



Panui No. 2

Mangatu Shareholders' Claim to Part of Mangatu Forest

Nga Whakamaramatanga a Te Komiti Whakahaere o Mangatu

Tena koutou nga hapu, nga whanau o tenei whenua i tapaina "ko te manga i tu ai te rakau a Paoa" ara, ko Mangatu.

Tena koutou nga urupa o ratou e iri nei i runga i nga pakiwaitara o tenei to tatou tipuna whare, i hangahia e te hunga kua huri atu ki Tua o Te Arai.

E mihi kau ana kia koutou kua ngaua nei i te ringa kaha o aitua, e tangi ana ki era o nga whanaunga kua ngaro i te kitenga kanohi.

Ko ratou te hunga wairua kia ratou, ko tatou nga kanohi ora kia tatou, tena koutou, tena koutou, tena koutou.

Ko Maungahaumi te maunga, ko Mangatu te whenua, ko nga awa e hono ana ki te wai o Paoa e karanga ana, e powhiri ana ia koutou i tenei ra, tena koutou, tena koutou, tena tatou katoa

1. Strong Shareholder Support for Return of Mangatu Land

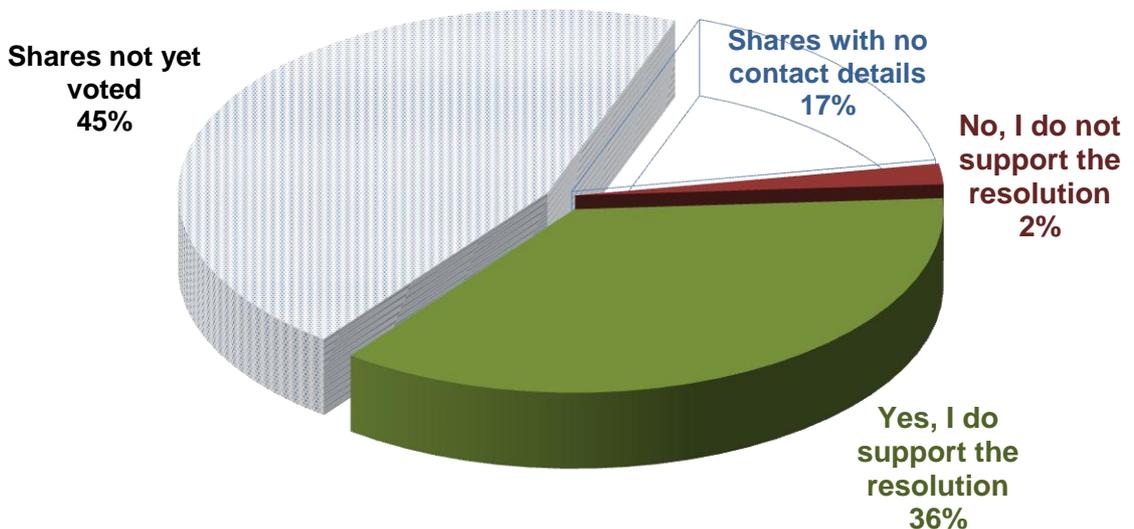
Your Committee of Management was overwhelmed by your response to our first Panui in March 2011.

Of a total of 5,048 shareholders holding 856,335 shares we only have contact details for 83% or 3,092 shareholders holding 714,268 shares.

Of contacted shareholders, 907 (29%) voted Yes to the resolution constituting 310,892 shares or 36% of the total Mangatu shareholding.

Current Vote by Shareholding

Resolution: I support the exclusion of the Mangatu Treaty claim and the former Mangatu No 1 Block lands from the Te Whakarau (now Te Aitanga a Mahaki & Affiliates) Deed of Settlement and I support asking the Waitangi Tribunal to return that land to Mangatu.





What was also very pleasing was that 605 descendants also voted in support of the resolution. This makes a total of 1,512 shareholders and their descendants over 18 years who voted Yes for the resolution.

23 shareholders or less than 1% of contacted shareholders holding 15,507 shares voted against the resolution, a total of 2% of the total shareholding. A further 14 descendants also voted against the resolution hence a total of 37 owners and their descendants over 18 years voted No for the resolution.

Overall just over 40% of contacted shareholders and their responding descendants voted to support Mangatu to continue seeking the return of our land that the Crown acquired from the Mangatu No 1 block in 1962.

This is a very positive and pleasing result.

2. Victory at the Supreme Court!

The Committee is also delighted to advise you that Mangatu succeeded with our appeal to the Supreme Court. In a decision released on 19 May 2011 the Supreme Court overturned the previous High Court and Court of Appeal decisions and decided that the Waitangi Tribunal had been wrong not to hear our application for return of the 1962 land.

Your Committee of Management welcomed the judgement as a vindication of Mangatu's principled stance "*to be heard by the Waitangi Tribunal.*"

The Court referred to Mangatu's long history as one of the first Incorporations set up by Maori to protect the land, and recognised that it was "*of considerable importance to the Incorporation that it has succeeded in retaining most of the block in the years since 1893*". The Court expressed its sympathy that the journey to get to this point has been long and frustrating.

The Supreme Court has ordered the Waitangi Tribunal to hear our claim for return of the 1962 land urgently.

A copy of the Supreme Court decision is included on our website at:

<http://voting.mangatu.com>

The decision is also available on the Court's website at:

<http://www.courtsofnz.govt.nz>



3. Progress on Te Aitanga a Mahaki & Affiliates Claim (formerly Te Whakarau)

We anticipate that the Waitangi Tribunal will need to hear our claim before the Te Aitanga a Mahaki and Affiliates Deed of Settlement can be concluded.

We are unsure if our action will delay the settlement process but are hopeful that we don't have Te Aitanga a Mahaki and Affiliates opposing us at the Waitangi Tribunal hearing.

The results of the vote from Mangatu Shareholders show we have a clear mandate from the owners of Mangatu to proceed.

Your Committee of Management will be working hard to achieve a win:win for both Mangatu and Te Aitanga a Mahaki and Affiliates.

4. Mangatu Owner Action

For those owners and their descendants who have not voted yet, there is still time to do so.

It is important that you do send in your vote on this most important taake as it will increase our ability to advocate with the Crown and Te Aitanga a Mahaki and Affiliates to exclude our former lands from the Deed of Settlement.

In order to make it as easy as possible we have set up an online site which can be used to vote, get further information on this subject or get copies of voting forms.

The online voting and information site is:

<http://voting.mangatu.com>

Once again thank you very much for your support.



Te Whakamutunga

Ahakoia i roto nga piki me nga heke kei te pai te haere o nga mahi a Mangatu. He maha nga ngaru o te moana kei mua ia tatou, no reira, kia kaha tatou ki te hapai, ki te hoe i tenei o nga waka a te iwi kia u ai tatou ki uta, ara, kia whai oranga mo te iwi whai paanga ki tenei o nga whenua, a Mangatu.

Tenei te mihi atu ki era o nga whanaunga kua mene atu ki te po. Ko ratou te hunga kua huri atu ki tua o Te Arai, moe mai, moe mai.

He mihi ano tenei ki nga kaimahi me etahi atu ropu e awhi ana, e tautoko ana i nga mahi a Mangatu, e whai ake ana i nga kaupapa whakahaere kia noho pumau a Mangatu.

He mihi kau tenei kia koutou, te urupa o ratou e iri nei i runga i nga pakiwaitara o tenei to tatou whare tipuna. Kia tau iho nga manaakitanga o Te Runga Rawa ki runga kia koutou me a koutou whanau.

Na tenei ta koutou mokai

Alan Haronga
Chairman

On Behalf of the Mangatu Blocks Committee of Management.
30 May 2011



Supreme Court of New Zealand

19 May 2011

MEDIA RELEASE – FOR IMMEDIATE PUBLICATION

**HARONGA v WAITANGI TRIBUNAL AND OTHERS
(SC54/2010)
[2011] NZSC 53**

PRESS SUMMARY

This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at www.courtsofnz.govt.nz.

The appellant, Mr Haronga, is the Chair of the Committee of Management of Mangatu Incorporation. The Incorporation, which today numbers 5,000 owners, was established in 1893 to represent hapū awarded the Mangatu No 1 block by the Native Land Court in 1881. In 1961, Mangatu Incorporation sold 8,626 acres of this land to the Crown. That land comprises almost a quarter of the Mangatu State Forest.

In 1992, claims were filed with the Waitangi Tribunal which contended that the Crown in acquiring the forest land had breached the principles of the Treaty of Waitangi and sought as redress the return of that land to Mangatu Incorporation for its proprietors. These claims were later amended and included in the Waitangi Tribunal's district-wide Tūranga inquiry. The Tribunal, in its 2004 report, found the Crown's acquisition in 1961 to be in breach of the Treaty. However the Tribunal made no specific recommendations to the Crown as to remedy, notwithstanding its jurisdiction to make binding recommendations in respect of the licensed Crown forest land. The Tribunal suggested, rather, that all claimant iwi and hapū negotiate a single settlement for the whole Tūranga district and reserved leave to apply for further direction if necessary.

As negotiations between the Crown and claimants progressed, it became clear to Mr Haronga that the proposed settlement would not include specific redress to Mangatu Incorporation by way of return of the forest land to its owners. Instead, the owners would

share in the overall settlement which included the option to purchase the whole or part of the Mangatu forest, including the land sold in 1961. Accordingly, in July 2008, Mr Haronga filed a further claim to the Tribunal seeking the return of the 1961 land to Mangatu Incorporation and applied for an urgent hearing before negotiations reached a district-wide settlement, to be given effect by legislation. His application for an urgent remedies hearing was twice declined by the Tribunal; by Judge Coxhead in August 2008 and by Judge Clark in October 2009. Mr Haronga then applied, unsuccessfully, for judicial review of the decision of Judge Clark in the High Court and Court of Appeal.

On further appeal, a majority of four judges of the Supreme Court (William Young J dissenting) has found that the Waitangi Tribunal is required to determine whether or not to make a binding recommendation for return of the forest land claimed by Mangatu Incorporation, having found the claim to be well-founded in its 2004 report. The Tribunal's statutory obligation of inquiry into every claim is not fully discharged by findings of Treaty breach. In such cases where the remedy sought is return of licensed Crown forest land, the inquiry must consider whether the land is to be returned and to which Māori or group of Māori. The Tribunal did not complete that inquiry, in respect of the forest land claimed, in its 2004 report.

If the appellant is to be heard on this matter, it is necessary that the Tribunal hear the claim with urgency. Under the proposed settlement with Te Whakarau, the owners of Mangatu Incorporation would suffer significant and irreversible prejudice as they will lose the right to adjudication of the claim.

The appeal is therefore allowed and the matter remitted to the Waitangi Tribunal with the direction that it proceed with urgency to complete its hearing of the claim.

Contact person: Gordon Thatcher, Supreme Court Registrar (04) 914 3545