



NGĀTI TŪWHARETOA FISHERIES
CHARITABLE TRUST

CANDIDATE HANDBOOK

Triennial Election of Trustees

Nominations Close 12 noon Wednesday 15 September 2021

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Introduction

This booklet outlines information which may be of interest to you as a candidate in the 2021 Triennial Election of Trustees.

It has been prepared as a guide to assist possible candidates and others interested in election issues with general information on the election. Candidates or other persons requiring more detailed information should refer to the Trust Deed or contact the Returning Officer, Anthony Morton.

Trust Information

The Ngāti Tūwharetoa Fisheries Charitable Trust (the Trust) was established to act as the Mandated Iwi Organisation of Ngāti Tūwharetoa for the purposes of the Māori Fisheries Act 2004.

The Trust is administered by six Trustees. Four of those Trustees represent the four Wards within the Ngāti Tūwharetoa Charitable Trust area. The remaining two Trustees represent the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust and the Tūwharetoa Māori Trust Board.

Ward Areas

The four Ward areas within the Trust area are:

- Tūwharetoa Bay of Plenty
- Northern Lake Taupo
- Southern Lake Taupo
- Tūwharetoa Southern

Purposes of the Trust

Section 3.1 and 3.2 of the Trust Deed:

Purposes

3.1 The purposes for which the Trust is established are to receive, hold, manage and administer the Trust Fund for every charitable purpose benefiting Ngāti Tūwharetoa including:

- (a) the protection and enhancement of the mana and raNgātiratanga of Ngāti Tūwharetoa, its taonga, its Arikitanga and its members;*
- (b) the promotion of the educational, spiritual, economic, social and cultural advancement and well-being of Ngāti Tūwharetoa and its Hapū;*
- (c) the maintenance and establishment of places of cultural or spiritual significance to Ngāti Tūwharetoa;*
- (d) the promotion within Ngāti Tūwharetoa of health and well-being and relief of the aged; and*
- (e) any other matter beneficial to the community of Ngāti Tūwharetoa and all the Members of Ngāti Tūwharetoa.*

Incidental purposes

3.2 Incidental to, and to give effect to the purposes in clause 3.1, the Trustees shall:

- (a) directly receive and hold, on behalf of Ngāti Tūwharetoa on the trusts set out in this Deed, settlement assets allocated and grants made to Ngāti Tūwharetoa by Te Ohu Kai Moana Trustee Limited, other than assets referred to in section 16(1)(c) of the Act, which other assets are to be transferred to an Asset Holding Company;*
- (b) receive distributions from Te Putea Whakatupu Trustee Limited and Te Wai Māori Trustee limited, as provided for under subparts 4 and 5 of Part 2 of the Act and to hold those distributions on the trusts set out in this Deed or on such other trusts as are required in order to ensure that a distribution to the Trust by either of those companies would be within the purposes for which those companies hold their funds and make those distributions but not in a manner that could adversely affect the charitable status of the Trust;*

- (c) *if relevant, enter into agreements with other Mandated Iwi Organisations in relation to:*
 - (i) *claims under section 11 of the Act;*
 - (ii) *the allocation of:*
 - (aa) *harbour quota under section 143 of the Act; and*
 - (bb) *freshwater quota under section 148 of the Act;*
- (d) *establish separate companies to undertake fishing and fisheries-related activities, including, but not limited to, any activity related to the seafood industry, including, for the avoidance of doubt, a Fishing Enterprise, and to hold the shares in those companies and any distributions or other benefits resulting from them on the trusts set out in this Deed;*
- (e) *establish one or more Asset Holding Companies that, in each case:*
 - (i) *is wholly owned by the Trust;*
 - (ii) *is separate to the companies referred to in clause 3.2(d);*
 - (iii) *performs the function and complies with the requirements set out in sections 16 to 18 of the Act; and*
 - (iv) *performs any other function, but not if doing so would be Inconsistent with sections 16 to 18 of the Act, and to hold the shares in those companies and any distributions or other benefits resulting from them on the trusts set out in this Deed;*
- (f) *perform the functions provided for, by or under the Act in respect of a Mandated Iwi Organisation, in a manner consistent with the Act;*
- (g) *represent Ngāti Tūwharetoa by voting at any meeting convened under.*
 - (i) *clause 1 or clause 6 of Schedule 8 to the Act, to appoint or remove a member or alternate member of Te Kawai Taumata;*
 - (ii) *clause 117 of the Act, implemented in accordance with clause 1 of Schedule 8 to the Act, to appoint a member of a committee of representatives;*
- (h) *act on behalf of Ngāti Tūwharetoa in relation to aquaculture claims and settlement assets under the Māori Commercial Aquaculture Claims Settlement Act 2004, in respect of which the Trustees must act for the benefit of all members of the Iwi, irrespective of where those members reside, including:*
 - (i) *directly receive and hold, on behalf of Ngāti Tūwharetoa, Settlement Assets allocated to Ngāti Tūwharetoa by Te Ohu Kai Moana Trustee Limited in accordance with the Māori Commercial Aquaculture Claims Settlement Act 2004; and*
 - (ii) *enter into agreements with other iwi aquaculture organisations in relation to the allocation of Settlement Assets;*
- (i) *if Ngāti Tūwharetoa determine, directly receive and hold, on behalf of Ngāti Tūwharetoa, on the trusts set out in this Deed, any other Treaty of Waitangi settlement assets; and*
- (j) *perform other functions provided for, by or under the Act or any other enactment or otherwise, but not if doing so would adversely affect the charitable status of the Trust.*

Trustee Accountability

The Trust Deed allows marae to appoint hapū representatives to liaise with the Trust. The Trust encourages the elected Trustees to work closely with the hapū representatives to be aware of issues raised at the marae level and to present those issues to the Trust if required.

The Trust encourages its Ward Representative Trustees to maintain strong and active relationships with their hapū and their marae.

Meeting Frequency

The Trust is required to meet at least four times annually, but typically holds 5 meetings annually in Taupō and the Annual General Meeting. Meetings are generally scheduled for half a day. Trustees are expected to attend all meetings.

In addition to the bi-monthly Trust meetings, Trustees may also be required to represent the Trust at other meetings.

Quorum and Voting

To meet the quorum requirements of the Trust Deed, a majority of elected Trustees must be in attendance for the duration of the meeting.

Voting is by way of majority.

Meeting Packs

Before each meeting members receive meeting packs on their iPad or other device using Diligent Boardpacks software and are expected to read the reports, consider any associated recommendations and participate in the discussions during the meeting.

Trustee Remuneration

Trustees are eligible for the following fees and allowances:

- Chairman Fee - \$1,350 gross per month (with WHT @ 33%)
- Deputy Chairman Fee - \$1,125 gross per month (with WHT @ 33%)
- Trustee Fee - \$900 gross per month (with WHT @ 33%)
- Travel allowance - as per IRD mileage rates
- The trustee fees are paid on the 10th of the month

Term of Office

Trustees are elected for three year terms. Ordinarily Trustees elected at the 2021 election will conclude their term of office in 2024, when the Trust Deed requires all Trustees to retire. Trustees can stand for re-election thereafter if they choose.

Newly elected Trustees come into office after the Returning Officer has determined the final result of the Trustee election. The Trust Secretary will contact the successful candidates about initial meeting details.

Returning Officer

The role of the Returning Officer (RO) is to conduct the election in accordance with the requirements of the Trust Deed of the Ngāti Tūwharetoa Fisheries Charitable Trust as well as in accordance with standard election management practices.

The Trust has appointed Anthony Morton from electionz.com as the Returning Officer. Anthony has appointed Warwick Lampp from electionz.com as the Deputy Returning Officer (DRO).

Electionz.com is an elections management company based in Christchurch and has considerable experience conducting elections in New Zealand including numerous polls and elections for Māori Trusts and Māori Trust Boards. Most of the administrative matters for this election will be handled from their Christchurch office.

Subject to the statutory regulations the RO has complete and final control over how the election process is carried out. The RO is engaged by the Trust, but does not take direction from the Trust.

The RO is responsible for all staff, systems, resources, policies, procedures and actions to ensure that the democratic process is carried out with utmost integrity, security and fairness for all parties.

Queries regarding the actions or performance of the RO for Ngāti Tūwharetoa Fisheries Charitable Trust should be directed to the General Manager, Danny Loughlin.

Nomination Forms

Each nomination must be made on the appropriate official nomination form. Nomination forms are available from the Returning Officer, Anthony Morton, electionz.com Ltd by:

Free Phone: 0800 666 041
Email: iro@electionz.com
Post: PO Box 3138, Christchurch 8140

Eligibility

Candidates standing as a Trustee for one of the four Ward positions in this election must be able to whakapapa to a principal hapū within the specified Ward. Ward candidates can either:

Be nominated as a result of a duly convened hui-a marae. In these cases, the nomination must be endorsed by the Marae Chairperson and Secretary.

or

Be nominated by two registered adult members of the Trust who confirm that the candidate can whakapapa to the principal hapū specified.

The Tūwharetoa Māori Trust Board and the Tūwharetoa (Bay of Plenty) Settlement Trust organisations are required to nominate at least two candidates each. Candidates nominated by these organisations do not need to whakapapa to Ngāti Tūwharetoa but must possess previous commercial experience and sound business skills.

Key 2021 Election Dates

Monday 23 August	Nominations Open – Election publicly advertised*
Wednesday 15 September	Nominations Close at 12 noon
Tuesday 21 September	Public Notice of Candidates**
If election is required	
Tuesday 28 September	Voting Papers sent out
Friday 22 October	Voting closes at 12 noon

* A public notice calling for nominations will appear in the Whakatane Beacon, Taupo Times, Central District Times and NZ Herald newspapers throughout the nomination period. The notice will also be placed on the Trust's website over this period.

** A public notice confirming the nominations received will be placed in the Whakatane Beacon, Taupo Times, Central District Times and NZ Herald newspapers from Tuesday 21 September. The notice will also be placed on the Trust's website.

Lodgement of Nomination Forms

Nominations close at 12 noon Wednesday 15 September 2021.

- Nomination forms must be received in the hands of the Returning officer no later than the above time and date. Any nominations received after 12 noon 15 September 2021 will be invalid and will not be processed.
- Nomination forms can be mailed to the Returning Officer but this is NOT the recommended delivery method. Candidates are encouraged to email their nomination forms as this delivery method offers some form of audit trail. If delivery by post is the only option, they can be mailed to PO Box 3138, Christchurch 8140, but should they be received after the close of nominations, the nomination is invalid. The Returning Officer recommends anyone mailing a nomination form should take a copy before posting it to cover the possibility of it being lost in the mail.

Once lodged, nomination forms are checked to ensure that the candidate and the nominators are registered members of Ngāti Tūwharetoa Fisheries Charitable Trust.

Each candidate is encouraged to submit a profile statement and a recent photo with the completed nomination form (see page 8 for further details on the format of candidate profile statements and photos).

The lodgement of nomination forms should not be left to the last minute. Should a nomination form be lodged late on the day nominations close, and be incorrectly completed or refer to an ineligible nominator, there may be insufficient time to correct the situation and the nomination paper could be invalidated.

Please do not leave lodging your nomination to the last minute.

The Returning Officer will email or give phone confirmation of an accepted nomination to each candidate as soon as the nomination is verified.

A public notice confirming the nominations received will be placed in the Whakatane Beacon, Taupo Times, Central District Times and NZ Herald newspapers from Tuesday 21 September. The notice will also be placed on the Trust's website.

Candidate Profiles

The Trust Deed requires candidates to provide a profile and photo with their nomination form which are collated by the Returning Officer and forwarded to adult registered members with the voting papers.

Candidate Profile Statements

- **Must** not exceed 250 words in total.
The word limit will be strictly enforced.
- The text (English or Māori) must be plain black and white text, but special formatting (macrons, bold, italics, underlining, quote marks etc.) are permitted. It is the candidate's responsibility to apply macrons and formatting if they require it.
- **Must** be confined to information concerning the candidate, and the candidate's policies and intentions if elected;
- **Should** include a recent (i.e. less than one year old) photograph of the candidate only (i.e. not part of a group)

Photos should preferably be submitted in colour and in an electronic format (scanned as a jpg attachment on email), but hard copy photos will be accepted and will be scanned at 300 dpi by the Returning Officer.

(N.B. hard copies of photos will not be returned to candidates).

Queries

Any queries regarding candidate profiles or other parts of the election process should be directed to the Returning Officer on 0800 666 041.

Eligibility to Vote

Voting papers will be sent to adult members of the Trust who are listed with a current address on the Ngāti Tūwharetoa Fisheries Charitable Trust register as at 15 September 2021. For the 2021 Trustee election, electors will have the option to vote by post or via the internet. The Trust Deed specifies that all adult members shall be eligible to vote on the election of Trustees. Any adult members registering after the 15 September 2021 will be issued a special voting paper providing enough time exists to physically deliver the voting paper to the applicant. All special voting papers issued are subject to verification by the Trust.

To apply for a special vote, applicants should contact the Returning Officer on 0800 666 041.

Campaigning and Vote Processing

Campaigning

Campaigning can be undertaken on the following basis:

- Campaigning can commence at any time.
- If they choose to undertake advertising as part of their campaigning, those advertising costs are the responsibility of the candidate. There is no monetary limit for campaigning costs.
- Advertising material should not include any Ngāti Tūwharetoa Fisheries Charitable Trust logos or branding
- No election material can contain any untrue statement defamatory of any candidate and be calculated to influence the vote of any elector.
- No election material may contain an imitation voting paper which has the names of the candidates with any direction or indication as to the candidate a person should vote for, or in any way contain such direction or indication likely to influence the voter.
- Voting papers are not permitted to be collected from electors by candidates or persons on their behalf. Each elector is required to post or deliver his or her own voting paper to the Returning Officer.

Any acts committed by candidates that constitute criminal offences will be referred to the Police for their action.

Electoral Rolls

The Electoral Roll (being the list of registered members within each Iwi electorate) is not available to candidates for electioneering purposes.

Vote Processing

The processing of the voting papers is being carried out by *electionz.com* at its premises at 3/3 Pukaki Road, Yaldhurst, Christchurch. Voting papers should be returned in the reply freepost envelope or cast on-line as per the instructions on the voting paper.

At the conclusion of the voting period the voting papers will be opened, and processed by *electionz.com* staff in the presence of the Returning Officer.

The election results will be emailed to candidates as soon as possible after the close of voting on Friday 22 October 2021. The timing of that release will be determined by the number of special voting papers to be resolved at the close of voting.

Scrutineers

The Trust Deed has no provision for the appointment of scrutineers.

