



Ngāti Hine Forestry Trust

Pānui for Beneficial Owners – November 2023

Tēnā koutou katoa,

Partitions

Over the years, Trustees have received queries from beneficial owners about removing their lands from the Trust's parent title, Ngatihine H2B.

There were also questions on this topic from beneficial owners attending the 2022 Annual General Meeting.

Hence, it is appropriate, to reiterate here the Trusts long standing policy with respect of this matter.

The only mechanism by which a beneficial owner or owners can remove their lands (i.e. their shares) from Ngatihine H2B is by way of partition as provided for in Part 14 of Te Ture Whenua Maori Act 1993. The only authority able to process an application for partition and make a determination is the Maori Land Court.

The Trustees have no jurisdiction or authority with regard partition applications.

The Maori Land Court can advise what is required by applicants to make a partition application to the Court.

The Trustees policy is to continue to refer beneficial owners to the Maori Land Court when they have queries regarding partitions.

Apart from the Trustees having no authority to make any determinations on any such partition applications, the Trustees feel it would be imprudent to become involved in assisting beneficial owners with any applications for the following reasons:

1. For the Trustees to consider assisting some beneficial owners to remove assets from the Trust would create a conflict of interest for the Trustees; particularly should the Court ask for the Trustees' views on any application that may be under consideration by the Court.
2. The Trustees are required to maintain their position in terms of the Trust Order as being impartial and fair and acting for and in the best interests of all 5,500 plus beneficial owners. Trustees cannot be seen to be promoting the case or cause of one or a very small few number of owners with their personal application.



Forest Access Policy

Any proposition that may be considered to provide an access permit to a person or a business for whatever purpose is fraught with difficulties; cost and it comes with a significant risk which would be impossible to eliminate.

As soon as the Trust gives authority for someone to enter the Trust's property the Trustees become responsible for the health and wellbeing of that person. There is also the risk that person could burn down the forest and/or harm others working in the forest.

Guiding Principles:

The guiding values or principles the Trustees must consider with respect of granting access are:

- What would be in the best interests of the beneficial owners?
- What would be a fair regime for all 5,500 owners?
- What would keep the Trustees and its beneficial owners safe?
- What is the most practical and pragmatic approach?

Accordingly, the Trustees policy since June 2012 is that access to the Trust's forests is by permit only. Please see below for Conditions of Permit. The Trustees policy notes that they may deal with any requests for access for cultural reasons on an ad hoc case by case basis, considering the guiding principles mentioned above.

Licences to Occupy

Over the years, there have been requests or actions from whānau to occupy land within Ngatihine H2B. In considering this, the Trustees must have regard to the guiding principles mentioned above (e.g. is it in the best interests of all of the beneficial owners?). Given the risks of this activity (such as fire, health & safety, non-compliant buildings, nuisance, unpaid rates etc), Trustees would need to be wary of incurring any liability for the Trust. While the Trust does not currently have a policy on Licences to Occupy, the Trustees would be guided by the Forest Access Policy.



CONDITIONS OF PERMIT:

1. This permit entitles the holder to enter only the land described on reverse. Access is only permitted via existing legal roads and rights of way. Permission to enter/cross any private land must be obtained from the owner occupier.
2. With respect to the land described in this permit or any neighbouring land the holder of this permit shall not :
 - a) Hunt, shoot or kill any bird whether introduced or native unless legal permission from the relevant legislative authority has been received / granted.
 - b) Cut, fell or remove any vegetation or forest produce.
 - c) Remove any sand, shingle, gravel or other minerals of any description.
 - d) Disturb or remove any
 - i) Gravel
 - ii) Places of historical or archaeological significance
 - iii) All ancient artifacts of any origin whatsoever.
3. This permit is personal to the holder and is not transferable. It must be surrendered on demand to Ngati Hine Forestry Trust or any of its officers or agents and may at any time be cancelled by the Trust including cancellation by public notice announced by radio or published in a newspaper of the relevant district.
4. In consideration of being given permission to enter on the land, the permit holder agrees that he does so entirely at his own risk.
5. No fires may be lit of any description. Any person responsible for the lighting of any fire may be held liable for the damage caused and for expenses incurred effecting suppression in addition to any fines imposed.

The extent and location of any fire is to be reported immediately to the fire service by dialing 111. A minimum of 1 x 1.5 kg dry powder fire extinguisher is to be carried by every vehicle on site .
6. Permit holders are warned that poisoning for opossums and other animals may occur in the area covered by this permit and therefore are cautioned against touching any baits, lures or carcasses found.
7. Unless specifically authorized dogs are not permitted on the land.
8. This entry permit does not cover areas controlled by Grazing licence within the stated block/area description.
9. Road legal vehicles (i.e. both warranted and registered) only are allowed onto the area designated.
10. A current Safety and Health policy will be in operation at all times and will be audited at random for compliance. Failure to comply will result in instant termination of permit with no right of renewal.
11. Minimum insurance cover is a prerequisite prior to entry to the areas. Separate Motor Vehicle and Public Liability Insurance certificates are required.