

TRUSTEES OF THE MANA AHURIRI TRUST
and
THE CROWN

SECOND DEED TO AMEND
DEED OF SETTLEMENT OF HISTORICAL CLAIMS

13 June 2017

Handwritten signatures and initials in blue ink:
Jli
HDC
JMB
BAW
SMA
JA

**SECOND DEED TO AMEND THE DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

THIS DEED is made on the 13th day of June 2017

BETWEEN

TRUSTEES OF THE MANA AHURIRI TRUST

AND

THE CROWN

HDC 

BANK OF NEW ZEALAND
MANA AHURIRI TRUST

BACKGROUND

General

- A. Ahuriri Hapū and the Crown are parties to:
- (a) a deed of settlement dated 2 November 2016; and
 - (b) a deed to amend the deed of settlement dated 16 February 2017,
- (together "**Deed of Settlement**").
- B. The trustees and the Crown wish to enter into this second deed to record further amendments to the licensed land redress under the Deed of Settlement in accordance with paragraph 5.1 of the general matters schedule to the Deed of Settlement.

IT IS AGREED as follows:

1 EFFECTIVE DATE OF THIS DEED

- 1.1 This deed takes effect when it is properly executed by the parties to it.

2 AMENDMENTS TO THE DEED OF SETTLEMENT

- 2.1 The Deed of Settlement:

2.1.1 is amended by –

- (a) deleting all references to "licensed land entity"; and all other provisions to "or the licensed land entity (as applicable)" or similar, should be construed accordingly; and
- (b) making the amendments set out in schedule 1 to this deed; but

2.1.2 remains unchanged except to the extent provided by this deed.

3 DEFINITIONS AND INTERPRETATION

- 3.1 Unless the context otherwise requires:

3.1.1 terms or expressions defined in the Deed of Settlement have the same meaning in this deed; and

3.1.2 the rules of interpretation in the Deed of Settlement apply (with all appropriate changes) to this deed.

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HDC BAW... JMB
JH
JKA

4 COUNTERPARTS

- 4.1 This deed may be signed in counterparts which together shall constitute one agreement binding on the parties, notwithstanding that both parties are not signatories to the original or same counterpart.

HOC
Shi
JMS
BAW²
C. H
DCA

SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

SIGNED as a deed on the 13th day of June 2017

SIGNED by THE TRUSTEES OF THE
MANA AHURIRI TRUST in the presence of –

WITNESS

Name:

Occupation: Jodi Elizabeth Leit
Solicitor
Address: Hastings


Beverley Jane Horiana Kemp-Harmer

WITNESS

Name:

Occupation: Jodi Elizabeth Leit
Solicitor
Address: Hastings


Tania Harriet Huata – Kupa

WITNESS

Name:

Occupation: Jodi Elizabeth Leit
Solicitor
Address: Hastings

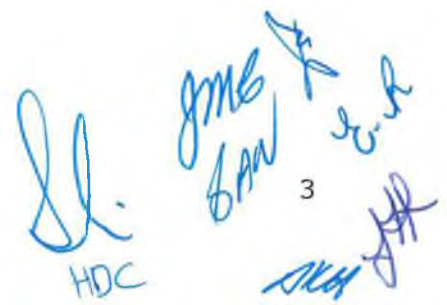

Joinella Mouru Patricia Maihi-Carroll

WITNESS

Name:

Occupation: Jodi Elizabeth Leit
Solicitor
Address: Hastings


Piriniha Tuturu Prentice


HDC
3
JME
BAN
SMB
JME

SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

WITNESS

Name:

Occupation: Jodi Elizabeth Lett
Solicitor
Address: Hastings


Evelyn Nukumai Te Mangai Ratima

WITNESS

Name:

Occupation: Jodi Elizabeth Lett
Solicitor
Address: Hastings


Barry Allan Wilson

WITNESS

Name:

Occupation: Jodi Elizabeth Lett
Solicitor
Address: Hastings

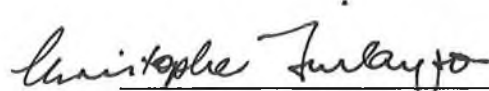

Terry Owen Wilson


HDC


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SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

SIGNED for and on behalf of **THE CROWN** by –
The Minister for Treaty of Waitangi
Negotiations in the presence of –



Hon Christopher Finlayson

WITNESS



Name: Alexander Lyons

Occupation: Private Secretary (Treaty Negotiations)

Address: 11/42 Abel Smith St, Wellington

SCHEDULE 1

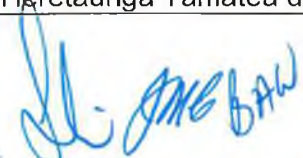

AMENDMENTS TO THE DEED OF SETTLEMENT

| Current reference | Amendment |
|---------------------------------|--|
| Deed of Settlement | |
| Part 7 | <p>Delete clauses 7.9 to 7.18, and their headings, and replace with:</p> <p style="text-align: center;">“KAWEKA GWAVAS FORESTRY COMPANY LIMITED</p> <p>7.9 On the day after the Heretaunga Tamatea settlement date or on the settlement date, whichever date is the later –</p> <p style="padding-left: 40px;">7.9.1 the Crown will transfer Crown Interest A to the governance entity; and</p> <p style="padding-left: 40px;">7.9.2 the Crown and the governance entity must do all things required under Schedule 1 and 3 of the deed establishing the Kaweka and Gwavas Forest Trust to give effect to the transfer.</p> <p>7.10 In clause 7.9 Kaweka and Gwavas Forest Trust has the meaning given to it in the Heretaunga Tamatea settlement legislation.”</p> <p>The following clauses, and references to them, are re-numbered accordingly.</p> |
| Part 8, clause 8.3 | Delete clause 8.3.2 and renumber the following subclauses accordingly. |
| Part 8, clauses 8.6.1 and 8.6.2 | <p>Replace clause 8.6.1 with:</p> <p>“8.6.1 clauses 7.3, 7.4 and 8.4 to 8.10:”</p> |
| General matters schedule | |
| Part 6, | Delete the following definitions: |

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SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

| Current reference | Amendment |
|-----------------------|---|
| paragraph 6.1 | <p>"constitution"</p> <p>"Crown agreed portion"</p> <p>"shareholders agreement and trust deed"</p> <p>"other Kaweka Gwavas claimant"</p> <p>"other Kaweka Gwavas claimant PSGE"</p> |
| Part 6, paragraph 6.1 | <p>After the definition of "Crown", insert the following new definition:</p> <p>"Crown Interest A" –</p> <p>(a) means the Crown's entitlement, as a beneficiary of the Kaweka and Gwavas Forest Trust, to 33.34% of the licensed land; and</p> <p>(b) includes -</p> <p>(i) any associated rental proceeds;</p> <p>(ii) the Crown's entitlement to a 33.34% shareholding in Kaweka Gwavas Forestry Company Limited; and</p> |
| Part 6, paragraph 6.1 | <p>Replace the definition of "financial and commercial redress" with:</p> <p>"financial and commercial redress means the redress provided by or under –</p> <p>(a) clauses 7.1 to 7.16;</p> <p>(b) the settlement legislation giving effect to any of those clauses; and"</p> |
| Part 6, paragraph 6.1 | <p>Replace the definition of "Heretaunga Tamatea deed of settlement" with:</p> <p>"Heretaunga Tamatea deed of settlement –</p> <p>(a) means the deed of settlement between the Crown and Heretaunga Tamatea dated 26 September 2015; and</p> <p>(b) includes any deed to amend the Heretaunga Tamatea deed</p> |

HDC  2015


SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

| Current reference | Amendment |
|----------------------------------|--|
| | of settlement; and" |
| Part 6, paragraph 6.1 | <p>After the definition of "Heretaunga Tamatea governance entity", insert the following new definitions:</p> <p>"Heretaunga Tamatea settlement date means the settlement date under the Heretaunga Tamatea settlement legislation; and</p> <p>Heretaunga Tamatea settlement legislation means the settlement legislation giving effect to the Heretaunga Tamatea deed of settlement; and"</p> |
| Property redress schedule | |
| Part 3 | <p>Delete the header of part 3 in the table of contents, and the header of part 3, and replace with:</p> <p>"LICENSED LAND"</p> |
| Part 6 | Delete paragraphs 6.2.3, 6.20, 6.23, 6.29.1, 6.41.1 and 6.41.2(a) and renumber part 6 accordingly. |
| Documents schedule | |
| Part 11 | Delete the encumbrances in part 11. |
| Part 13 | Delete the deed of covenant in part 13. |
| Part 14 | Delete the constitution in part 14. |
| Part 15 | Delete the shareholders' agreement and trust deed in part 15. |

HDC
 BAW
 GMB
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 MKA

SECOND DEED TO AMEND AHURIRI HAPŪ DEED OF SETTLEMENT

| Current reference | Amendment |
|--------------------|---|
| Attachments | |
| Part 5 | Replace the draft settlement bill in part 5 with the draft settlement bill at Appendix A. |

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HDC
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Appendix A

Draft settlement bill

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