

12 July 2022

Te Iwi o Rakaipaaka Trust

By email: [johnina@ngatirakaipaaka.iwi.nz](mailto:johnina@ngatirakaipaaka.iwi.nz)

For Johnina Symes

### **TIORT and TIORI Amendments**

1. I have now incorporated the changes detailed in my letters dated 6 May 2022 to both the TIORT Deed and TIORI Rules, which are attached with tracked changes for your discussion and approval.

### **TIORT**

2. For the TIORT Deed I have included my suggested wording regarding co-opting Trustees as clause 17.2 of the First Schedule.
3. The TIORT process for variation is set out in clause 19.1 of the Deed. This requires a special resolution approved in accordance with the process at Schedule 4, being a 75% vote of the adult members of the Kahui who vote at an SGM called for that purpose. Notice of the SGM has to be given by notice to the members and by advertising. We would recommend you do that at a time that you need to send other postal notices so that you do not duplicate costs.
4. We have prepared a draft notice and the wording for the voting for the resolution for the TIORT Deed amendment. Once the meeting and voting process outlined in the fourth schedule has been followed the amended deed can be signed.

### **TIORI**

5. The changes relate to the following clauses into the TIORI Rules, as presented at your wananga on Saturday 11th June 2022;
  - (a) Clause 5 – Aims and Objectives;
  - (b) Clause 7 – Powers;
  - (c) Clause 8 – Management of TIORI;
  - (d) Clause 9 – Elections;
  - (e) Clause 10 – Duties and Responsibilities of the Management Committee;
  - (f) Clause 17 – Winding Up; and



- (g) Ancillary changes, other simple updates for current practices, consistency amendments and stylistic changes for simplicity.
6. I note that in your email you wanted the end of year date for TIORI to be changed from August to June. There are no references to 'end of year date' in the Rules nor a requirement for it to be in Rules. This is therefore something you can contact your accountant about changing and the rules will be unaffected.
7. The TIORI process for Rule changes and amendments is set out in clause 14 of the Rules. The amendments are to be made by a resolution approved by 75% vote at a general meeting. Prior to the meeting the chairperson must make written notice of the proposed rule changes. The process for calling a General Meeting is set out at clause 11 of the Rules, notice of the General Meeting has to be given by notice to the members and by advertising.

Yours faithfully  
**Morrison Kent**



**Helen Nathan**  
Partner

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