

Ngati Koata Trust

AGM 2009

Name and Address of Registered Iwi Member

For assistance please contact:

THE RETURNING OFFICER
Ngati Koata Trust
137 Vickerman Street,
PO Box 1659, Nelson.
Ph: 03 548 1639
Fax: 03 548 2569
Email: pa@koata.iwi.nz

Registration Number:

DIRECTIONS TO VOTER

(Read carefully before voting)

1. Place a tick '√' in the box FOR or AGAINST each of the resolutions indicated.
2. Only one vote (for each resolution) per adult registered member is allowed.
3. Any voting paper that records votes for both FOR and AGAINST will be declared informal.
4. Send your voting paper to Ngati Koata Trust, PO Box 1659, Nelson, fax to 03 548 2569, or hand deliver to the Returning Officer no later than **12:00 Saturday 12th September 2008** at Whakatu Marae.
5. If you spoil this voting paper, you may contact the Returning Officer and receive a special voting paper.
6. If you are **not** a registered member of Ngati Koata Trust (as stated on your voting form) you may still vote by completing and attaching a registration form (included) to these voting papers. Your registration will be validated before your vote is counted.
7. Additional Registration papers can be obtained by contacting pa@koata.iwi.nz or you may download one from our website <http://www.koata.iwi.nz/top/news.aspx>

VOTING PAPER - CLAIMS

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below. If any resolution fails to gain majority support, then the board will seek to review the terms of that resolution:

1. I VOTE FOR AGAINST the following resolution:
That the Ngati Koata Trust be the claims committee for the Ngati Koata Iwi Claims.

2. I VOTE FOR AGAINST the following resolution:
That the Ngati Koata iwi mandate Tainui Taranaki ki te Tonga Limited to negotiate the Ngati Koata treaty settlement with the Crown.

3. I VOTE FOR AGAINST the following resolution:
That the Ngati Koata iwi mandate Roma Hippolite to be the Ngati Koata representative on the Tainui Taranaki ki te Tonga Limited board of directors.

4. I VOTE FOR AGAINST the following resolution:
That the Ngati Koata iwi mandate Allen Hippolite to be the Ngati Koata representative on the Tainui Taranaki ki te Tonga Limited board of directors.

VOTING PAPER – Aquaculture Deed of Settlement

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below:

1. Resolution	Vote	
That you:	For	
<ul style="list-style-type: none"> a. Ratify the signing of the Aquaculture Deed by the Ngati Koata Trust Board on behalf of Ngati Koata; and b. Approve the Ngati Koata Trust Board receiving assets from the Crown as settlement of their interests under the Maori Commercial Aquaculture Claims Settlement Act 2004 	Against	
Background		
<p>The Maori Commercial Aquaculture Claims Settlement Act 2004 provided for 20% of new aquaculture space to be allocated to Iwi. This process was to be completed by 2013 or Te Ohu Kai Moana was to be paid the equivalent value for unallocated space on behalf of Iwi. In the subsequent 5 years to 2009 aquaculture space had not been actively allocated by local authorities and most Iwi have not been able to progress their aquaculture interests.</p> <p>Recognising that allocation was not progressing and wanting to move on before 2013 the Ngati Koata Trust Board has negotiated a settlement of Ngati Koata's interests in aquaculture alongside other Te Tau Ihu Iwi and Hauraki.</p> <p>The Board signed the Aquaculture Deed of Settlement in Wellington conditional upon ratification of the signing of the Deed and approval by Iwi members confirming their support for the assets to be transferred on their behalf to the Ngati Koata Trust Board.</p>		

VOTING PAPER – Trust Deed Changes

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below:

1. Resolution	Vote	
That clause 1.1 Definitions/Major Transactions of the Ngati Koata Trust Deed be amended to allow the Ngati Koata Trust Board to receive assets from the Crown.	For	
	Against	
Background		
<p>The Deed currently includes assets received from the Crown under the definitions of Major Transactions. Approval through an Annual General Meeting or a Special General Meeting vote is therefore required to receive those assets from the Crown. Hence a resolution to receive the aquaculture assets has been required during this voting process.</p> <p>The Major Transaction requirements under the deed are intended ensure that where the Board is considering acquiring significant assets and liabilities on behalf of Ngati Koata that they must get approval from iwi members before they enter into such contracts. Settlements from the Crown do not create liabilities generally as they are compensation payments and so they do not naturally fit as major transactions. This requirement could also delay the transfer of assets where a major transaction vote is required before assets are transferred.</p> <p>If the iwi has mandated the Board to negotiate and receive settlement assets then the Trust Deed should support this mandate and not risk delay. It is recommended that the Trust Deed is amended to exclude assets received from the Crown as settlement of claims from the Major Transaction definition and obligations.</p>		

2. Resolution	Vote	
That clause 1.1 Definitions of the Ngati Koata Trust Deed be amended to include the name of the proposed post settlement governance entity: Te Pataka a Ngati Koata Trust	For	
	Against	
Background		
<p>Ngati Koata will be required by the Crown to establish a new entity to receive any Treaty of Waitangi Settlement Assets as compensation for their land claims. The structure of that new entity will be the subject of consultation over the next 12 months. In preparation for the establishment, kaumatua identified Te Pataka a Ngati Koata as their choice of a name for that entity. The Board would like to include that name in the definition section of the Ngati Koata Trust Deed.</p>		

VOTING PAPER – Trust Deed Changes (Continued)

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below:

3. Resolution	Vote	
That clause 3.1 Purposes of the Ngati Koata Trust Deed be amended to remove reference to an obligation to provide for community generally and to ensure that the Trust Board beneficiaries are the community of Ngati Koata.	For	
	Against	
Background		
<p>As a charitable trust the Ngati Koata Trust must operate within its charitable purposes and in accordance with charities law. To be charitable iwi used to have to state in their purposes that they were part of a wider community, not just iwi members. That requirement has been removed under the Charities Act which recognises iwi as a community of their own. The Board would like to amend the Trust Deed to recognise that change and to clearly establish that the beneficiaries of the Ngati Koata Trust are Ngati Koata iwi members.</p>		

4. Resolution	Vote	
That a new clause 9.5 Commercial Entities be inserted into the Ngati Koata Trust Deed to allow the Ngati Koata Trust Board to establish entities to undertake non fisheries and aquaculture commercial activities on behalf of Ngati Koata	For	
	Against	
Background		
<p>Currently the Trust Deed provides for the establishment of companies for fisheries and aquaculture purposes. While the Deed does not prevent the Board from establishing other types of commercial entities it is preferred that a clause is inserted to clearly identify this as a power that they have. The Board would like to amend the Trust Deed therefore to confirm that they have the ability to establish other entities to undertake non fisheries and aquaculture commercial activities.</p>		

VOTING PAPER – Trust Deed Changes (Continued)

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below:

5. Resolution	Vote	
That a new clause 10 Notice Commercial Entities be inserted into the Ngati Koata Trust Deed to allow the Ngati Koata Trust Board to establish all relevant notice requirements under one provision of the deed	For	
	Against	
Background		
<p>Currently the Trust Deed provides for notice in many different clauses for example: notice for AGM, notice for elections, notice for nominations etc. A single clause is recommended to ensure that the Trust Deed is easier to implement and clarify the exact notice requirements. This amendment does not change the requirement to give notice to iwi members it is intended for clarification only.</p>		

6. Resolution	Vote	
That should the new clause 10 Notice be approved that the Board is authorised to make such technical amendments to the Ngati Koata Trust Deed to allow for reference to and implementation of that clause 10 Notice.	For	
	Against	
Background		
<p>As stated in the resolution above currently the Trust Deed provides for notice in many different clauses for example notice for AGM, notice for elections, notice for nominations etc. A single clause has been recommended to ensure that the Trust Deed is easier to implement and clarify the exact notice requirements. If the new clause 10 is approved certain technical amendments will be required to insert clause 10 as the reference for notice and delete reference to the separate notice requirements currently within other clauses in the Trust Deed. The amendments are technical in nature and do not change the requirement to give notice to iwi members.</p>		

VOTING PAPER – TRUSTEES

Registration Number:

Please tick select which trustees (Listed alphabetically by last name) you want for the Trust Board. The Koata Trust is looking for three (3) trustees:

Any voting paper that records more than three (3) votes will be declared informal.

1. Name	Vote (please select only 3)
George Hori Elkington	<input type="checkbox"/>
Celia Hawea	<input type="checkbox"/>
Hoani Apihai Hemi	<input type="checkbox"/>
Ora Kohe	<input type="checkbox"/>
James Reneti	<input type="checkbox"/>

VOTING PAPER – FINANCIAL

Registration Number:

Please tick FOR or AGAINST for each of the resolutions in the boxes below:

1. I VOTE	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>	the following resolution: That the Ngati Koata iwi receive the financial report as presented at the AGM (and sent to each listed adult member of the Trust) as a true and accurate record of the Trust financial position as at the end of March 2009
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