

HERETAUNGA TAMATEA SETTLEMENT TRUST

DEED OF TRUST CHANGES 2023

In 2020 and 2022 HTST completed a two phase process of the review of its Trust Deed and other arrangements.

HOW DID WE ACHIEVE THIS? Through consultation with Trust membership, a number of hui-a-hapu/marae were held throughout Heretaunga, Tamatea rohe.

PHASE ONE (2020) – Trust membership provided verbal and written submissions. The outcome from this engagement resulted in a report highlighting a number of recommendations for discussion by HTST Trustees.

PHASE TWO (2022) – Trust membership received the boards responses to the reports recommendations, to seek final feedback which completes the consultation process.

REVIEW OUTCOME – The HTST Trustees considered and accepted the majority of the recommendations contained in the report in conjunction with Trust membership kōrero and feedback.

The HTST Trustees agree for the changes to take place.

RECOMMENDED CHANGES

- A **CHANGE OF NAME:** To better describe Heretaunga Tamatea Settlement Trust. An opportunity was presented to Marae to submit proposed names. In February 2023 the trustees endorsed the Trust name to be changed to **'Tamatea Pokai-Whenua'**.
Excerpt from Waipatu Marae Name Change Submission:
"Tamatea Pokai Whenua"
Tamatea is our tipuna. Pokai Whenua is our purpose.
Tamatea Pokai Whenua evokes kotahitanga, new discovery, holding things together and pursuing new opportunities on land, sea and with people.
NB The full narrative is available on our website
- **MULTIPLE ELECTORATES:** Most Trust membership affiliate to multiple marae, therefore they will now be eligible to register and vote for all marae they whakapapa to. This will be implemented by 2026 at the completion of re-registering of ALL our Trust membership.
- **TRI-ANNUAL TRUSTEE ELECTIONS:** Shifting to a single set of Trustee elections once every three years. This will be implemented for the commencement of the 2023 Elections process.
- Other **MINOR AMENDMENTS** of the Trust Deed (see booklet table for summary).

Summary of proposed changes to the Trust Deed

CLAUSE	AMENDMENT NEEDED
Background	Minor changes needed to reflect change. New clause H added to note constitutional review process
Clause 24	Remove due to process completion.
Name change for Trust	
Throughout	Tamatea Pokai Whenua
Enabling voting for multiple marae representatives	
Schedule 1, clause 2.3; and Schedule 2, clause 5.	Will allow members to vote for representatives for each marae they whakapapa to.
Schedule 2, clause 4.5	Clarification that a person can only stand for one Trustee position at each election.
Other changes to trustee election process and the general voting process	
Schedule 2, clause 3.2	Remove the staggered electoral cycle and transition to one election every three years. This includes a transition process to allow the shift from the current system to a new one.
Schedule 2, clause 3.1 and 3.5	To allow trustees to appoint a replacement with Marae support, when less than half a term remaining.

Throughout Schedule 4	Remove reference to 'postal' voting and include reference to electronic voting. Scope remains for a postal process but this changes the focus to electronic voting.
Schedule 4, clause 7.2	Removal of the ability for provisional voting as reliance on electronic voting means this is not required as much.
Electronic notice	
Clause 13.2, 13.3; Schedule 2, clause 4.3; Schedule 4, clause 3	Enables notice by email and social media rather than in newspapers. Still the scope to use newspapers if needed, but the focus shifts to electronic means for notice.
Schedule 1, clause 2.1 and 4.3	Email addresses to be supplied as part of the membership application process.
Clause 10, 12.1; Schedule 6	The annual plan requirement is removed. This is too short a period, most information is contained in the separate annual report or 5 year plan. The 'Five Year Plan' is renamed as a 'Strategic Five Year plan' to better emphasise its role.
Minor and administrative amendments	
Throughout	Minor suggestions to address errors & inconsistencies, simplify minor amendments, and update references to new legislation.
Changes to definitions in clause 1.1 (and removal of current clause 21.1)	Definitions being updated to reflect changes within both HTST and legislation. Includes definitions of settlement legislation, initial trustees and reference to a perpetuity period.
Clause 3.5	Trustees only need to seek advice on remuneration when there is a proposal to change remuneration.
Clause 5; Schedule 1, clause 3	Change of name from Taumata Kaunihera to Taumata Kaumātua. This better recognises role and expertise of Kaumātua and current practice.
Clauses 7.1, 7.2, 16.1, 18.1(g); and Schedule 1 clause 5.5	These are needed to comply with the Trusts Act 2019. They provide for clarification of notice of appointment of trustees and of accepting a trustee's retirement, as well as clarification of the scope of a trustee's liability and indemnity.
Clause 8.5 (deleted in new Trust Deed)	This clause is deleted and so shifts requirements for appointment to other entities to internal policies rather than being defined in the Trust Deed. This provides a better and more flexible process.
Clause 20.1	To allow some small resettlement of the trust into other trust arrangements without the need for a major transaction. This aims to future-proof HTST as the relationship with marae and hapū evolves so that there is greater flexibility in how they are supported.

THE VOTING PROCESS

HTST Trustees support and agree to the Trust Deed changes. However, the Trust members must vote before the changes can be implemented. This will be achieved by way of a voting process.

HTST Trustees recommend that you vote "YES" to implement the Trust Deed changes and some of the recommendations from the review.

75% approval from Trust members who vote is required before Trust Deed changes can be implemented.

Voting is open to all registered and validated adult members (18yrs and over).

KEY DATES	
17 th May 2023 23 rd May 2023 31 st May 2023 6 th June 2023	HTST Roadshow Information Pop Up Sessions (see website for details)
17 th May 2023	Voting Opens
14 th June 2023	Voting Closes
21 st June 2023	Results published on website and newspapers
1 st July 2023	New Trust Deed in effect

In addition, a DRAFT copy of the amended Trust Deed and any other accompanying documentation is available on our website. You can visit www.heretaungatamatea.iwi.nz or scan here:



Any queries please contact us by phone on 06-876-6506 or email returningofficer@heretaungatamatea.iwi.nz