
Date

7 APRIL 2001

Parties

THE POUAKANI PEOPLE

HER MAJESTY THE QUEEN
in right of New Zealand

DEED TO AMEND DEED OF
SETTLEMENT

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Date: March 2001

PARTIES

- (1) THE POUAKANI PEOPLE
- (2) HER MAJESTY THE QUEEN in right of New Zealand acting by the Minister in Charge of Treaty of Waitangi Negotiations

BACKGROUND

- A The Pouakani People and the Crown are parties to a Deed of Settlement dated 19 November 1999 (*Deed of Settlement*).
- B The Pouakani People and the Crown wish to amend the Deed of Settlement and clarify certain matters arising out of it in the manner described in this Deed.

THE POUAKANI PEOPLE AND THE CROWN AGREE:

1 DEFINITIONS AND INTERPRETATION

1.1 Deed of Settlement definitions and interpretation

Except as expressly provided in this Deed, or unless the context otherwise requires:

- 1.1.1 terms defined in the Deed of Settlement have the same meanings in this Deed; and
- 1.1.2 the rules of interpretation set out in the Deed of Settlement apply in the interpretation of this Deed.

1.2 Definitions in this Deed

In this Deed, *Settlement Act* means the Pouakani Claims Settlement Act 2000.

2 THE POUAKANI CLAIMS SETTLEMENT ACT 2000

The Pouakani People and the Crown agree that, for the purposes of clause 1.3.19 of the Deed of Settlement, each provision of the Settlement Act shall be taken to be either:

- 2.1 the inclusion of a provision set out in the Deed; or
- 2.2 the inclusion of a provision set out in the Deed covered by either clause 1.3.19(a) or 1.3.19(b) of the Deed of Settlement; and,

accordingly:

- 2.3 the Settlement Act is the Settlement Legislation for the purposes of the Deed of Settlement;
- 2.4 the Deed of Settlement became unconditional on 1 March 2001, being the date on which the Settlement Act came into force; and
- 2.5 the Settlement Date is 29 March 2001.

3 FURTHER “ON ACCOUNT” PAYMENT

3.1 Acknowledgement of Receipt

The Pouakani People acknowledge receipt from the Crown by the Pouakani Governance Entity of the amount of \$150,000.00 paid on 16 October 2000 by the Crown as a further payment “on account” of the Redress Amount which the Pouakani People and the Crown agree is to be treated as part payment of the Redress Amount.

3.2 Amendments to Deed of Settlement

The Deed of Settlement is amended by:

- 3.2.1 deleting clause 4.2 of the Deed of Settlement and replacing it with the following:

“The Settlement Amount equals the Redress Amount less the amount of \$800,000.00 being the sum of “on account” payments made by the Crown prior to the Settlement Date”;

and

- 3.2.2 replacing “\$2,000,000.00 in clause 4.3 of the Deed of Settlement with “\$1,850,000.00”.

3.3 Interest Calculation

The Pouakani People and the Crown agree that:

- 3.3.1 the payment referred to in *clause 3.1* is to be taken into account in identifying interest payable under the Deed of Settlement and that, accordingly, the amount payable under clause 11.1.1 of the Deed of Settlement on the Settlement Date is \$162,969.43; and
- 3.3.2 the amount payable under clause 11.1.2 of the Deed of Settlement on the Settlement Date is \$420,752.47.

4 AMENDMENTS TO SECTION 6 OF THE DEED OF SETTLEMENT

4.1 Completion date for Tahae Farm

In clause 6.1 of the Deed of Settlement, the definition of "Completion Date" is deleted and replaced with "*Completion Date* means 30 March 2001".

4.2 Correction of error

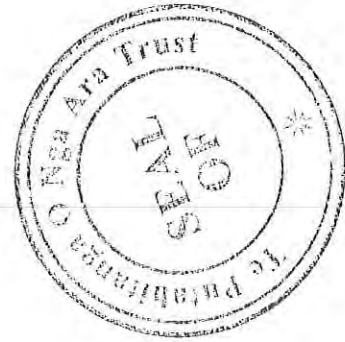
In clause 6.5.5 of the Deed of Settlement, "Titiraupeunga Trust" is deleted and replaced with "Pouakani Governance Entity".

5 CORRECTION TO SECTION 7 OF THE DEED OF SETTLEMENT

In clause 7.4.1(c) of the Deed of Settlement, "CP323/91" is deleted and replaced with "CP232/91".

EXECUTED as a deed on 7 APRIL 2001

THE COMMON SEAL of **TE PUTAHITANGA O NGA ARA TRUST**, being the Pouakani Governance Entity, was affixed in the presence of:



[Signature] (Trustee)
Signature

JOHN HANITA PAKI
Print Name

[Signature] (Trustee)
Signature

TAMATI CAIRNS
Print Name

SIGNED for and on behalf of
HER MAJESTY THE QUEEN in right
of New Zealand by the Minister in Charge
of Treaty of Waitangi Negotiations
in the presence of:

) [Signature]
)
)
) **Honourable Margaret Wilson**
)

Witness:
[Signature]

Signature
M.P.

Occupation
96 Haukohe St.

Address: Tauranga.