



FOREST HAPŪ CLUSTER TRUSTS AND HAPŪ ALLOCATION

FOREST HAPŪ CLUSTER TRUSTS

Forest Hapū Clusters (FHCs) were developed in accordance with the Tūwharetoa Settlement Trust Deed and based on tikanga and mana whenua.

To establish the FHCs, the Trust consulted widely with hapū and shared its findings. Three FHCs have been established with the fourth yet to finalise their mana whenua agreements:

- Waimihia
- Taurewa
- Pureora/Marotiri
- Waituhi

Each FHC is an individual Trust with elected trustees and protocols for ensuring funds get to iwi members.

If you are affiliated with one or more FHCs, you are entitled to be a beneficiary of those FHC Trusts as well as with Tūwharetoa Settlement Trust.

If you don't affiliate to any FHC, you can still be a beneficiary of Tūwharetoa Settlement Trust.

At the end of 2011, TST consulted with hapū about amending the FHC Establishment Process to make it more hapū driven. TST Iwi members agreed to these changes, allowing TST to begin establishing the FHC Trusts.

ESTABLISHED PRINCIPLES

The following key principles guide the FHC Establishment Process:

- TST is responsible for engaging with FHCs to establish FHC Trusts;
- TST represents all Ngāti Tūwharetoa hapū in relation to the CNI Forests Land Collective Settlement and will continue this role after FHC Trusts are established;
- TST must transfer applicable benefits to the relevant FHC Trust once it has been established, this will occur in two stages;
- The initial transfer of benefits, consisting of 60% of relevant accumulated rentals, were transferred to FHC Trusts by 31 December 2012;
- The remaining benefits will be transferred to FHC Trusts once Ngāti Tūwharetoa's final allocation is determined through the CNI Mana Whenua Process or the Crown Agreed Proportion Process.

THE HAPŪ ALLOCATION PROCESS

The Hapū Allocation Process is defined as "a process that uses the same approach as that set out in Schedule 2 of the Act" - the CNI Forests Settlement Legislation. This process includes three stages by which those parties who have interests in the relevant forests are determined based on tikanga mana whenua.

In the case of the FHCs, the Hapū Allocation Process is being used to determine which hapū have mana whenua interests in relevant forests. The Hapū Allocation Process is still ongoing.

TST ARE RUNNING THE HAPŪ ALLOCATION PROCESS IN THE FOLLOWING STAGES:

STAGE 1 – IDENTIFICATION OF INTERESTS

Using the CNI Mana Whenua Process as a guide, TST has developed a process by which it can clearly identify the hapū who have mana whenua interests in the Tūwharetoa Forests.

- TST will develop and circulate reports on mana whenua claims research (Mana Whenua Reports);
- Hapū will review these reports;
- Hapū will confirm which (if any) of the Tūwharetoa Forests it has a mana whenua interest in; and
- TST send written notification to all hapū who have identified interests in each of the forests. Notification notes all hapū who have identified interests in the relevant Tūwharetoa Forest/s.

STAGE 2 – KANOHI KI TE KANOHI HUI

Once agreement has been reached on the hapū to be included in the FHC, TST will:

- resolve to accept that those hapū will form the relevant FHC; and
- provide written notice to relevant hapū of the final hapū included in each FHC.

STAGE 3 – ADJUDICATION

Any disputes regarding mana whenua will be referred to an adjudication process known as Stage 3. TST will provide written notice to all relevant hapū which will outline the following:

- the forest that will be referred to Stage 3;
- reason for referring the dispute to Stage 3;
- Stage 3 process and deadlines;
- names of the independent adjudication panel who will consider the matter.

Adjudicators will consider evidence relating to the mana whenua of the relevant hapū. The Adjudicators will be provided with copies of the mana whenua report prepared by TST. They will also meet with all relevant hapū to consider the matter.

The Adjudicators will consider the dispute and provide a written report on its findings to TST. The report will clearly state:

- the hapū who were party to the dispute being considered;
- which hapū will be included in the FHC and the basis for that inclusion; and
- which hapū will not be included in the FHC and the basis for that exclusion.

TST will circulate the adjudication findings report to the relevant hapū with notification of the final hapū to be included in the FHC. The adjudicators' findings will be binding on all parties.

FHC TRUST ESTABLISHMENT

Once the Hapū Allocation Process has been completed and all FHC hapū have been confirmed, TST alongside FHC hapū will be ready to start establishing FHC Trusts. TST is required by its own Trust Deed to establish these FHC Trusts to "receive, hold and manage relevant benefits associated with the Tūwharetoa Forests". As part of this process, TST is required to complete the following:

- Consult with relevant FHC hapū;
- Develop and execute relevant Trust Deeds; and
- Prepare appropriate beneficiary registers.

HAPŪ CONSULTATION

TST is committed to engaging with FHC hapū in order to establish FHC Trust Deeds. Accordingly, a series of hui will be held to engage hapū and ensure that hapū views are captured.

In consulting with FHC hapū, TST will:

- provide information on the FHC Trust Establishment Process;
- identify mandatory Trust Deed requirements;
- identify areas where options exist for FHC Trusts;
- prepare interactive materials, such as questionnaires for analysis; and
- prepare detailed information/analysis on any options for consideration should they be requested.

FHC TRUST DEEDS

In establishing the FHC Trusts, there will be elements of the Trust where options exist, and others which will be mandatory requirements. TST will identify mandatory requirements and potential options for the FHC Trusts.

Where options exist, FHC hapū will decide which options best suit their needs, TST will play an advisory role only. TST will analyse identified options in order to ensure that their parameters and implications are clearly understood by FHC hapū. Hapū feedback on their preferences will be determined through hapū consultation hui and questionnaires.

Upon completion of the hapū consultation hui, TST will work with the legal advisor to prepare the FHC Trust Deeds.

FHC BENEFICIARY REGISTER

As part of the FHC Trust establishment process, FHCs will need a beneficiary register. This register may be based on the TST beneficiary register and include individuals who whakapapa to the relevant FHC Hapū.

TRUST ELECTIONS

Once FHCs have executed their Trust Deeds, an independent Returning Officer will complete the FHC elections to appoint FHC Trustees.

These elections will be run in accordance with the newly established FHC Trust Deeds.

FHC TRANSFERS

Once FHC Trusts have been established and Trustees have been elected, TST will be able to carry out transfer of benefits to FHC Trusts.

WHAT THIS MEANS FOR YOU

In order for you to be a part of the process and receive FHC updates it is important that TST has your correct details. Make sure that your registration details with TST are current and include all of your hapū affiliations!

If you are not affiliated by whakapapa to any FHC hapū, don't panic! You will still be a beneficiary of TST.

If you are affiliated to a FHC Trust, you will be entitled to be a beneficiary of that Trust as well as TST.

If you are affiliated to multiple FHC Trusts, you will be entitled to be a beneficiary of each of those FHC Trusts as well as TST.

TST will be engaging with hapū to establish the FHC Trusts. To get involved, make sure you keep in touch with your hapū and attend FHC hui.