



# Ngā Maunga Whakahii o Kaipara Update Hui

10 July 2021, 1:00 pm  
Helensville Memorial Hall



# Agenda

1:00 pm	Karakia/Hui Opens
1:15 pm	Housekeeping & Proceedings
1:30 pm	Trustee Elections - Election Services presenting
2:00 pm	Development Trust Update
2:30 pm	Whiti Ora Update
3:00 pm	Commercial Development Update
3:15 pm	Pātai
3:30 pm	Karakia/Hui Closes
3:40 pm	Kai Tahī

# Housekeeping & Proceedings

- Location of Fire Exits and Bathrooms
- Covid-19 Restrictions
- Health & Safety
- Meeting Proceedings

# Trustee Elections



# Three Classes of Trustees

As per the First Schedule of the Trust Deed

- **Hapu of the Marae Trustees**

One Trustee to represent the hapu of each of the five marae of the south Kaipara namely Araparera, Haranui, Kakanui, Puatahi and Rewiti marae elected by the Registered Adult Members whose primary affiliation is to that marae.

- **General Trustees**

Three Trustees elected at large by all Registered Adult Members

- **Kaumātua Trustee**

One Trustee nominated by the Nohoanga Kaumātua and confirmed by Ngāti Whātua o Kaipara over the age of 60.

# Trustee Elections

## Election Timetable

- Five Hapū of the Marae Representatives up for election
- Kaumātua Trustee up for election
- Nominee hui to be held at individual marae for Hapū of the Marae Representatives
- Nominee hui to be held at Maranga Mai for Kaumātua Trustee
- Nominations open 18th of May and close 5:00pm 8th June 2021
- Notification of Election Candidates on 15th June
- Notification of location and dates for Election and Confirmation Hui on 15th June
- Voting documents distributed on 23rd July
- Voting opens 23rd of July and closes at the AGM on the 28<sup>th</sup> August at 12:00 noon
- Election and Confirmation Hui to be held between Saturday 19th of June and 17th of July 2021



# Development Trust Update





# For the Purpose of Our Beneficiaries

- As at 31<sup>st</sup> May there were 2,900 registered beneficiary members
- Purpose of the Trust is to manage settlement assets for and on behalf of registered members
- Role of Hapu of the Marae Trustees is to represent the Hapu of their respective marae on the Development Trust Board
- Role of the Kaumātua Trustee is to represent the Nohoanga Kaumātua on the Development Trust Board.



# Trustee Candidates

- Trustee Candidates to be aware of what is expected of them as trustees
- Trusts Act 2019 creates greater responsibilities for Trustees over and above the Trust Deed
- Trusts Act 2019 creates greater liabilities for people acting as Trustees
- Trustees are required to act for the benefit of all registered members not out of self-interest
- Whānau should give careful consideration to whom they are voting for.

# Trustee Duties

## Legal Duties of a Trustee – As Per the Trusts Act 2019

- Trustees have four mandatory duties:
  - To know the terms of the Trust
  - To act in accordance with the terms of the Trust
  - To act honestly and in good faith
  - To act for the benefit of beneficiaries.

# Trustee Duties

## Legal Duties of a Trustee – As Per the Trusts Act 2019

- Trustees have ten additional duties to:
  - Exercise a general and reasonable level of care and skill
  - Invest prudently
  - Not exercise power for own benefit
  - Actively and regularly consider exercise of power
  - Not bind Trustees to a future exercise or non-exercise of a discretion
  - Avoid a conflict of interest
  - Act impartially in relation to beneficiaries
  - Not make a profit from trusteeship
  - Act for no reward (amended by Trust Deed)
  - Act unanimously.



# Acting for a Proper Purpose

## Legal Principal of Proper Purpose

- Under the Trusts Act 2019 Trustees have a duty to:
  - Excise their power for proper purpose
- Under the Trusts Act 2019 Beneficiaries have a duty to:
  - Exercise the power of appointment for a proper purpose
- Proper purpose does not include:
  - Acting in one's own self-interest whether for a purpose to:
    - Gain financially
    - Gain reputationally
    - Further a personal political agenda
    - Further a personal career agenda
  - Acting to support a group of beneficiaries to gain advantage over other beneficiaries
  - Acting outside the purpose of the Trust Deed.

# Trustee and Director Behaviour

- The last 18 months have been challenging due to behaviour of a minority of Trustees and directors. This behaviour was introduced in the 2020 Annual Report.
- Some of the issues experienced include:
  - Failure to attend board meetings without reasonable explanation
  - Walking out of board meetings and deliberately removing quorum
  - One Trustee not accessing board packs or emails
  - Failure to meet fiduciary duties
  - Ongoing bullying and aggressive behaviour
  - Ongoing disrespect of the Chair and the position of Chair
  - Trustees interfering in operational matters as per 2018 Trust Deed review
  - Directors failing to act in accordance with directives of the parent board and constitutional responsibilities
  - Not acting with a proper purpose
- Two trustees currently have open and/or unresolved investigations.

# Trustee Attendances

## Trustee Representations at Board Meetings - Last Twelve Months

	Naida Glavish	Cherie Povey	Jane Sherard	Tamaki Mercer	Suzanne Taipeti-Clark	Trisya Hemana	Richard Nahi	Tracy Davis	Margie Tokerangi
<b>Present</b>	15	14	15	14	12	9	7	5	4
<b>Apologies</b>	0	1	0	0	2	3	2	3	1
<b>Absent - Without Reason</b>	0	0	0	1	1	2	4	5	0
<b>Walked Out</b>	0	0	0	0	0	1	2	2	1
<b>Stood Down</b>	0	0	0	0	0	0	0	0	9
	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
	100%	93%	100%	93%	80%	60%	47%	33%	27%

Note: 15 hui were required in the last twelve months due to disruptive Trustees creating the need to have additional meetings in order to complete the board's scheduled business.



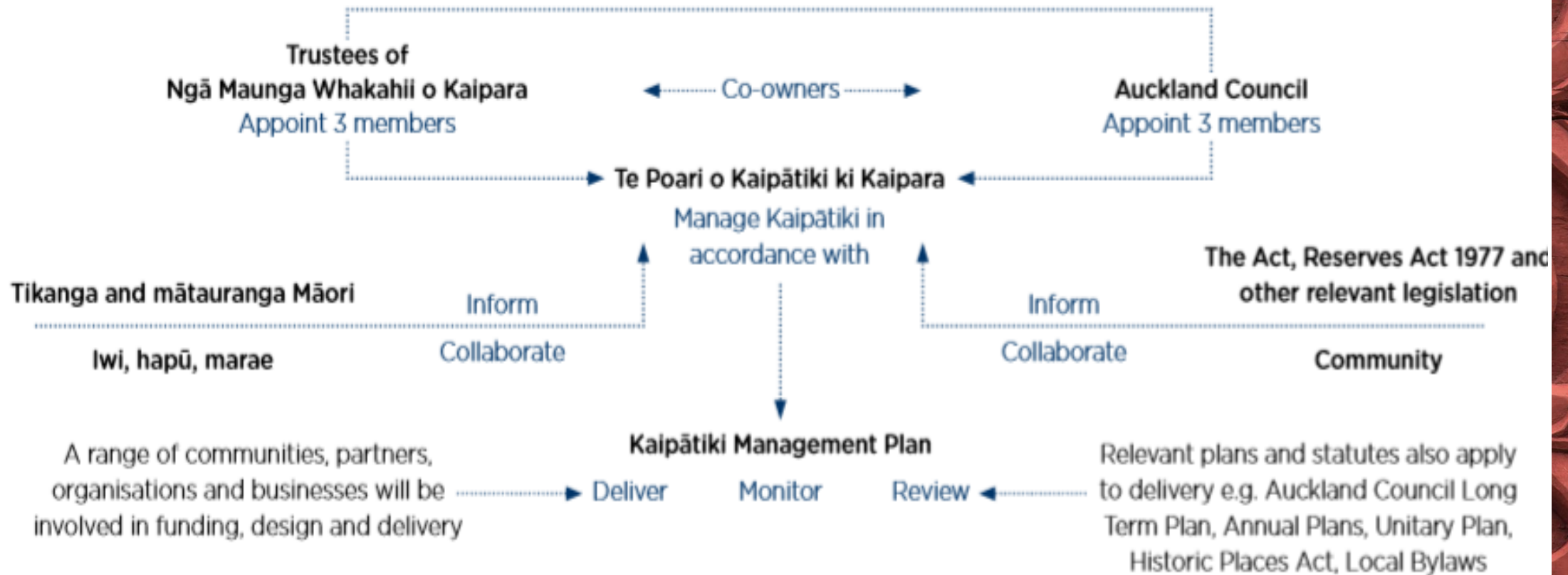
# Governance Behaviour

- Behaviour and actions of a minority of Trustees and directors has resulted in:
  - Inability to do standard board governance business
  - Significant costs to the group and beneficiaries
  - Ongoing interference in operational matters
  - Breakdown of relationships between parent and commercial boards
  - Increased and ongoing Health and Safety risks for staff
  - Failure to meet requirements of legislation including the Health and Safety at Work Act 2015
  - Failure of some Trustees and directors to meet their fiduciary duties.

# Annual General Meeting

- AGM to be held no later than six months after balance date as per Trust Deed
- 2020 AGM was postponed several items due to Covid-19 restrictions
- 2021 AGM to be earlier to allow for possibility of Covid-19 restrictions later in the year
- 2021 AGM to be held on Saturday the 28th of August
- Preliminary results of Elections to be notified at the AGM.

# Kaipātiki - Vested 50:50 Ownership





# Kaipātiki Management Principles

He mauri nuku, he mauri rangi, tuia ki Kaipātiki, ka puta, ka ora

The following principles guide the future management of Kaipātiki and apply to all parts of the reserve.

## 4 Management Principles

**KAITIAKITANGA**  
Restoring natural features

**AHI KĀ**  
Sustaining people and place

**MANAAKITANGA**  
Sharing our experience

**WHAI ORANGA**  
Promoting healthy activity

## Vision

Kaipātiki provides a unique experience that harnesses the healing qualities of the geothermal spring and reflects Ngāti Whatua o Kaipara and local community values.

# Kaipātiki – A Partnership Journey

## 2014 - 2018

- Kaipātiki Management Plan consulted on and released for approval
- Clean up of long-term camping ground and the return to restored open spaces
- 3-bedroom bach Pukoro and Tiny home Mahana blessed, named and opened for hire
- Community days scheduling – family orientated
- Kaipātiki Concept Plan commenced with Bernard Makoare commissioned to place our Ngāti Whātua o Kaipara korowai on all the levels of the concept restoration designs
- Whānau businesses supported to work with Kaipātiki ki Kaipara Council managers – workforce development

## 2019 – Ongoing

- Public day 29 May 2021 [see pamphlets]
- Kaipātiki Concept Plan draft final released for approval with capital works August 2021
- Purakau – Te Whare Oranga (o Parakai) project commenced on 15 May. Ongoing sharing opportunities are being planned [see Info Sheets].
- Rongoa, Mara kai, Matauranga retained in future plans. Hard-stand gardens
- Two new Tiny Homes arriving December 2021 in readiness for Christmas / New Year.
- Plans to restore Kaipātiki Reserve to being whole again under the 50:50 share ownership

# Kaipātiki – Valued kōrero

The Helensville District Health Trust (HDHT) is currently in discussion with Te Poari o Kaipātiki ki Kaipara co-governance about Te Whare Oranga (o Parakai).

Moving forward, all efforts will be to reflect the traditional history of the whenua as a place of healing.

With the other principles of kaitiakitanga, ahi kā, manaakitanga, whaia oranga, post-pandemic recovery would be a shared positive for our whānau and wider community fitting in the Kaipātiki Management Principles.





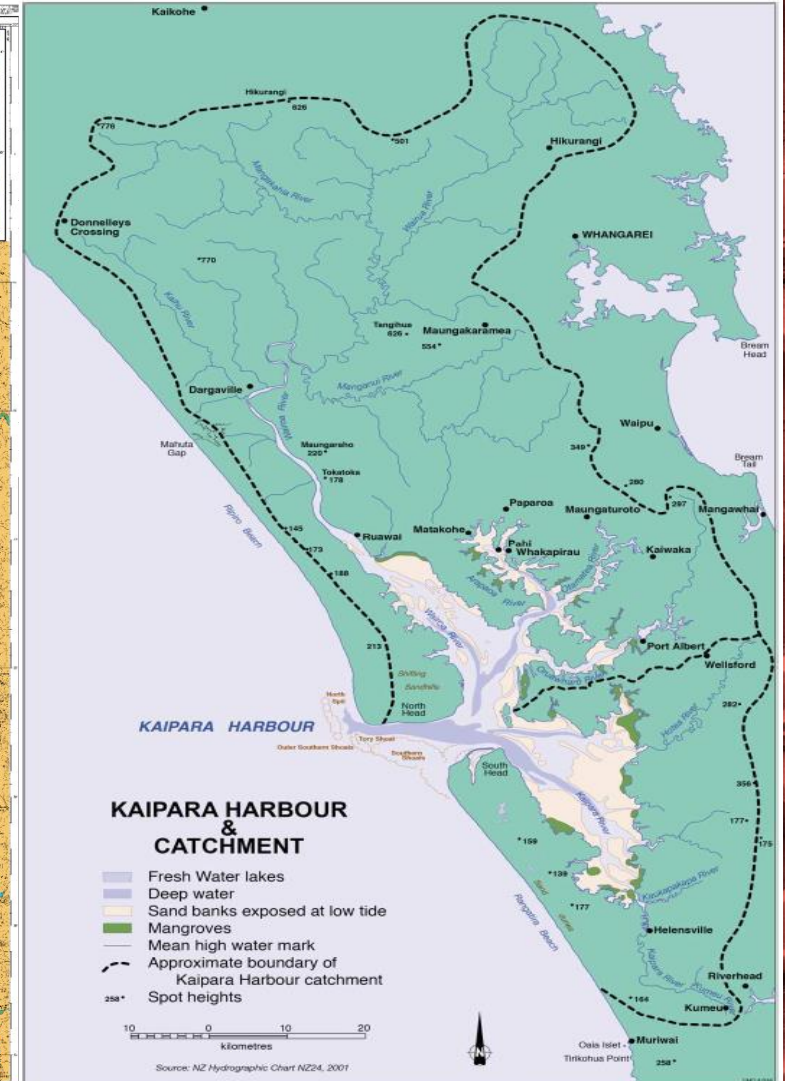
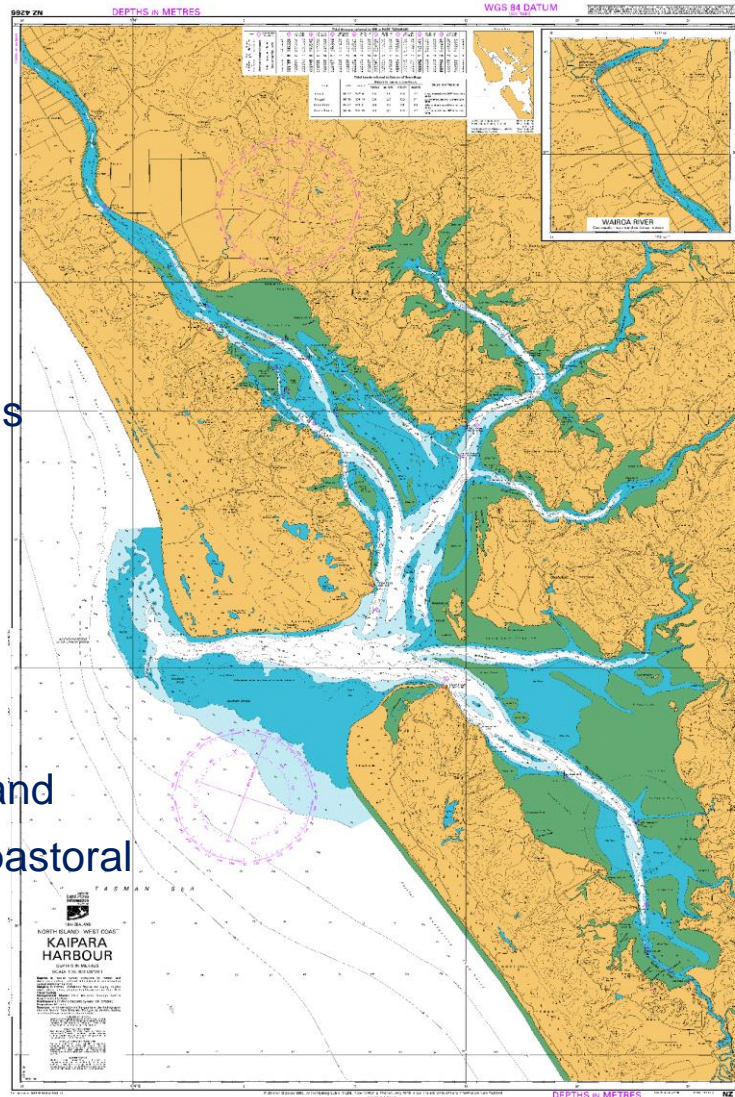
# Kaipara Moana Remediation

## Harbour

- 950 km<sup>2</sup> at high tide
- Deep channels
- Extensive flats and basins
- Diversity of habitats
- Shallow estuaries and arms
- Extensive shoreline

## Catchment

- 6,000 km<sup>2</sup> catchment
- 3,710 km<sup>2</sup> in pasture
- 809 km<sup>2</sup> highly erodible land
- 8,110 km<sup>2</sup> waterways on pastoral land.





# Sediment – The Principal Problem



- Nearly 10x of sediment load over successive governments and multiple local government
- Loss of seagrass, fish nurseries, shellfish, coastlines, visibility
- Sediment is universal contaminant (nutrients, oxygen, pH)

\*Kaipara Harbour Sediment Mitigation Study (2017)

## Vision

To protect, restore, and enhance the mauri of the Kaipara Moana through contributing to its environmental restoration and to recognise the fundamental significance of Kaipara Moana to the social, economic, and cultural well-being of the Kaipara Uri and all New Zealanders for present and future generations.”

Figure 4: Photos of KAIF. (A) looking east across the Auckland Council ecological monitoring site KKF, near to the KAIF depositional basin, (B) characteristic rippled sediment topography with sparse *Zostera muelleri* (0.25 m<sup>2</sup> quadrat), and (C) characteristic rippled sediment topography. (Figure from Hailes and Carter 2016).

# Kaipara Moana Remediation Timeline

- 9 October 2020: MOU signed
- 16 November 2020: Year 1 Annual Work Plan approved.
- 8 February 2021: Deed of Funding MFE signed
- 22 February 2021: Senior Officers Oversight Group
- 26 March 2021: Year 1 Crown grant monies received
- 19 April 2021: Workforce & Nursery strategy completed
- 27 April – 17 May 2021: Pending Member Parties approvals on BU Kaipara Maurikura





# Kaipara Maurikura Business Unit

## Senior Officers Oversight Group

Purpose: provide management guidance during the establishment of the operations vehicle and on the transition process to the future statutory Kaipara Moana Body. Members are:

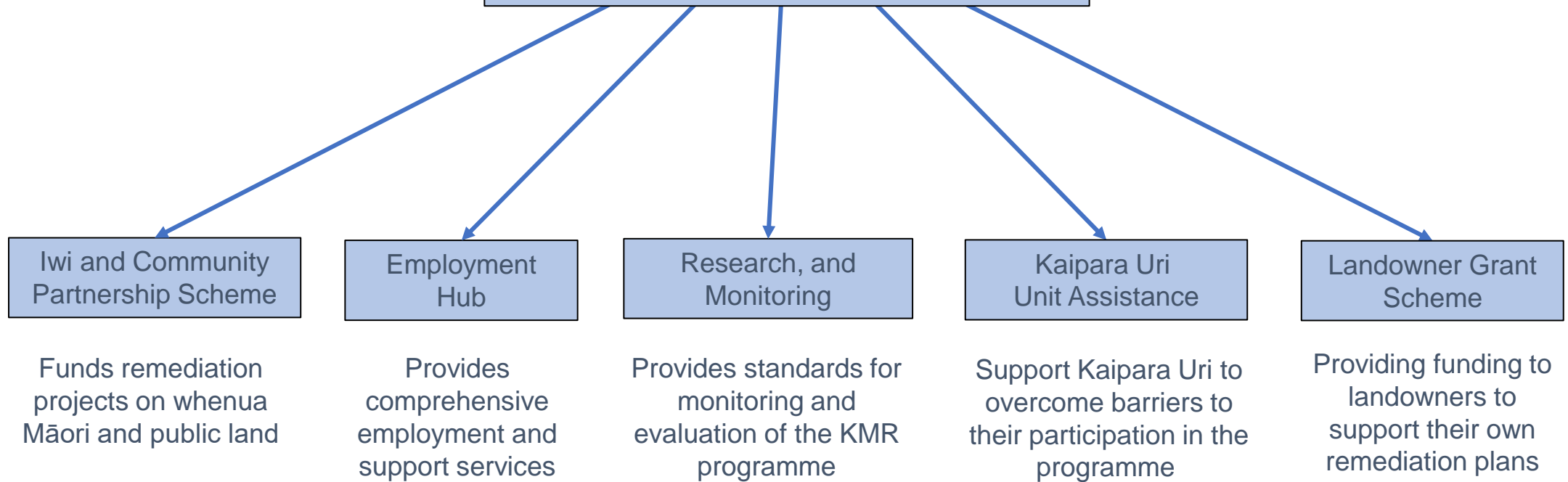
- Malcolm Nicolson: CE Northland Regional Council
- Alan Riwaka: CE Te Runanga o Ngāti Whātua
- Jonathan Rishworth: CE Te Uri o Hau
- Helen Woods: CE Ngā Maunga Whakahii o Kaipara Development Trust
- Taoho Tane: GM Te Roroa
- Craig Mcilroy: GM Auckland Council

## Haukainga whānau proposals ongoing

- Kaipara Maurikura BU and Nga Maunga Whakahii Te Tari Taiao will commence working with #2 current whanau proposals who presented 30.10.20 Haranui Marae & 22.03.21 Puatahi Marae.
- #5 aspirational Haukainga whanau and marae nursery – Presentation being planned for June 2021
- Aligned workforce development and nursery strategy inclusions



Kaipara Moana Remediation JC  
[Governance] establishes  
Maurikura Business Unit  
[Operations]



# Introducing New Staff



**Leon Witehira**  
Community and  
Whānau Facilitator



**Micah Butt**  
Environmental Strategy  
and Consents Manager



**Josh Middlecote**  
Project Manager



**Pou Betton**  
Receptionist



# Whiti Ora Charitable Trust Update



# Service Delivery Update



- Driver Licensing Wānanga
- Working Differently (remote)
- Digitised Grant Applications
- Annual Planning



# Drivers' Licensing Wānanga



Deb Brewer and Karen Murphy, NZ Police, supporting participants of the April Drivers' Licensing Wānanga held at Reweti Marae.



## Ōruawharo driver licence wananga

**FREE** Learners, restricted and full theory and practical workshops\*

\*Class 1: Private motor vehicle

**Date:** Saturday 1st and Sunday 2nd May 2021.

**Duration:** 2 full days.

**Venue:** Ōruawharo Marae, 959 Ōruawharo Road, Ōruawharo, Wellsford.

**Accommodation:** Marae stay. Due to restricted sleeping capacity, first in first served so please book your stay when registering.

**REGISTER NOW!** Registrations close 23 April 2021 or if all spaces are full.

Supported by:

Te Ara Haepapa  
Te Hā o Te Wānanga  
Te Runanga o Ngāti Whātua

Supported by: Pihemana Aotearoa, Te Hā o Te Wānanga, Te Runanga o Ngāti Whātua, Ngā Maunga Whakahi o Kaipara Development Trust, Work & Income Hamiltonville.

MAIPARA

**ATV**

# Drivers' Licensing Wānanga

- Initiated in 2019
  - Marae based wānanga
  - Support unlicensed and under licensed drivers
  - Six wānanga: Haranui, Oruawharo (2), Te Herenga Waka o Orewa, Hoani Waititi, Whiti te Ra o Reweti
- Whiti Ora
  - Project management functions (IT systems), administration support, umbrella funding for test fees.
- Te Ara Haepapa (Auckland Transport)
  - Marketing, registrations, marae hire costs, koha, catering, workshop facilitation, learning resources and driver instructor costs.
- Pirihimana Aotearoa
  - Human resource, transportation, follow up and administration support.
- Supporting Agencies
  - Te Rūnanga o Ngāti Whātua, Te Hā Oranga, Out West Youth Hub, Māori Wardens

# Drivers' Licensing Wānanga

Marae	Learner	Restrict	Full	Passed	Test booked	Pending test	Attended	Registered	Did not attend
Haranui (Otakanini)	9	15	4	28	3	7	38	81	43
Ōruawharo	21	10	11	42	7	8	57	97	40
Te Herenga Waka o Orewa	13	20	4	37	3	7	47	70	23
Hoani Waititi	12	5	4	21	45	5	71	96	25
Whiti te Rā o Reweti	18	18	4	40	24	14	78	99	21
Oruawharo	12	10	7	29	21	9	59	77	18
TOTAL	85	78	34	197	103	50	350	520	170

On average, approximately 8 participants from each wānanga are yet to sit their license (pending) for reasons such as insufficient identification, more practice required, confidence issues, convictions, license suspensions etc. These individuals continue to be followed up and supported to obtain their license and their results continually feed into the data reading above.



# Summer Marae Meetings



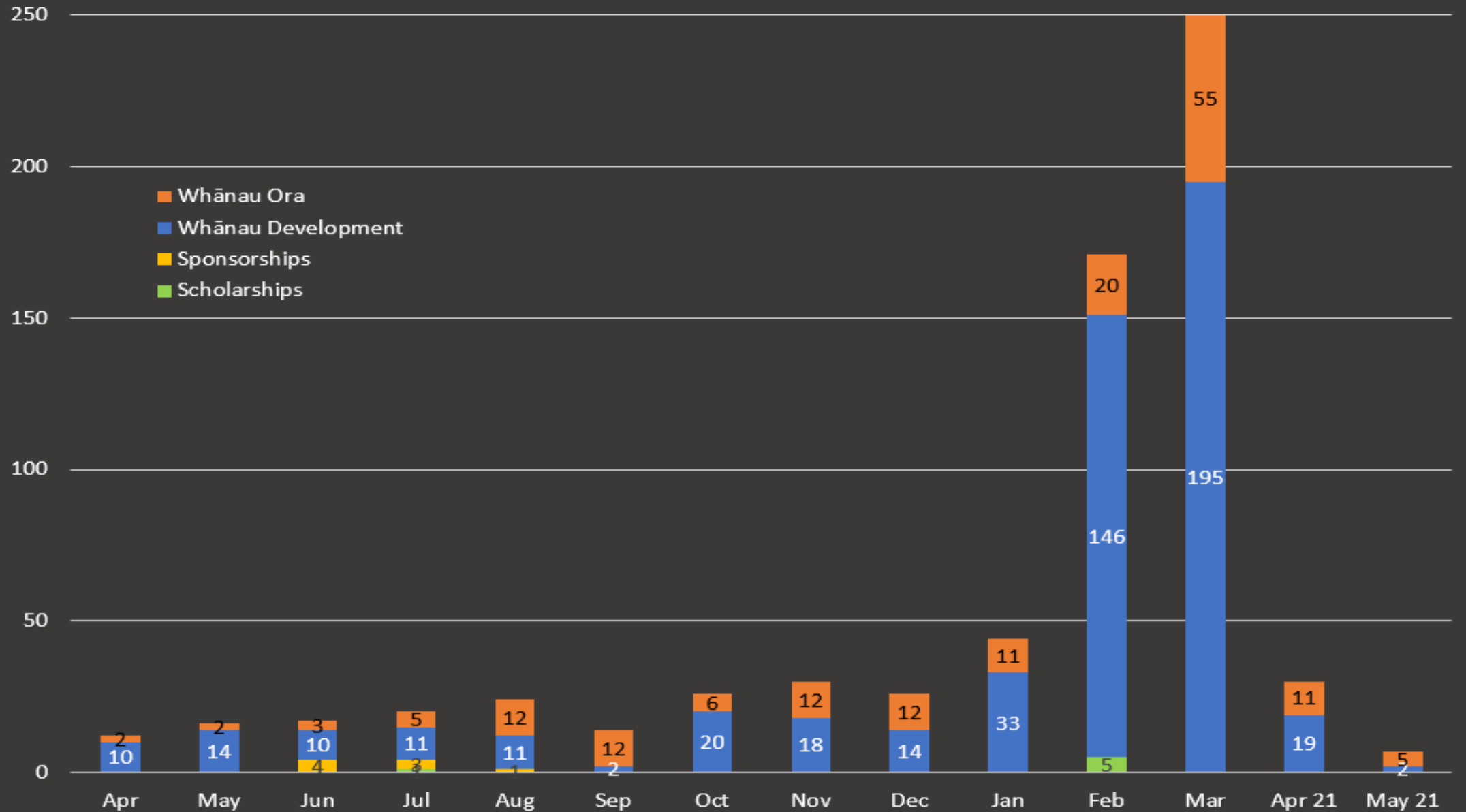
Whiti Ora has hosted open board meetings at Haranui, Glorit Hall and online during Covid Alert Level 2.



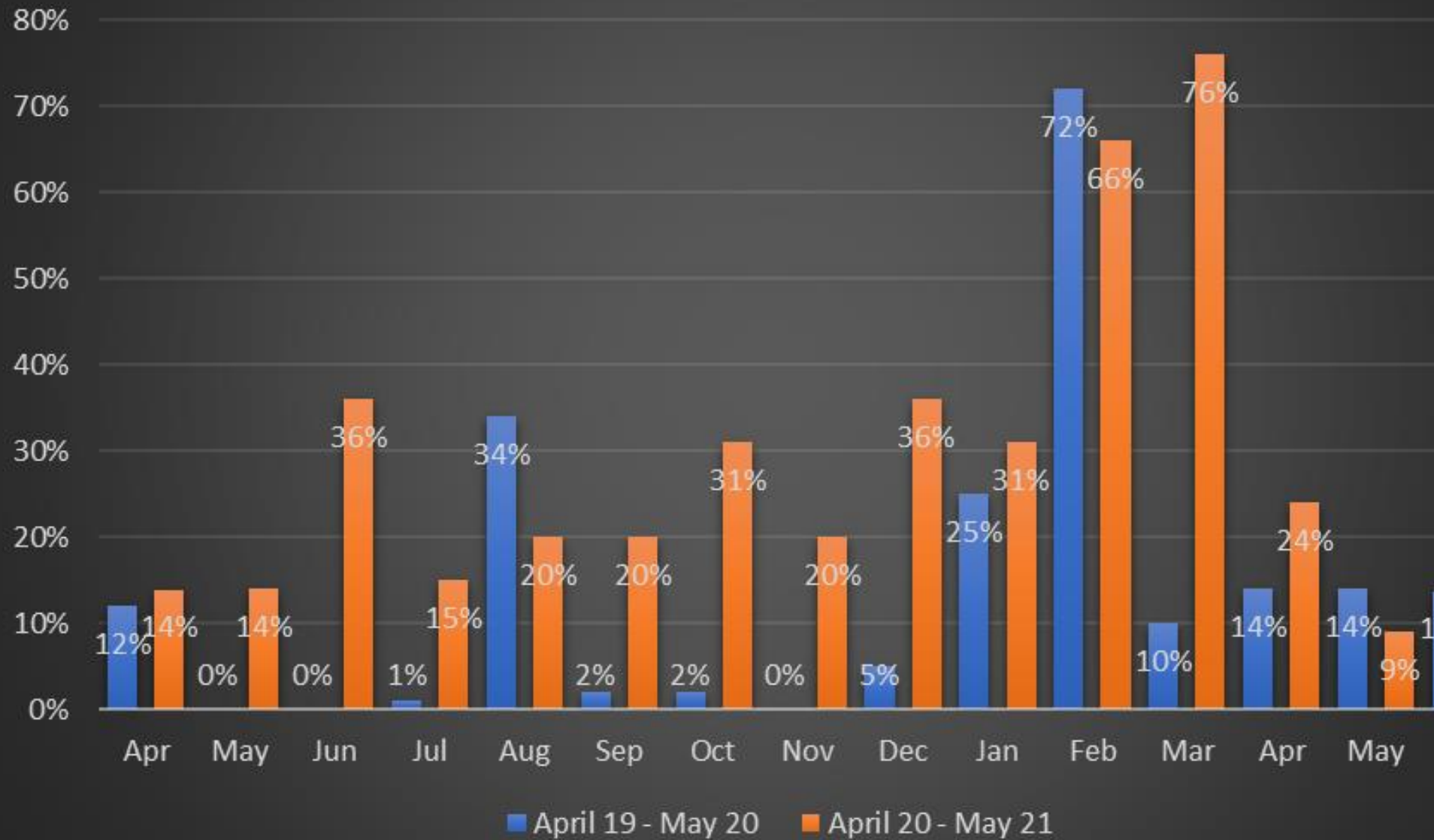
# Grants and Scholarships

- Grants caps were temporarily increased for February and March 2021 and a record number of applications was processed
- Over 70% of this year's applications were submitted between January and March 2021
- Just under 50% of the applications made in March were from either first-time applicants, new members (mainly children), or members who have not made a grant application since the 1st of April 2018
- Previous grants caps and criteria have been reinstated from 1 April 2021.

# Grants Application Summary – Monthly Trend by Category 2021/22



## Programme Ratio



# Compliments and Complaints

*"I am so grateful for this massive koha you have gifted me to support my studies, and without a doubt this will help me out HUGELY on the financial side of gaining my degree. Thank you for the time you've put in to contact me and help me out along the way, I truly appreciate it!!"*

*"Tēnā rawa atu koe otira kia koutou e te whānau whānui o tātou. Mauri moko."*

*Just wanted to say Ka Pai for the mahi on my teeth. I appreciate all your help and support. Arohanui."*

*"Thank you you can speak to Whiti Ora. However as a beneficiary who misses out on well being grants for the betterment of my personal well being with Nga moko. I will also speak to the Whiti Ora board as it would help whanau if they look outside the circle for Personal whanau needs, not tick the boxes following tauwiwi, criteria such as hearing, teeth, glasses etc!!! We need funding to tautoko, mahi ana together as whanau, not individuals? Whiti Ora has no funding in place for this to happen."*





# Coming Up...

- A review of grants for the 2021-22 financial year is planned including reviewing whether increased caps will be maintained
- Have you been receiving the monthly E-pānui? If you haven't heard from us, please email or phone the office to update your contact details.

Office Hours: Monday to Friday, 8:30 am to 5:00 pm

Phone: 0800 695 247

General Email: [admin@kaiparamoana.com](mailto:admin@kaiparamoana.com)

Grants Email: [grants@kaiparamoana.com](mailto:grants@kaiparamoana.com)



A scenic photograph of a forest with tall, thin trees. The sun is shining brightly through the branches in the center, creating a lens flare effect. The ground is covered in grass and some low-lying plants. In the background, a body of water is visible under a clear blue sky.

# Commercial Development Update



# Whānau Day in Woodhill Forest

- Ngahere hosted a successful Whānau Day in Woodhill forest
- Speakers included Matariki, Meridian and Woodhill operation business owners
- Interest from whānau was such, that a second date has been set and fully booked.





# Te Rau Manga / Sir Hugh Kawharu Foundation Scholarship

- The scholarship is open to students studying commerce, science, the environment or engineering, with an interest in a career associated with the primary industries
- Annual monetary award of up to \$3,900.
- Opportunity for holiday employment within the forestry industry and the potential for further direct financial support should a student undertake study / research of direct relevance and interest to the Te Rau Manga JV or Matariki Forests
- The successful recipient may be required to attend a careers event to promote tertiary study and the opportunities available in the primary industries
- Contact Malcolm Paterson for further detail: [malcom@kaiparamoana.com](mailto:malcom@kaiparamoana.com)

# Part-Time Position Tree Adventures Team



- A part-time position is available at Tree Adventures in Woodhill Forest.
- Suitable for rangatahi interested in a career in adventure tourism / outdoor education.
- Training and mentoring provided towards becoming an adventure park instructor, gain experience and the opportunity to earn industry qualification: NZ Certificate in Outdoor Leadership (Level 4) High Wire.
- Contact Malcolm Paterson for further detail: [malcom@kaiparamoana.com](mailto:malcom@kaiparamoana.com)

# Trustee Elections

## 1. Classes of Trustees

In preparation for the upcoming Trustee Elections, this is a reminder of the three different classes of Trustees under the Trust Deed.

The classes of Trustees are Hapū of the Marae Trustees, General Trustees and the Kaumātua Trustee.

The Hapū of the Marae Trustees are elected by Registered Adult Members who have registered their primary affiliation to that particular marae. It is important to understand that these Trustees are representatives of the hapū, not representatives of the marae.

Therefore, there is no reporting line or accountability back to the marae, but there is an obligation to report back to the hapū of their respective marae, not less than four times per calendar year.

General Trustees are registered adult members elected by the adult registered members irrespective of their primary marae affiliation.

The Kaumātua Trustee is also up for election this year. The process for this election is that the Nohoanga Kaumātua nominate a single Trustee, who is then confirmed by way of vote which is open to all registered kaumātua.

The update hui has now been scheduled for Saturday the 10th of July. All Whiti Ora slides will be updated to include information to the 31<sup>st</sup> of May reporting period.

## 2. Trustee Elections – Election Timetable

This year the five Hapū of the Marae Trustees are up for election as well as the Kaumātua Trustee.

Nominations for the Hapū of the Marae Trustees closed on Tuesday the 8th of June, and whānau were notified of those nominations on the 15th of June.

Each marae is to hold a Candidate Nominee Hui where those members who have been nominated for election will be provided with an opportunity to address their hapū.

The dates for the Candidate Nominee Hui have been set and were also notified on the 15th of June.

Voting will open on Friday 23<sup>rd</sup> of July and voting papers will also be distributed on that date.

Voting will close at 12:00 noon at the AGM on Saturday 28<sup>th</sup> of August. Election Services will be present at the AGM so that any member wishing to vote will be able to until 12:00pm.

# Trustee Duties and Responsibilities

## 3. Trustee Act for the Purpose of Beneficiaries

As at the 31st of May 2021 Ngā Maunga Whakahii o Kaipara Development Trust had 2,900 registered beneficiaries between the ages of 2 months and 96 years old.

The purpose of the Development Trust is to receive and manage the settlement assets on behalf of and for the benefit of the registered members of Ngāti Whātua o Kaipara.



This includes:

- The promotion of educational, spiritual, social, physical and mental health and wellbeing of members
- Actively protect, manage and preserve the natural resources of Ngāti Whātua o Kaipara
- Development of practical ways for Ngāti Whātua o Kaipara to reconnect to their lands including those returned in settlement and to assist in that reconnection
- Manage and maintain the commercial redress assets.

The role of the Hapū of the Marae Trustees is to represent the hapū of their marae when undertaking their duties as a trustee of the Development Trust, and to report back to their respective marae hapu, the operations of the trust no less than four times per annum.

The role of the Kaumātua Trustee is to represent the Nohoanga Kaumātua and to refer any matter to the Nohoanga Kaumātua on behalf of the Trustees.

## **4. Trustee Candidates**

Trustees need to be aware of what is expected of them and their legal obligations, prior to agreeing to become a Trustee and during their term as a Trustee.

The Trusts Act 2019 came into force on the 30<sup>th</sup> of January 2021 and individuals now have a greater level of responsibility when acting as a Trustee.

Also included in the new Act is a greater level of liability for those acting as a Trustee including liabilities imposed under other New Zealand legislation.

When acting as a Trustee, the primary focus should be on the needs of all members and not what is the personal agenda of the Trustee.

For these reasons, whānau should give careful consideration as to who they vote for and whether that person will be acting in the best interests of all beneficiaries, or whether they will be acting out of their own self-interest.

## **5. Trustee Duties**

Under the Trusts Act 2019 Trustees have four mandatory duties under the Act. They are to know the terms of the Trust, to act honestly and in good faith, to act for the benefit of all Trustees and to exercise their power for a proper purpose.

The requirement to know the terms of the Trust is fairly clear and simple in itself.

The requirement to act honestly and in good faith, is a requirement to be open, honest and transparent and to act without hidden agendas or in self-interest.

Trustees are required to act for the benefit of all Trustees and not place the benefit of one group, hapū, or marae ahead of the needs of all beneficiaries as a group.

There is also a requirement to act for a proper purpose.

Trustees also have ten additional duties that they have a legal obligation to fulfil:

- To exercise a general and reasonable level of care and skill
- To invest prudently

- To not exercise power for own benefit
- To actively and regularly consider exercise of power
- To not bind Trustees to a future exercise or non-exercise of a discretion
- To avoid any conflict of interest
- Duty to act impartially in relation to beneficiaries
- To not make a profit from Trusteeship
- Duty to act for no reward (amended by Trust Deed)
- Duty to act unanimously.

## **6. Acting for a Proper Purpose**

Under the Trusts Act 2019, Trustees have a duty to exercise their power for proper purpose.

Proper purpose is a legal term which means that Trustees and Directors must exercise their powers for the purposes which are laid down in the Trust Deed or the constitution.

Over the last twelve months a number of Trustees and Directors have not acted for a proper purpose. A number of trustees and directors have been acting for their own self-interest with the purpose of gaining either financially or reputationally. Some have also acted with the intent of furthering personal political or career agendas.

There have also been instances where Trustees and Directors have supported one group of beneficiaries to gain advantage, over and at the expense of other beneficiaries.

## **7. Trustee and Director Behaviour**

Over the last eighteen months there have been a number of challenges faced by the Development Trust Board and its subsidiaries, due to the behaviour of a number of Trustees and Directors.

These issues were originally introduced as part of the Trust Deed Review and also in the 2020 Annual Report. Several Trustees and Directors have failed in their fiduciary duties with occurrences increasing steadily over the last twelve months.

Fiduciary is the legal term given to a person or organisation that acts on behalf of another person or persons, putting their clients' or beneficiaries interest ahead of their own, with a duty to preserve good faith and trust.

Being a fiduciary therefore requires being bound both legally and ethically to act in the other's best interests. Therefore, trustees and directors are fiduciaries for the Development Trust Board and also ultimately the beneficiaries.

Trustees and Directors have failed in their fiduciary duties as follows:

- Trustees failing to attend scheduled board meetings without reasonable explanation, impacting the ability for the parent board to attain quorum
- Trustees walking out of board meetings because they are not in agreement with the matters being discussed
- One trustee failing to access board papers and emails, for eighteen months, therefore being unprepared for meetings and unaware of the matters to be discussed
- Ongoing bullying and aggressive behaviour of one trustee, directed towards staff and other trustees, despite being put on notice from the Development Trust's legal advisors to modify their behaviour
- A small number of Trustees and Directors disclosing confidential information to third parties and inappropriately between boards
- One Trustee and one Director breaching the privacy act on numerous occasions

Several Trustees and Directors failing in their obligations under Health and Safety legislation

- Long-term Trustees continuing to interfere in operational matters as was raised in the 2018 Trust Deed review resulting in compromised work activities
- Subsidiary Directors failing to act in accordance with the directive of the parent board resulting in the inhibiting the ability of the Development Trust Board and its operational team to successfully complete their business
- Subsidiary boards supporting legal actions against the parent board resulting in unnecessary costs to the Group and ultimately
- Because of the issues discussed previously, the trustees of the Development Trust have been unable to manage the business of the parent entity and the group, and in doing so have failed in their fiduciary duties.

In addition to these issues, two Trustees currently have either open and/or unresolved investigations into their behaviour.

## 8. Trustee Attendances

Over the last twelve months 15 board meetings have been held either online or in person.

Several additional board meetings were required due to quorum not being met for 5 of the 15 board meetings, or 33%. Therefore, intersessional meetings were held in an attempt to pass necessary resolutions and complete board business.

Board attendances over the last twelve months are as follows:

	Naida Glavish	Cherie Povey	Jane Sherard	Tamaki Mercer	Suzanne Taipeti-Clark	Trisya Hemana	Richard Nahi	Tracy Davis	Margie Tukerangi
Present	15	15	15	14	12	9	7	5	4
Apology	0	0	0	0	2	3	2	3	1
Absent – Without Reason	0	0	0	1	1	2	4	5	0
Walked Out	0	0	0	0	0	1	2	2	1
Stood Down	0	0	0	0	0	0	0	0	9
	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>Present</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>93%</b>	<b>80%</b>	<b>60%</b>	<b>47%</b>	<b>33%</b>	<b>27%</b>



Due to the behaviour and actions of a minority of Trustees and Directors the parent board has been unable to complete its standard monthly governance business and provide clear direction to its subsidiaries and operational teams.

The behaviour and investigations have led to significant costs to the group and ultimately to beneficiaries.

Despite recommendations made in the Trust Deed Review in 2018, a small number of Trustees have continued to interfere in operational matters.

There has also been a breakdown between the parent and commercial boards due to subsidiary boards not acting in line with directives of the parent board.

Trustee and Director behaviours have led to an increased level of Health and Safety risk to staff which in turn has led to increased list for Trustees and Directors alike.

## **9. Trustee Elections**

When electing Hapū of the Marae trustees, whānau are urged to take into consideration the manner in which their current representatives have represented their hapū in the past, reflecting on the disclosures made above.

The Trusts Act 2019 now clearly defines the roles and expectations of trustees, and while trustees have in the past only referred to the Trust Deed, they now have duties clearly set out in legislation that goes well beyond the duties as contained in the Trust Deed.

# **Other Items for Inclusion at the Update Hui**

## **10. Development Trust Update**

- Annual General Meeting
- Kaipātiki
- Kaipara Moana Remediation
- New Staff

## **11. Whiti Ora Update**

- Service Delivery
- Summer Marae Meetings
- Drivers' Licensing Wānanga
- Grants and Scholarships.