NGATARAWA AHU WHENUA TRUST - (1A3A, 1A3B, 1A3C, 2A3B1B2 Blocks) and OHITI WAITIO 1E3A AHU WHENUA TRUST TRIENNIAL ELECTION - INFORMATION PACK 2021

Triennial Election Rotation

Three of the four trustee positions of the Trust Board are up for election. As per the Trust Deed half of the trustees shall retire at the end of their six (6) year term. One trustee has also notified the trustees at their 30 October 2021 meeting, that he will also resign half way through his six (6) year term. This position has a remaining three (3) year term, therefore there are two positions for the six (6) year term and one position for a three (3) year term. This will be reflected on the nomination form. Candidates will need to indicate which of the two positions they want to stand for.

Trust Deed

Section 4 of the Trust Deed indicates the Election of Trustees as outlined below.

4. Election of Trustees

4.1 Nominations for election of or replacement of trustees shall be made at general meetings or special general meetings called for that purpose.

4.2 The Trustees in whom the said land is vested by a vesting order shall retire as follows:

(a) at the general meeting held in the third calendar year after the year in which this trust order was confirmed and ordered by the Court, one-half of the trustees shall retire.

(b) at the following general meeting in the sixth calendar year, a further one-half of those trustees shall retire and to be those Trustees who did not retire in terms of clause 4.2(a)

(c) as to the trustees who shall retire as provided in (a) and (b) above where necessary, to be determined by agreement or lot.

(d) No trustee shall remain without being re-elected for a period exceeding six calendar years.

4.3 A trustee who retires due to clause 4.2(a) and (b) may be available for re-election at a general meeting.

Background

The Trust Deed was formed on the 3 November 2015. On 8 December 2018 as per Section 4 of the Trust Deed, the first Trustee Election was held at Heretaunga Taiwhenua as part of the AGM Agenda. At that meeting the election process was explained as per the Trust Deed. Former Trustee/Chair - Boy Kemp indicated that he and Timoti Gemmell were the first two to retire as trustees. Boy also indicated that he would not be re standing in the new election and thanked everyone for their trust in him throughout the years. This left two positions vacant. Nominations were received for the two positions. Timoti Gemmell was successfully re-elected while Ruth Wong received the highest number of votes and successfully elected in.

Election 2021

The date of the Election is Saturday 4 December 2021 and will take place during the Ohiti Waitio 1E3A AGM that will follow the Ngatarawa AGM which starts at 10am. Depending on when the Ngatarawa AGM ends, will determine the start time of the Ohiti AGM.

Please note that in 4.3 of the Trust Deed, A trustee who retires due to clause 4.2(a) and (b) may be available for re-election at a general meeting, and therefore need to go through the same nomination and voting process as other nominees.

The two retiring Trustees are Olivia Thompson and Kathleen Kireka. Timoti Gemmell has indicated his resignation.

Nominations for Trustee candidates are now open and will be declared closed at the Ohiti AGM when these elections will be conducted.

Questions and Answers

1. **How many Trustees are there on the Trust?** At the moment there are four.

2. **Who can become a Trustee?** To become a trustee of a Māori land trust you must demonstrate that you have the skills and ability to effectively manage the land.

   You must demonstrate that as a current or potential trustee you are not one of the following:

   a) Insolvent (a bankrupt or a director on a company that is subject to liquidation)
   b) Subject to a No Asset Procedure administration by the official assignee
   c) Convicted of a crime involving dishonesty or fraud
   d) A minor - under 20 years of age
   e) Someone who has been removed from a trust or incorporation by the Māori Land Court or any other court for misconduct in the administration of a trust or incorporation
   f) By reason of your age or mental or physical disablement are unable to manage your own affairs.

3. **Who can nominate and second a candidate?** Land owners present at the meeting or present by proxy.

4. **Where is the nomination form?** The nomination form is attached to this document and also downloadable from the website. https://www.ngatarawa-ohiti.nz/what-s-new or you can contact the secretary Ruth Wong Phone: 027 213 9547 Email: ngatarawa.ohiti@gmail.com. Please note that every nominee must submit a 100 word profile.

5. **Do Trustees get paid?** Yes, Trustees are paid $125.00 per meeting for up to 12 meetings per year as per the Trust Deed.

6. **Who can vote?**

   a) Every beneficial owner present in person or by proxy shall be entitled to vote.
   b) A person acting as proxy for any other beneficial owner shall be entitled to vote separately for each person for whom he/she acts.
   c) Whanau Trusts are entitled to one vote. However at least three trustees must indicate their approval to support the vote either in person or by proxy vote.
   d) The law changed on the 6 February this year which enabled people to succeed to Maori land interests straight away even though there was a life tenant. For the purposes of voting, the life tenant is eligible to vote as a beneficial land owner

unless the children have succeeded to the land after the 6 February 2021 and they are named on the MLC list as beneficiaries, then the life tenant cannot vote.

7. **What is a Proxy?** A proxy is appointed by an owner to attend and vote on behalf of the owner.

   a) The Proxy must be at least 20 years of age.
   b) The proxy must be appointed by notice in writing using the Proxy form attached to this document – received by the Election Officer at least 48 hours before the AGM Election meeting. (Thursday 2nd December 2021, 10am)
   c) The form must be signed by the owner. The signature of the owner must be witnessed and the witness must also sign the form.
   d) If the owner and proxy have fulfilled all requirements noted here, then the proxy may attend and be heard in the meeting and vote as if the proxy were the owner.
   e) For whanau Trusts, they have one vote only, however they must have at least 3 people in the Trust present at the meeting or in attendance by proxy who support the vote.

8. **When will we know the outcome of the Election?** The Election outcome will be announced on the day of the AGM.

9. **What are the responsibilities of a Trustee?** Your key duty is to maximise the assets of a trust and minimise its liabilities – or – to hold onto and grown the value of the existing land or shares without incurring significant costs.

10. **What should I expect if I am appointed?** Being a Trustee is a big responsibility. If you want to know more, you can download the Maori Land Court Trustees Duties.
    You need to:

    a) Have time to devote to the role and attend meetings
    b) Play an active role in meetings - read documentation, contribute to meetings, ask questions, request more information, and challenge the korero.
    c) Be able to read information and make sound decisions based on information.
    d) Maintain a high standard of conduct and show respect for others opinions.
    e) Have good communication skills and smartly respond to emails, texts and phone calls.

11. **What is the Election Process?**
    a) Nominations are now open. If you are interested in being a candidate to be a Trustee, you must start the process of getting the nomination form filled in. You need a nominator and a seconder/witness who are both land owners who will be present at the AGM meeting.
    b) There are two types of vacancies on the Trust Board, one three (3) year term vacancy and two - six (6) year term vacancies. Candidates can be nominated for one or the other and will indicate this on the nomination form.
    c) In the nomination form, there is a section for a candidate profile. A candidate profile is like a CV that summarises who you are, your experience, skills and aspirations and basically tells voters why they should vote for you.
    d) Nominations can be handed to the secretary Ruth Wong – prior to or on the day of the AGM Election which is Saturday 4 December 2021. In future, nominations will close prior to the AGM Election so information can be sent to owners prior to the meeting for postal voting.

e) On arrival to the AGM on Saturday 4 December 2021, all attendees will sign the attendance register. Only those eligible to vote will be given a voting form that will coincide with a register for eligible land owner voters. The voting paper will show a unique number with voting for the two (2) types of vacancies as noted above. The voting paper will coincide with the registers unique number.
f) At the AGM Election, the Election Officer will explain the process and declare the election open and invite all submissions of the nominations to be handed in. There will be a short time allocated for this to happen, so it is important that if you are interested in being nominated, that you do the paper work prior to the meeting.
g) When all nominations are received, the Election Officer will declare the nominations closed and peruse the nominations received and announce the eligible candidates or nominees names. If the right amount of nominations are received for the vacancies, they will automatically be appointed without a vote, however if more nominations are received, a voting process will occur and only those land owners with the voting papers will be able to vote.
h) The vote will be by secret ballot. Land owners will vote for one of the two (2) types of vacancies. This will be explained by the Election Officer.
i) Candidates may have an opportunity to share their aspirations before the voting takes place or if they choose, the Election Officer can read out their candidate profiles.
j) When everyone understands, the voting part of the election, voting is declared open and the secret ballot takes place. When all eligible land owners have voted, the voting is declared closed.
k) The Election Officer takes the ballot box to a private area to count the votes in accordance with the attendance register of eligible voters. Candidates can send a scrutineer in with the Election Officer if they wish, to witness this process.
l) The Election Officer announces the highest polling candidates as successful and congratulates the landowners.
m) The 2021 Triennial Election is declared closed.

12. **Who is the Election Officer?** The Election Officer is Ruth Wong, the Trusts Secretary and only Trustee not resigning or retiring from the Trust at this Election Process. Ruth Wong has declared that she and her 'Huia Tunua Whanau Trust' will not be participating in this Election as nominators or voters, to allow her to administer this Election Process with no conflict of interest

Attached Forms and links

- **Proxy Form**
- **Nomination Form**
- **Maori Land Court**

NGATARAWA AHU WHENUA TRUST - (1A3A, 1A3B, 1A3C, 2A3B1B2 Blocks) and OHITI WAITIO 1E3A AHU WHENUA TRUST
TRIENNIAL ELECTION
Saturday 4 December 2021
Held at Camberley Community Centre during the Ohiti Waitio 1E3A

PROXY FORM

For the purpose of voting at the AGM Election for the above Trusts. Election Meeting

In the matter of the Ahu Whenua Trusts triennial election of trustees of the above-mentioned blocks of land to be held at Camberley Community Centre in Hastings on Saturday 4 December 2021 -

I, _____ being an owner in the above-mentioned block or blocks of land do hereby appoint _____ as my proxy. I direct my proxy to vote on my behalf in such manner as he or she thinks fit.

Date: _____

Signature of owner *or* trustee: _____

Signed in the presence of: _____ **(witness)**

Full name of witness (block letters): _____

Occupation: _____

Address: _____

This proxy form, when completed, must be lodged with the Election Officer at least 48 hours (no later than Thursday 2nd December 2021, 10am) before the meeting.

Election Officer: Ruth Wong, Mobile 027 2139547 – ngatarawa.ohiti@gmail.com

Form Approved. Signed by Ruth

NGATARAWA AHU WHENUA TRUST - (1A3A, 1A3B, 1A3C, 2A3B1B2 Blocks) and OHITI WAITIO 1E3A AHU WHENUA TRUST
TRIENNIAL ELECTION
Saturday 4 December 2021
Held at Camberley Community Centre during the Ohiti Waitio 1E3A

NOMINATION FORM

In the matter of the Ahu Whenua Trusts triennial election of trustees of the above-mentioned blocks of land to be held at Camberley Community Centre in Hastings on Saturday 4 December 2021 as part of the AGM Agenda.

I, _____ being an owner in the above-mentioned block or blocks of land do hereby nominate _____ as a candidate for the following position on the Trust Board.

(Tick One) ◯ Trustee 3 year term or ◯ Trustee 6 year term

I, _____ accept this nomination and have read and understand the roles, responsibilities and requirements of a trustee.

Date: _____

Name of person nominating (block letters): _____

Signature of person nominating: _____

Signed in the presence of: _____ **(witness)**

Full name of witness: (block letters): _____

Signature of witness: _____

A Candidate Profile must accompany this form.

NOMINATION FORM CANDIDATE PROFILE

As a candidate, you are required to provide a 100 word profile to summarise your experience, skills and aspirations as a trustee if you were successful.

NAME OF CANDIDATE: _____

DATE: _____ SIGNATURE: _____

PROFILE:_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

This nomination form, completed, can be lodged with the Election Officer prior to or at the AGM Election - Election Officer: Ruth Wong, Mobile 027 2139547
ngatarawa.ohiti@gmail.com

Form Approved. Signed by Ruth