

Trust Deed Review

Requirement for Review

The requirement for a review of the trust deed of Ngā Maunga Whakahii o Kaipara Development Trust is set out in section 27 of the deed, which provides as follows:

27. REVIEW OF TRUST DEED

27.1 Review within four years

The Trustees shall, within four years of the Settlement Date, initiate a review of the terms and operations of this Trust Deed and in particular, shall review the arrangements relating to the election of Trustees, and all other aspects of the representation of Ngati Whatua o Kaipara by the Development Trust.

27.2 Process of review

In conducting this review, the Trustees shall:

- 27.2.1 engage and consult with Ngati Whatua o Kaipara and in order to seek the views of Ngati Whatua o Kaipara on the terms of this Trust Deed, and in particular, the arrangements relating to the election of Trustees and representation of Ngati Whatua o Kaipara by the Development Trust; and
- 27.2.2 have regard to the tikanga of Ngati Whatua o Kaipara.

27.3 Review to be independently facilitated

The process of engagement and consultation required by clause 27.2.1 shall be undertaken by an independent facilitator appointed by the Trustees. The role of the independent facilitator shall be to:

- 27.3.1 liaise with the Trustees in the preparation of any discussion materials to be distributed to Ngati Whatua o Kaipara;
- 27.3.2 receive, compile and review any written submissions received from Ngati Whatua o Kaipara; and
- 27.3.3 make recommendations to the Trustees as to the amendments that should be made to the Trust Deed as a consequence of the information received from the process of engagement and consultation.

27.4 Outcome of review

Following the completion of the review, and consideration by the Trustees of the report made by the independent facilitator in accordance with clause 27.3.4, the Trustees shall recommend amendments (if any) to this Trust Deed, and seek the approval of those amendments by Special Resolution in accordance with the Third Schedule.