

Amendments to the RTB Trust Deed

Clause	Current wording	New wording	Reason
1 Interpretation	<p>Rohe Election means an election convened by the Trust Board on behalf of a Rohe at which the Adult Rohe Members vote to elect its Trustees in accordance with Schedule 1.</p> <p>Rohe Member means in relation to each Rohe, a Registered Member who has indicated on his or her Registration Form the name of one Rohe to which that person affiliates for the purpose of voting in Rohe Elections.</p>	deleted	Election processes transferred to the RST
4	<p>4.1 The Trust Board shall have up to 8 Trustees who must be elected by Adult Members of Raukawa in accordance with Schedule 1 of this Deed. The First Trustees shall be those persons already holding office and they shall face re-election in accordance with Schedule 1.</p> <p>4.2 The eight Trustees of the Trust Board shall comprise of two representatives from each Rohe as follows:</p> <ul style="list-style-type: none"> (a) Raukawa ki Maungatautari (b) Raukawa ki Wharepuhunga (c) Raukawa ki Te Kaokaoroa o Patetere (d) Raukawa ki Te Pae o Raukawa <p>4.3 Criteria for Appointment To be eligible for nomination and election as a Trustee a candidate must:</p> <ul style="list-style-type: none"> (a) be an Adult Registered Member; (b) stand in the Rohe Election held on behalf of the Rohe to which the candidate affiliates as a Rohe Member; (c) not be disqualified by reason of any of the matters referred to in clause 4.4(d) to (h) of this Deed. 	<p>4.1 The Trust shall have up to 26 Trustees who are to be appointed by the Raukawa Settlement Trust.</p> <p>4.2 To be eligible for appointment as a Trustee, a candidate must be a current Raukawa Settlement Trust trustee, having been elected according to the provisions of the Raukawa Settlement Trust Deed.</p> <p>4.3 For the avoidance of doubt, all Raukawa Settlement Trust trustees need not be appointed as Trustee and the Raukawa Settlement Trust trustees may remove a Trustee at any time, with or without reason, by providing written notice to that Trustee.</p> <p style="text-align: center;">Cessation of office of Trustee</p> <p>4.4 Any person shall cease to be a Trustee if he or she:</p> <ul style="list-style-type: none"> a resigns as a Trustee by giving notice in writing to the Trust; or b is sent written notice from the Raukawa Settlement Trust trustees removing that 	Election processes transferred to the RST

	<p>Cessation of office of Trustee</p> <p>4.4 Any person shall cease to be a Trustee if he or she:</p> <p>(a) shall have been in office for more than three years since his or her election; or</p> <p>(b) resigns as a Trustee by giving notice in writing to the Trust Board; or</p> <p>(c) fails or neglects to attend three consecutive meetings of the Trustees without leave or absence, unless it appears to the other Trustees at their first meeting after the last of such absences that there is a proper reason for such non-attendance; or</p> <p>(d) becomes of unsound mind, becomes a person in respect of whose affairs an order under the Protection of Personal and Property Rights Act 1988 is made, or otherwise becomes unfit or unable to act as a Trustee; or</p> <p>(e) is or becomes subject to a compulsory treatment order made under Part II of the Mental Health Act 1992.</p> <p>(f) is or becomes a bankrupt who has not obtained a final order of discharge, or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled; or</p> <p>(g) is or has ever been convicted of an offence involving dishonesty as defined in section 2(1) of the Crimes Act 1961, or an offence under section 373(4) of the Companies Act 1993 (unless that person is an “eligible person” for the purposes of the Criminal Records (Clean Slate) Act 2004); or</p> <p>(h) is or has ever been convicted of an offence punishable by imprisonment.</p> <p>(i) dies.</p> <p>4.5 The Trustee concerned shall cease to hold office:</p> <p>(a) in a case where sub-paragraph 4.4(a)</p>	<p>person as Trustee; or</p> <p>c fails or neglects to attend three consecutive meetings of the Trustees without leave of absence, unless the other Trustees at their first meeting after the last of such absences resolve that there is a proper reason for such non-attendance in which case until the Trustee in question does attend a meeting of Trustees the Trustees shall be able to remove the Trustee by Ordinary Resolution at any time; or</p> <p>d becomes of unsound mind, becomes a person in respect of whose affairs an order under the Protection of Personal and Property Rights Act 1988 is made, or otherwise becomes unfit or unable to act as a Trustee; or</p> <p>e is or becomes subject to a compulsory treatment order made under Part II of the Mental Health Act 1992; or</p> <p>f is or becomes a bankrupt who has not obtained a final order of discharge, or whose order of discharge has been suspended for a term not yet expired, or is subject to a condition not yet fulfilled; or</p> <p>g is or has ever been convicted of an offence involving dishonesty as defined in section 2(1) of the Crimes Act 1961, or an offence under section 373(4) of the Companies Act 1993 (unless that person is an ‘eligible person’ for the purposes of the Criminal Records (Clean Slate) Act 2004); or</p> <p>h is or has ever been convicted of an offence</p>	
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	<p>applies, from the end of the day three years after the date on which that Trustee was last elected to office;</p> <p>(b) in a case where sub-paragraph 4.4(b) applies from the date the notice of retirement shall have been delivered to the Trust Board;</p> <p>(c) in the case where sub-paragraph 4.4(c) applies from the date of the first meeting of Trustees after that Trustee's third consecutive absence without leave; and</p> <p>(d) in cases where sub-paragraphs 4.4(d) to 4.6(i) apply, from the date on which the Trust Board was notified in writing of the relevant fact together with such evidence as the Trustees may reasonably require.</p>	<p>punishable by imprisonment; or</p> <p>i dies.</p> <p>4.5 The Trustee concerned shall cease to hold office:</p> <p>a in a case where paragraph 1.4.4a applies from the date the notice of resignation shall have been delivered to the Trust;</p> <p>b in a case where paragraph 4.4b applies from the date the notice of removal shall have been delivered to the Trustee, or from the date three (3) days after the notice of removal has been sent to the last address of the Trustee known to the Raukawa Settlement Trust trustees, which ever is sooner;</p> <p>c in the case where paragraph 1.4.4c applies from the date of the first meeting of Trustees after that Trustee's third consecutive absence without leave; and</p> <p>d in cases where paragraphs 1.4.4d to 1.4.4i apply, from the date on which the Trust was notified in writing of the relevant fact together with such evidence as the Trustees may reasonably require.</p> <p>4.6 For the avoidance of doubt, a vacancy in the office of a Trustee will not affect the validity of any decisions made by the remaining Trustees.</p>	
5.1(a) (v)	that records the Rohe that each Registered Member has indicated on his or her Registration Form is the one Rohe to which that person chooses to affiliate for the purpose of voting in Rohe Elections; and	that records the Rohe that each Registered Member has indicated on his or her Registration Form; and	Election processes transferred to the RST

5.4(a)	the election of Trustees; or	deleted	Election processes transferred to the RST
Schedule 1	<p style="text-align: center;">Election of Trustees</p> <p>1. Trustees shall be elected through postal Ballot by Adult Members in accordance with the provisions of this Schedule 1.</p> <p style="text-align: center;">Time of Elections</p> <p>2 The Trustees must arrange and conduct an election of Trustees in accordance with the electoral provisions set out in this Schedule 1 at such times to ensure that:</p> <p style="padding-left: 40px;">(a) at the beginning of each financial year of the Trust Board the Trustees shall retire in accordance with paragraph 2(b) of this Schedule 1.</p> <p style="padding-left: 40px;">(b) The current Trustees shall face re-election as follows;</p> <p style="padding-left: 80px;">(i) at the beginning of the 2007 financial year 1 Trustee from Raukawa ki Maungatautari and 1 Trustee from Raukawa ki Wharepuhunga shall stand down and face re-election;</p> <p style="padding-left: 80px;">(ii) at the beginning of the 2008 financial year 1 Trustee from Raukawa ki Te Kaokaoroa o Patetere and 1 Trustee from Raukawa ki Te Pae o Raukawa shall stand down and face re-election;</p> <p style="padding-left: 80px;">(iii) at the beginning of the 2009 financial year 1 Trustee from each of the Rohe shall stand down and face re-election.</p> <p style="padding-left: 40px;">(c) the Trustees to retire in every year shall be those who have been in office the longest since their last election but as between persons who become Trustees on the same day of those who retire shall be determined by lot unless they otherwise agree among themselves.</p> <p style="padding-left: 40px;">(d) Subsequent elections shall follow the cycle laid down in subparagraph 2(b) of this Schedule 1</p>	<p>Schedule 1</p> <p>Notice of Voting and General Meeting</p> <p>4.1 Any vote taken under clause 6.1 and 6.2 of this Deed must be publicly notified not less than 20 Working Days before the date of the vote. If the vote is to be at a General Meeting, the notice procedures must comply with those specified in the Act, which at the date of this Deed are:</p> <p style="padding-left: 20px;">a Public Notice that includes:</p> <p style="padding-left: 40px;">i the date, time, venue and agenda of the General Meeting, the place where explanatory documents may be viewed or obtained, and any other information specified in the Act;</p> <p style="padding-left: 40px;">ii where relevant advice that a vote is to be taken to ratify or amend the constitutional documents of the Trust Board;</p> <p style="padding-left: 40px;">iii advice on the method by which the vote will be counted; and</p> <p style="padding-left: 40px;">iv where relevant, the matter or issues on which the vote is to be taken; and</p> <p style="padding-left: 20px;">b Private Notice to every Adult Member of Raukawa who has requested such from the Trust Board in writing, that gives:</p> <p style="padding-left: 40px;">i the information in the preceding subparagraph of this Schedule;</p>	

<p>so as to ensure that the rule in subparagraph 2(e) is complied with.</p> <p>(e) no person who is an elected Trustee shall hold office for a period longer than 3 years without facing re-election, however retiring Trustees shall be eligible for re-election.</p> <p>Extraordinary Vacancies</p> <p>2A Should an extraordinary vacancy in the office of Trustee occur as a result of any of the matters in clause 4.4(b) to (i) of this Deed, then that vacancy shall be filled at the next election in addition to any vacancies which must be filled as a result of paragraph 2 of this Schedule 1.</p> <p>Nominations for Trustee</p> <p>3. The Trust Board must, no later than 35 Working Days prior to a Rohe Election of Trustees, publicly notify Members of Raukawa that nominations for the position of Trustee may be lodged. Any such nomination must include the written signature of both the candidate and the nominator and may not be withdrawn after it has been received. The nomination must:</p> <p>(a) contain details of the nominee's full name, address and contact number;</p> <p>(b) include a declaration signed by the nominee that declares that the nominee is not a person who is precluded from holding office as a Trustee on the basis of one or other of these matters specified in clause 4.4 of the Deed; and</p> <p>(c) be accompanied by a brief statement containing details of experience and objectives relevant to the position of Trustee;</p> <p>(d) include the name of the Rohe to which the candidate is affiliated in accordance with clauses 5.1(a)(v) and 5.5(b)(ii) and on whose behalf the candidate intends to stand.</p> <p>Time for Nominations</p> <p>Nominations for the position of Trustee may only be made by Adult Registered Members and must be</p>	<p>ii a copy of the Voting Paper; and</p> <p>iii the address and return date for the Voting Paper; and</p> <p>c Private Notice to every Adult Registered Member if there is to be a vote taken to ratify the constitutional documents of the Trust Board that gives the information in sub paragraphs 1.1(a)(i) to (iv) and 1.1(b)(ii) to (iii) of this Schedule 1.</p> <p>2. Eligible Votes</p> <p>4.1 All Adult Members of Raukawa shall be eligible to vote on any resolution required by clause 6.1 and 6.2 of this Deed and any votes cast as per this paragraph 2 shall be received;</p> <p>a by Voting Paper (not proxy) at a General Meeting; or</p> <p>b by Voting Paper received by post before 5pm on the Working Day prior to the General Meeting.</p> <p>3. Valid Votes</p> <p>4.1 The conduct of a vote of Adult Members of Raukawa at all General Meetings taken under clause 6.1 and 6.2 of this Deed must provide that</p> <p>a in order for a vote to be validly cast, the person casting it must</p> <p>i where the person is a Registered Member, cast their vote on a Voting Paper on which the Trustees have recorded the registration number of the</p>	
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	<p>received at the office of the Trust Board's nominated returning officer no later than 25 Working Days before the election of Trustees is to be held.</p> <p>Rohe Elections</p> <p>4. Every Rohe Election shall be by way of postal ballot of Adult Rohe Members with votes to be cast by or on the voting date on a Voting Paper by post addressed to the Returning Officer.</p> <p>4.1 At least 20 Working Days before the date of vote the Trust Board must publicly notify. The notice procedures must comply with those specified in the Act, which at the date of this Deed are:</p> <p>(a) Public Notice that includes:</p> <p>(i) the date and time for the return of the Voting Paper; and</p> <p>(ii) information regarding the proposed Rohe Election; and</p> <p>(iii) where any other explanatory material may be obtained; and</p> <p>(iv) any other information specified by the Maori Fisheries Act.</p> <p>(b) Private Notice to every Adult Member of Raukawa who has requested such from the Trust Board in writing, that gives:</p> <p>(i) the information in the preceding sub-paragraph of this Schedule;</p> <p>(ii) a copy of the Voting Paper; and</p> <p>(iii) the address and return date for the Voting Paper;</p> <p>Eligible votes for Elections</p> <p>5. All Adult Rohe Members shall be eligible to vote in the Rohe Elections held on behalf of the Rohe to</p>	<p>Registered Member; or</p> <p>ii where the person is not registered at the time of the vote, complete a Registration Form which shall be attached to and form part of the Voting Paper; and</p> <p>b no vote cast under either paragraph 1 or paragraph 2 of this Schedule 1 shall be finally counted unless the details provided on the Voting Paper (except the ancillary information) are correct and the affiliation of the voter to Raukawa has been confirmed either:</p> <p>i because that person was an Adult Registered Member at the time his or her vote was cast; or</p> <p>ii if that person applied at the time that his or her vote was cast to become an Adult Registered Member, because that person's registration was accepted in accordance with clause 5.6,</p> <p>except that a provisional result, disclosing the number of such persons and counting their votes for provisional purposes only may be declared at any time.</p> <p>4. Secret Ballots</p> <p>4.1 All votes shall be conducted so as to ensure that:</p> <p>a the manner in which a vote is cast shall be known to the returning officer or persons assisting the returning officer, but not to others;</p> <p>b the returning officer and those persons shall</p>	
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<p>which they have affiliated in accordance with clauses 5.1(a)(v) and 5.5(b)(ii) and any votes cast per this paragraph 5 shall be received:</p> <p>(a) by Voting Paper received by post before 5pm on the closing date publicly and privately notified for the Rohe Election.</p> <p>Results of the Rohe Elections</p> <p>6. The highest polling candidate in a Rohe Election shall be appointed as Trustee.</p> <p>6.1 The successful candidate(s) shall be advertised in the paper and a panui sent to all marae.</p> <p>PART B: All Votes</p> <p>Notice of Voting and General Meeting</p> <p>7. Any vote taken under clause 6.1(a) and (b) of this Deed must be publicly notified not less than 20 Working Days before the date of the vote. If the vote is to be at a General Meeting, the notice procedures must comply with those specified in the Act, which at the date of this Deed are:</p> <p>(a) Public Notice that includes:</p> <p>(i) the date, time, venue and agenda of the General Meeting, the place where explanatory documents may be viewed or obtained, and any other information specified in the Act;</p> <p>(ii) where relevant advice that a vote is to be taken to ratify or amend the constitutional documents of the Trust Board;</p> <p>(iii) advice on the method by which the vote will be counted; and</p> <p>(iv) where relevant, the matter or issues on which the vote is to be taken; and</p> <p>(b) Private Notice to every Adult Member of Raukawa who has requested such from the Trust Board in writing, that gives:</p>	<p>undertake to keep that information confidential; and</p> <p>c the Voting Papers are destroyed by the returning officer after the date of completion of the final count under paragraph 9(b), plus a period of one month thereafter.</p>	
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	<p>(i) the information in the preceding sub-paragraph of this Schedule;</p> <p>(ii) a copy of the Voting Paper; and</p> <p>(iii) the address and return date for the Voting Paper; and</p> <p>(c) Private Notice to every Adult Registered Member if there is to be a vote taken to ratify the constitutional documents of the Trust Board that gives the information in sub paragraphs 5(a)(i) to (iii) and 5(b)(ii) to (iii).</p> <p>Eligible Votes</p> <p>8. All Adult Members of Raukawa shall be eligible to vote on any resolution required by clause 6.1 (a) and (b) of this Deed and any votes cast as per this paragraph 8 shall be received:</p> <p>(a) by Voting Paper (not proxy) at a General Meeting; or</p> <p>(b) by Voting Paper received by post before 5pm on the Working Day prior to the General Meeting.</p> <p>Valid votes</p> <p>9. The conduct of a vote of Adult Members of Raukawa in every Rohe Election and at all General Meetings taken under clause 6.1(a) and (b) of this Deed must provide that:</p> <p>in order for a vote to be validly cast, the person casting it must:</p> <p>(i) where the person is a Registered Member, cast their vote on a Voting Paper on which the Trustees have recorded the registration number of the Registered Member; or</p> <p>(ii) where the person is not registered at the time of the vote, complete a Registration Form which shall be attached to and form part of the Voting Paper; and</p>		
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	<p>(b) no vote cast under either paragraph 5 or paragraph 8 of this Schedule 1 shall be finally counted unless the details provided on the Voting Paper (except the ancillary information) are correct and the affiliation of the voter to Raukawa has been confirmed either:</p> <p>(i) because that person was an Adult Registered Member at the time his or her vote was cast; or</p> <p>(ii) if that person applied at the time that his or her vote was cast to become an Adult Registered Member, because that person's registration was accepted in accordance with clause 5.6,</p> <p>except that a provisional result, disclosing the number of such persons and counting their votes for provisional purposes only may be declared at any time.</p> <p>Secret Ballots</p> <p>10. All votes shall be conducted so as to ensure that:</p> <p>(a) the manner in which a vote is cast shall be known to the returning officer or persons assisting the returning officer, but not to others;</p> <p>(b) the returning officer and those persons shall undertake to keep that information confidential; and</p> <p>(c) the Voting Papers are destroyed by the returning officer after the date of completion of the final count under paragraph 9(b), plus a period of one month thereafter.</p>		
throughout Deed	Reference to 'election' of Trustees	Replaced with reference to 'appointment' of Trustees	Election processes transferred to the RST
throughout Deed		Clause reference updated	

Amendments to the RST Trust Deed

Clause	Current wording	New wording	Reason
Background	new	K This Deed was amended in August 2009 as part of the ongoing implementation of post settlement governance arrangements for Raukawa.	Provides explanation as for the changes
Introduction	This Deed sets out the functions and purposes, and provides for the control, governance, and operation, of the Trust.	This Deed amends the existing Deed and sets out the functions and purposes, and provides for the control, governance, and operation, of the Trust.	Provides explanation as for the changes
4.9 – 4.10	<p>4.9 To be eligible for nomination and election as a Marae Representative a candidate must:</p> <p>a be an Adult Registered Member;</p> <p>b stand in the Election held on behalf of the Raukawa Marae to which the candidate primarily affiliates in accordance with clause 12.1a(v);</p> <p>c not be disqualified by reason of any of the matters referred to in clause 4.13d to 4.13j of this Deed.</p> <p>4.10 To be eligible for nomination and election as a Hapu Representative a candidate must:</p> <p>a be an Adult Registered Member;</p> <p>b stand in the Election held on behalf of the Rohe to which the candidate primarily affiliates in accordance with clause 12.1a(v);</p> <p>c not be disqualified by reason of any of the matters referred to in clause 4.13d to 4.13h of this Deed.</p>	<p>4.9 To be eligible for nomination and election as a Marae Representative a candidate must:</p> <p>a be an Adult Registered Member;</p> <p>b stand in the Election held on behalf of the Raukawa Marae to which the candidate primarily affiliates in accordance with clause 12.1a(v);</p> <p>c not be an employee of a Raukawa Entity; and</p> <p>d not be disqualified by reason of any of the matters referred to in clause 4.13d to 4.13j of this Deed.</p> <p>4.10 To be eligible for nomination and election as a Hapu Representative a candidate must:</p> <p>a be an Adult Registered Member;</p> <p>b stand in the Election held on behalf of the Rohe to which the candidate primarily affiliates in accordance with clause 12.1a(v);</p> <p>c not be an employee of a Raukawa Entity; and</p> <p>d not be disqualified by reason of any of the matters referred to in clause 4.13d to 4.13h of this Deed.</p>	Restricts employees from becoming Trustees
4.5	At the end of the Transitional Period the Trust must, within 12 months, hold an election in accordance with Schedule 3 to elect new Trustees and the Establishing Trustees cease to hold office from the date of that election.	At the end of the Transitional Period the Trust must, within 12 months, hold an election in accordance with Schedule 3 to elect new Trustees and the Establishing Trustees cease to hold office from the date of that election. However for a period of 20 Working Days following that election the new Trustees may consult with the Establishing Trustees prior to exercising their powers as Trustees under this Trust Deed.	Provides for a transition period from the existing to new Trustees following the first set of elections

Schedule 3, para 1.3	In the event that the number of nominees for a Marae Representative or Hapu Representative position is equal to, or less than, the number of those positions that are to be filled at any given election, then no election shall be necessary and the person or persons nominated shall be deemed to have been duly elected as a Trustee.	In the event that the number of nominees for a Marae Representative or Hapu Representative position is equal to, or less than, the number of those positions that are to be filled at any given election, then no election shall be necessary and the person or persons nominated shall be deemed to have been duly elected as a Trustee at the later of either the date 5 Working Days following the close of nominations or the date of conclusion of any Election process undertaken for that, and any other, Representative position immediately following the closure of the relevant nomination process.	Clarifies that the timing between elections for different positions within the same election process should be consistent.
Schedule 3 para 2.1	2.1 The Trust must, no later than 20 Working Days prior to an Election, publicly notify to Members of Raukawa that nominations for the position of Trustee may be lodged. Any such nomination must include the written signature of both the candidate and the nominator and may not be withdrawn after it has been received. The nomination must:	2.1 The Trust must, no later than 35 Working Days prior to an Election, publicly notify to Members of Raukawa that nominations for the position of Trustee may be lodged. Any such nomination must include the written signature of both the candidate and the nominator and may not be withdrawn after it has been received. The nomination must:	Clarifies timing for nomination process
Schedule 3 para 6.1(c)	Private Notice to every Adult Registered Member if there is to be a vote taken to ratify the constitutional documents of the Trust that gives the information in sub paragraphs 5(a)(i) to (iii) and 5(b)(ii) to (iii).	Private Notice to every Adult Registered Member if there is to be a vote taken to ratify the constitutional documents of the Trust that gives the information in sub paragraphs 6(a)(i) to (iv) and 6(b)(ii) to (iii).	Corrects incorrect clause references