

## Panui No. 10

#### MANGATU SHAREHOLDERS UPDATE

Ko Maungahaumi te maunga Ko Mangatu te awa Ka tere ki tewai o Paoa Ka Kopututea te putanga ki te Moananui a Kiwa Tihei mauriora Nga Rangatira, Nga Kaitiaki o nga whenua o Mangatu. Tena koutou katoa.

# 1. Update on Mangatu Shareholders' Claim to part of Mangatu Forest

The Mangatu Committee of Management sought a legal opinion from our lawyers regarding the possible grounds for applying to the High Court for a Judicial Review (JR) of the Waitangi Tribunal's 23 December 2013 decision.

We were advised that the grounds for JR were varied and included the Tribunal:

- Not correctly applying the law determined by the Supreme Court in the Haronga decision
- Failing to perform its statutory duty to decide who should receive the Mangatu Crown forest land
- Considering matters that were not relevant, namely the Crown's Treaty settlement policies and quantum limits
- Failing to consider matters that were relevant

Therefore, we have decided to proceed to apply for a JR seeking the following outcomes;

- 1) A declaration by the Court that the decision of the Tribunal is unlawful
- 2) An order setting aside the decision
- 3) An order requiring the Tribunal:
  - a) To rehear the resumption applications on a correct legal basis and
  - b) Taking, as a starting point, the Tribunal's existing findings on the resumption applications to make binding recommendations in favour of Mangatu in respect of the 1961 land and in favour of Mahaki in relation to the remainder of the Mangatu CFL

Our application for JR was filed at the end of June 2014 in the High Court in Gisborne and a copy of the application can be seen on the Mangatu website.

## www.mangatu.co.nz

Those who would like a copy of the application please contact the Gisborne office at:

email: <a href="mailto:admin@mangatu.co.nz">admin@mangatu.co.nz</a>
Telephone: (06) 869 0952



The application is done jointly with Te Aitanga a Mahaki through the Te Aitanga a Mahaki Trust (TAMT). Subsequent to the December 2013 Tribunal decision the mandated body to complete Mahaki's settlement, Te Aitanga a Mahaki & its close affiliates (TAMA), collapsed.

Under the leadership of Willie Te Aho, the Chief Negotiator, and John Ruru, Chairman and Chief Claimant, a comprehensive re-mandating process was successfully undertaken in March and April 2014. This was to empower TAMT to complete Mahaki's settlement.

During this process both Mahaki and Mangatu realised that whakawhanaungatanga would benefit both parties, in particular the grounds for JR were similar and it made sense for both to file the same application. Accordingly, Mahaki and Mangatu signed a Memorandum of Understanding dated 6 May 2014, recording the basis on which we are jointly undertaking the JR proceedings. Both Mahaki and Mangatu need a successful JR decision to progress their various resumption applications in front of the Tribunal. We filed our joint application for the JR once the mandate process for Mahaki had been completed.

The High Court has now decided the JR will be held in Wellington rather than Gisborne and we now have a confirmed hearing date on 3 November 2014.

#### 2. Kiwisaver

The Committee of Management want to encourage shareholders and their descendants, who have not already done so, to enrol in Kiwisaver and thus be eligible for the Government's current start-up grant of \$1,000 while it is still available.

A total sum of \$20,000 is available to the first 200 eligible applicants as a \$100 oneoff payment paid directly to the Kiwisaver provider. An eligible applicant is a shareholder, their children and grandchildren who open a Kiwisaver account on or after 14 February 2014.

Each of the first 200 eligible applicants will be entitled to a contribution of \$100 paid direct to their Kiwisaver account. If the applications exceed 200 a list will be compiled to be approved at the Annual General Meeting in 2015.

The current offer to apply for the \$100 contribution closes 7 days prior to the date of the Annual General Meeting in 2015.

Mangatu Blocks Incorporation's only role is to maintain the whanau connection by:

- 1. Verifying the details of the person if they are an existing shareholder.
- 2. For a descendant of a shareholder making an application, whakapapa is required to identify their link to the shareholder.
- 3. The applicant is required to provide details of their chosen Kiwisaver provider before the \$100 gift is processed.



Kiwisaver provider details can be accessed from the Inland Revenue Department or from the Kiwisaver website at <a href="https://www.kiwisaver.govt.nz">www.kiwisaver.govt.nz</a>. A Kiwisaver factsheet is included in this Panui.

## 3. Shareholders' Farm and Forestry Tour

On Friday 9 May 2014, a large group of shareholders travelled on three buses to view the main Mangatu operations at:

- Waihirere forestry, land utilisation and winter lamb finishing
- Omapere drafting premium lambs and farm development plans
- Mangamaia prime cattle
- Komihana forestry and metal operations
- Mangatu lands involved in the Claim to part of the Mangatu Forest
- Lamb Club BBQ demonstration and lamb snack at the Gisborne office

The Mangatu Marae hosted the group with a mihi and a delicious hakari. All who attended had a most enjoyable day. A particular bonus was the history that our kaumatua Rutene Irwin and Charlie Pera shared with us through the FM radio link between the three buses. It made us appreciate the efforts of our tipuna in preserving the Mangatu taonga that we have today.

#### Te Whakamutunga

Ahakoa 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 Incorporation Committee of Management

15 August 2014





KS 3 | April 2013

## Your introduction to KiwiSaver – employee information

KiwiSaver is a work-based savings initiative designed to help set you up for your retirement. Most members will build up their savings through regular contributions from their pay, making saving simple and easy.

To join KiwiSaver you must:

- be a New Zealand citizen or be entitled to stay in New Zealand indefinitely, and
- be under the age of eligibility for New Zealand Superannuation (currently 65).

#### Already in work

You can choose whether you join KiwiSaver. If you decide to, you can join with a scheme provider directly or through your employer.

#### Starting a new job

If you're over 18 you'll be automatically enrolled in KiwiSaver if you're eligible. Your employer will give you some information about KiwiSaver, including a *KiwiSaver deduction form (KS 2)*.

Temporary employees and casual agricultural workers aren't automatically enrolled in KiwiSaver. For other exemptions go to <a href="https://www.kiwisaver.govt.nz">www.kiwisaver.govt.nz</a> (keywords: automatic enrolment).

#### Self-employed or not working

You can join KiwiSaver by contacting your chosen scheme provider directly. They'll send you an investment statement and enrolment form. For more information on KiwiSaver scheme providers go to www.kiwisaver.govt.nz (keywords: scheme provider).

## **Opting out**

If you don't want to join KiwiSaver and have been automatically enrolled you'll need to opt out between the second and eighth week (ie, on or after day 14 and on or before day 56) of starting your new job. Complete an online opt-out form at <a href="https://www.kiwisaver.govt.nz">www.kiwisaver.govt.nz</a> or a New employee opt-out request (KS 10) form. We'll refund any contributions you've made.

If you've chosen to join KiwiSaver you can't opt out. However, after 12 months you could take a contributions holiday.

#### KiwiSaver benefits

Everyone gets a \$1,000 government kick-start payment when they enrol. If you're over 18 you'll also be entitled to:

 an annual member tax credit paid by the government of up to \$521.43 • employer contributions that match 3% of your gross earnings.

Three years after your first KiwiSaver contribution you may be able to use your savings (except the \$1,000 kick-start and the member tax credits) to buy your first home. You may also be eligible for a subsidy from Housing New Zealand. For more information on first home withdrawals go to www.kiwisaver.govt.nz (keywords: first home).

## Choosing a scheme provider

You don't have to choose a scheme when you join KiwiSaver. You can be allocated to your employer's chosen scheme or, if they don't have a preferred scheme, we'll allocate you to a default scheme. We'll write to you confirming this and send you their investment statement.

You can choose a scheme or change schemes whenever you like, but you can only belong to one KiwiSaver scheme at a time.

See the full list of KiwiSaver schemes and providers at www.kiwisaver.govt.nz (keyword: providers).

## **Making contributions**

Making contributions is easy, whether you're working, not working or self employed.

#### If you're working

Your employer deducts contributions from your before-tax pay at your chosen rate of 3%, 4% or 8%. If you don't choose a rate the default rate of 3% will be applied. Your employer passes this money to us and we pass it on to your scheme provider.

Once you've chosen a contribution rate you must continue using this rate for three months before you're able to change it.

#### Self-employed or not working

You and your KiwiSaver scheme provider agree how much you want to contribute and you make payments directly to them.

#### How your contributions are processed

It takes about three months for any KiwiSaver contributions deducted from your pay to reach your account. We transfer your contributions to your scheme provider, including any interest earned, once we've made sure your employer's payroll information is correct.

For more information go to www.kiwisaver.govt.nz (keyword: processed).

## **Employer contributions**

If you're a KiwiSaver member making contributions from your pay, your employer also has to make a contribution. This will equal 3% of your pay before tax.

All employer contributions paid to a superannuation fund for the benefit of an employee are liable for ESCT (employer superannuation contribution tax). The exception to this is if the employee and employer have agreed to treat some or all of the employer contributions as salary or wages under the PAYE rules.

Your employer doesn't have to make compulsory employer contributions if:

- they're already paying sufficient contributions into another approved superannuation scheme for you
- you're under 18
- you're over 65 and have been contributing for at least five years
- you're not required to have deductions made from your pay (eg, if you're on a contributions holiday, or on leave without pay).

## **Contributions holiday**

After you've been contributing to KiwiSaver for 12 months you can apply to take a break from contributing for three months to five years. There's no limit on how many times you can do this.

However, when you're on a contributions holiday, your employer doesn't have to make contributions either.

If you're experiencing financial hardship you may get approval to stop making contributions. For more information go to www.kiwisaver.govt.nz (keyword: hardship).

## **Existing superannuation schemes**

If you're in a complying superannuation scheme, you may be entitled to some of the KiwiSaver benefits through that scheme, including the member tax credit and having your employer pay compulsory employer contributions. Your employer only has to pay a total 3% compulsory employer contribution regardless of whether you're a member of both KiwiSaver and a complying superannuation scheme.

You can still join KiwiSaver if you're a member of a complying superannuation scheme, but the benefits will only apply to one of your schemes.

## Withdrawing your savings

In most cases, your KiwiSaver savings will be locked in until you're eligible for NZ Super (currently 65). However, if you joined over the age of 60 you'll need to wait until you've been in KiwiSaver for five years.

KiwiSaver won't affect your eligibility for NZ Super or reduce the amount of NZ Super you're eligible for.

You may be able to withdraw part (or all) of your savings if you're:

- · buying your first home
- moving overseas permanently
- suffering significant financial hardship
- seriously ill.

If you die, your KiwiSaver savings will be paid to your estate.

## **Getting advice**

Neither your employer nor Inland Revenue can give you financial advice about whether KiwiSaver is the right choice for you or which scheme you should join.

KiwiSaver isn't guaranteed by the government. This means you make your investment choices in a KiwiSaver scheme at your own risk. However, all KiwiSaver schemes are regulated by the Financial Markets Authority in a similar way to other registered superannuation schemes.

If you'd like help deciding whether or not to join KiwiSaver you can go to www.sorted.org.nz This is the Commission for Financial Literacy and Retirement Income's website and it provides free, independent information about money matters, including KiwiSaver.

Alternatively, contact a financial advisor for advice on:

- your personal financial circumstances
- whether or not KiwiSaver is right for you
- how to choose a scheme or investment product
- the overall KiwiSaver scheme and its financial concepts.



### www.kiwisaver.govt.nz

Go to our website for information, services and tools

- My KiwiSaver log in to check your scheme provider, contributions and start date details.
- Forms and guides download our guides and print forms to post to us.
- Contact us for phone numbers, addresses and contact options.

For free, independent information about money matters go to www.sorted.org.nz

New Zealand Government