

Proposed changes to Whakarewa's Trust Deed, Q and A

What are some of the main changes proposed?	<p><i>Changes are broadly proposed in three areas –</i></p> <ul style="list-style-type: none"> • Māoritanga and tikanga, • Trustee duties and procedure, • Distributions to overseas-based beneficiaries.
Why do we have to amend the Deed?	The new Trusts Act 2019 means we must update our 30-year-old Trust Deed.
What is the benefit and intention of the proposed Deed changes?	Trustees are also proposing changes to our Deed to allow for stronger recognition of tikanga and Māoritanga in the Deed, to ensure it better reflects who we are as Ngāti Rārua Ātiawa Iwi Trust Whakarewa. Also, we need to ensure there is alignment across our key documents, IE the Trust Deed, Empowerment Ac and Charities Act 2019.
By adding these clauses what will this allow our Trustees to do?	These proposed changes will allow Trustees to continue to act in the best interests of the Trust on your behalf, in accordance to law.
How does it benefit our Trust as a whole?	These proposed changes benefit our Trust in a number of ways. There is clarity of roles and responsibilities for all, to ensure actions do not detract from the obligations the Trust is bound by.

Why is a minimum age of Trustees proposed?	The current Deed is silent on Trustee ages. We are proposing to set the minimum age someone can become a Trustee at 18. This matches the minimum voting age for the Trust.
Is a maximum age for Trustees being proposed?	No.
What are some of the examples of Trust business that would be allowed to be done by electronic means?	<ul style="list-style-type: none"> • The Annual General Meeting/Hui-ā-Tau (AGM) and a Special General Meeting (SGM) could be held by real time audio-visual or other electronic means. • Trustees will be able to meet online. The Trust Deed is currently silent on this. • Other board procedures will be able to be carried electronically, not just in writing, such as the calling of meetings. • Resolutions currently have to be written/typed and signed. This will be able to be done electronically. • Meeting records or minutes will also be able to be recorded electronically, as well as in a minute book. • Trustee nominations would be able to be done electronically or in writing.
There is a proposal to change the Deed so payments can be made to Trust members living overseas. Will payments to members overseas be made in \$NZ dollars, or in overseas currencies?	Payments will converted into overseas currencies based on the value of the grant in \$NZ dollars . For example a health grant of \$50 will still be valued at \$50 NZ dollars.

Will Trust members overseas be able to vote?	No. Trust members will have to be present at an AGM or SGM to vote. The thinking behind this when it was decided upon, is that it is important to bring people back to the land.
If you are prepared to open up putea to whānau overseas, why are they not able to vote?	<p>Currently voting on any resolutions decided by members happens at the Hui-ā-Tau or a Special General Meeting (SGM). Trustees have received the kōrero up until now that members felt it was important for people to be on the land when making decisions about the land.</p> <p>However, it is not a closed conservation and it is important we kōrero on this. The views of members and the Trust may change. But this is not part of these proposed Trust Deed changes.</p>
Was there any consideration given to the use of the word beneficiary in the Trust Deed? Especially as you have included Māoritanga in the Deed and expanded it to include tikanga.	<p>We understand this question and don't often use the word beneficiary. But the Empowerment Act specifies the term "beneficiaries of the Trust", and that legal term is reflected in the Trust Deed.</p> <p>We encourage the focus to be on the "benefit" part of the word as that directly connects to the Act and the powers the Trust has to distribute benefits to the members.</p>
What does it mean that Whakarewa Trust is a charity?	The charitable aspect of the Trust is defined in the Charities Act and reflected in the Empowerment Act. This sets out what we can do as a charity. The Trust Deed goes further and gives us other powers to invest Trust money and use our assets such as our whenua to operate businesses etc. But the money generated from those activities must

	still only be used for charitable purposes, as outlined in the Charities Act. The way we chose to interpret the Act is outlined in our Deed
Does the proposed removal of the wording in New Zealand in the Trust Deed at Clause 3 and 4, allow the Trust to put forward any overseas economic development opportunities? Or is it just limited to the distribution of grants to whānau living overseas?	The proposed change is only in relation to distributing benefits, grants and money to Trust members overseas that NZ-based members are entitled to. The intention behind this is to be more inclusive.
Where can I find out more?	We break down the proposed changes in detail in six mini webinars on our website - nrait.co.nz . You can find them here: https://bit.ly/3vz3sKX Have a look at the webinars and if you have any questions, or need assistance, you can email us on info@nrait.co.nz or call the office (03) 548 0770.
I have a question. What should I do?	If you have any questions you can email us on info@nrait.co.nz or call the office on (03) 548 0770.
What is the next step?	Trust members will be asked to vote on the proposed changes at the Hui-ā-Tau at Motueka High School Hall from 9am on Saturday April 27. To prepare you can view the six webinars on our website. If you have any questions ahead of the hui please get in touch.