair)

WHAKATAU/KARAKIA:

Morrie Love for tangata whenua; Karakia from Selwyn Parata.

CHAIRMAN'S INTRODUCTION:

The Chairman provided an overview of the day noting that provision had been made on the agenda for members of the Representative Māori Organisations, the Chairs of the Iwi Working Group and Moana New Zealand to speak prior to voting on the relevant resolutions. The Chairman noted that media will be present during the deliberations.

ROLL CALL:

The Chairman asked if there were representatives for the following iwi present:

- Ngati Apa (North Island)
- Te Atiawa (Te Tau Ihu)
- Moriori
- Tuhoe
- Te Whanau a Apanui
- Ngati Ruanui

Mandated representatives of Ngati Apa (NI) and Ngati Ruanui joined the meeting after the roll call but before the voting commenced.

Iwi that did not vote: Ngai Tai, Te Atiawa (SI), Moriori, Tuhoe, Te Whanau a Apanui. Iwi that could not vote: Ngati Maru (Taranaki), Te Rarawa.

COMMENTS FROM RECOGNISED MĀORI ORGANISATIONS

Diane Tuari CEO of Ngā Ngaru Rautahi o Aotearoa (NNR) spoke to her presentation noting the Urban/Pan Tribal History, the purpose of NNR and confirmed NNR's support for the Te Putea Whakatupu proposed resolutions.

The Chairman noted the process for appointing the three interim Directors to Te Putea Whakatupu Trust.

Hemi Toia (Ngati Rarua) asked what criteria was used to appoint the Directors. Jamie explained that it was by agreement with the Plaintiff and both Te Ohu Kaimoana and the Plaintiff had agreed to appoint Bill Wilson QC, Roger Drummond and Graeme Mitchell as the interim Directors. The Chair added that Te Ohu Kaimoana will appoint replacement Directors in December 2016.

John Tamihere of Te Whānau o Waiparara Trust spoke in support of the approach being taken by Te Ohu Kaimoana.

Resolution relating to Te Pūtea Whakatupu Trust	Proposer/seconded	Outcome
<p><i>That Te Ohu Kai Moana:</i></p> <p><i>a) engage in consultation with urban Māori groups (including, but not limited to, NUMA and the Schedule 5 Representative Māori Organisations) regarding the 2015 Review as it relates to proposed changes to Te Pūtea Whakatupu Trust; and</i></p> <p><i>b) informed by that consultation and the statutory purpose of Te Pūtea Whakatupu Trust (as emphasised by the recent High Court decision), develop a proposed set of recommendations in relation to Te Pūtea Whakatupu Trust to be put to our 2017 Hui-a-Tau for iwi approval.</i></p>	<p>Ngai Tamanuhiri/Nga Ruahine</p>	<p>Passed unanimously (51-0)</p>

IWG PRESENTATION – MARK NGATA

The IWG Chairman provided background on the review process, noted the mandate from the 31 March 2016 for another IWG to be established to facilitate an independent review of Te Ohu Kaimoana’s future funding model. He said the IWG was established using the electoral college process and completed the review within the 6 months agreed by iwi.

The IWG Chair outlined the feedback received during the recent regional hui held by Te Ohu Kaimoana and the changes made to the resolutions to reflect this feedback.

The IWG Chair acknowledged the efforts of both the IWG members and Korda Mentha/Chapman Tripp review team.

VOTING ON IWG PROPOSED RESOLUTIONS

The Chairman outlined again the voting process to be undertaken.

Resolutions relating to TOKMTL funding	Proposer/seconded	Outcome
<i>Amended resolution proposed to include the word “independent” between the words “a” and “review” in the following resolution</i>	Ngati Tama (South Island)/Ngati Ranginui	Did not receive 20% support to be put, resolution failed, reverted to original resolution
<i>That TOKMTL undertake immediately a review of its operational structure and activities in line with the Reviewers’ report to confirm the funds available for retention and distribution.</i>	Ngati Tuwharetoa/Whakatohea	Passed Unanimously (51-0)
<i>That iwi resolve to approve the preferred funding model of Retain some, Distribute some.</i>	Ngati Maniapoto/Raukawa ki te Tonga	Passed unanimously (51-0)
<i>That the \$1m in the following resolution be amended to \$2m</i>	Te Atiawa (Taranaki)/Te Arawa	Did not receive 20% support to be put, resolution failed, reverted to original resolution
<i>That TOKMTL, in conducting the structural and activities review, provides an outline to iwi regarding how iwi can have direct involvement in the process for approving unbudgeted projects which require expenditure of TOKM capital above \$1m per project and that any necessary amendments to the TOKM trust deed are made to give effect to such a process (for example, approval of such unbudgeted expenditure through a task force made up of TOKM representatives and iwi representatives who are appointed using the electoral college model).</i>	Te Atiawa (Wellington)/Te Aupouri	Passed (50-1)
<i>That any surplus funds be distributed to iwi in proportion to population as set out in column 3 of Schedule 3 of the Maori Fisheries Act 2004.</i>	Amendment proposed	Failed due to amending resolution being passed
<i>That any surplus funds be distributed to iwi on an equal basis</i>	Ngati Toa/Ngati Manawa	Passed by majority (78-22)
<i>That on the basis of the previous resolution being passed, that the Retain Some, Distribute Model approved by a previous resolution be revoked and a new resolution approving retention of the funds by Te Ohu Kai Moana be approved</i>	Ngati Porou/Ngapuhi	Did not receive 20% support to be put, resolution failed

<i>That TOKMTL seeks to amend the Māori Fisheries Act 2004 and the TOKM trust deed to also allow distributions, as directed by each MIO, to any charitable entity and/or for any charitable purpose (not just to a MIO or for fishing related purposes), within each MIO group structure to receive distributions.</i>	Ngati Whare/Ngati Manawa	Passed by majority (50-1)
<i>That TOKMTL seeks to amend the Māori Fisheries Act 2004 to include a compulsory levy model (which charges iwi in proportion to population as set out in column 3 of Schedule 3 of the Māori Fisheries Act 2004 which does not apply immediately, but can be triggered by a vote of iwi at any time in the future (requiring approval of 75% or more of the MIO, representing at least 50% of the total notional iwi population in column 3 of Schedule 3), should iwi decide that this is the best on-going funding option.</i>	Hauraki/Ngati Mutunga (Taranaki)	Passed by majority (50-1)
<i>That a further review of TOKM's funding requirements occur within 5 - 7 years from the date of TOKM's restructure</i>	Whakatohea/Ngati Tuwharetoa	Passed by majority (50-1)

MOANA NEW ZEALAND – WHAIMUTU DEWES

The Chair of Moana New Zealand said the proposed resolution is raised to give back the authority and responsibility to the shareholders, noting that it is not a dividend holiday. He explained that it's not about the 40%, but the lack of flexibility with the current policy. He then said the current dividend policy will continue in effect until the Maori Fisheries Act is amended, and would only be changed post the Act updates, if Shareholders approved a different policy.

Resolution relating to Moana New Zealand	Proposer/second	Outcome
<i>The current legislative dividend requirement be removed from the Māori Fisheries Act, so as to allow shareholders to set the dividend policy.</i> <i>The current dividend policy will continue in effect until the Māori Fisheries Act is amended, and would only be changed post Māori Fisheries Act updates if Shareholders approved a different policy</i>	Ngati Porou/Ngapuhi	Passed by majority (49-2)

Following the voting, the Chairman explained the next steps noting that Te Ohu Kaimoana will provide a report to the Minister by 30 September 2016 and engage with the Representative Māori Organisations over the next few months. A supplementary report on the Te Putea Whakatupu proposed resolutions will be provided to the Minister following the 2017 Hui-a-Tau.

The Chairman then asked Sir Matiu Rei to close the hui with a karakia at 11:15

Te Ohu Kai Moana Trustee Limited

Level 4, Revera House
48 Mulgrave Street, Thorndon

PO Box 3277
Wellington, New Zealand

Phone 64-4-931 9500

Fax: 64 4 931 9518

Email: tari@teohu.maori.nz

Web: www.teohu.maori.nz

