

under: the Trusts Act 2019 and Part 18 of the High Court Rules 2016

in the matter: of an application under ss 130 and 133 of the Trusts Act 2019

between: **William Beau Holland, Natalie Anne Bridges, Peter John Blackwell, Peter John Farmer, Mark Edmond Arundel and Tina Lynn Jennen**, as trustees of the Tauranga Energy Consumer Trust
First plaintiffs

and: **William Beau Holland, Natalie Anne Bridges, Peter John Blackwell, Peter John Farmer, Mark Edmond Arundel and Tina Lynn Jennen**, as trustees of the TECT Charitable Trust
Second plaintiffs

and: **Willem Hermanus Eduard Jonkers**
Defendant

Orders of the Honourable Justice Doogue

Date: 17 December 2021



Reference: M D Arthur (michael.arthur@chapmantripp.com)
L C Bercovitch (liora.bercovitch@chapmantripp.com)
Counsel: Justin Smith QC

ORDERS OF THE HONOURABLE JUSTICE DOOGUE

To the plaintiffs

and

To the defendant

and

To the interested parties

This proceeding was heard on 15, 16, 17 November 2021 at Tauranga before the Honourable Justice Doogue, who, having:

1 heard from:

- (a) Mr Smith QC, Ms Quilliam-Mayne, Mr Arthur and Ms Bercovitch, counsel for the plaintiffs;
- (b) Ms Anderson QC as Independent Counsel;
- (c) Mr Jonkers, the defendant;
- (d) Ms Balu, Mr Purches, Ms Palmer, Mr Paterson, Mr Christie, Mr Mayo, Mr Gooch, Ms Steele, Mr Conning, Mr Anderson and Mr Cronin, interested parties; and

2 read the:

- (a) affidavits of William (Bill) Beau Holland, dated 13 May 2021, 10 September 2021, 18 October 2021, 9 November 2021; Rosemary Alison Balu, dated 1 July 2021, 5 August 2021; Graeme Dudley Purches, dated 2 July 2021, 6 July 2021, 10 September 2021, 11 October 2021, 21 October 2021; Paul Morton Ridley-Smith, dated 7 July 2021; Willem Hermanus Eduard Jonkers, dated 8 September 2021; Norman Frederick Mayo, dated 8 September 2021; Michael James Cooney, dated 10 September 2021; John Donald Reid, dated 27 September 2021; Wendy Anne Nixon, dated 11 October 2021;



- (b) written submissions of counsel, the defendant and the interested parties;
- (c) memorandum by the Attorney General dated 5 November 2021; and
- (d) memorandum of counsel for the plaintiffs, dated 16 December 2021, regarding costs,

made the following orders:

- 1 under s 133 of the Trusts Act 2019 and the Court's inherent jurisdiction, the Court directed that:
 - (a) it is proper and lawful for the first plaintiffs to implement the Proposed TECT Restructure, as described in paragraphs 30 and 31 of the statement of claim dated 13 May 2021 (including by removing clauses 9.3 and 13.3 from the Tauranga Energy Consumer Trust Deed dated 21 December 1993); and
 - (b) it is proper and lawful for the second plaintiffs to implement the Proposed TECT Restructure, as described in paragraphs 30 and 31 of the statement of claim dated 13 May 2021.
- 2 there shall be no order as to costs.

Date: 23 February 2022

Stephen Hewlett

Registrar/Deputy Registrar

STEPHEN HEWLETT
Deputy Registrar
High Court of New Zealand

