

FAQ

This year Ngā Maunga Whakahii o Kaipara Development Trust (“Trust”) elections will be held to appoint one (1) uri Nohoanga Kaumātua trustee and three (3) uri General trustees to the Trust board.

The elections process and timetable is largely determined by the requirements set out in the Ngā Maunga Whakahii o Kaipara Development Trust (“Trust Deed”) which you can download [here](#).

Here is some information in relation to the role of an elected trustee, the elections process and the eligibility requirements.

ELIGIBILITY

What are the eligibility requirements to be a candidate?

The eligibility requirements are outlined in the First Schedule of the [Trust Deed](#).

To be eligible as a candidate for the General trustee vacancies, you must be a Registered Adult Member of Ngā Maunga Whakahii o Kaipara Development Trust. This means you must be 18+ years old and registered as a member.

To be eligible as a candidate for the Kaumātua trustee vacancy, you must be nominated by the Nohoanga Kaumātua. Nohoanga Kaumātua are those self-selected who are acknowledged by Ngāti Whātua o Kaipara as being people with expertise in te reo ake me ngā tikanga o Ngāti Whātua o Kaipara and who have good standing within the five marae.

You must also meet the requirements associated with officer eligibility as outlined on the nominations form, including those in the [Trust Act 2019 and Companies Act 1993](#). This means you cannot be undischarged bankrupt, and not be convicted of certain crimes.

It is also a requirement that successfully elected candidates understand the Trust Deed, and their obligations as a Trustee and Director in governance.

ABOUT THE ROLE

If I am elected, what does that mean?

Members who are successfully elected are trustees and hold a governance role on the Trust board. The Trust Deed does not allow for Trustees to be employed by the Trust and must not be involved in the day to day running and management of the Trust.

Each elected trustee will become a director of Ngā Maunga Whakahii o Kaipara Custodian Trustee Ltd along with the other elected trustees. Ngā Maunga Whakahii o Kaipara Custodian Trustee Ltd is a company, registered in accordance with the Companies Act 1993, that holds and deals with all of the Assets of the Trust.

Each elected trustee will also become a trustee of Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga Trust along with the other elected trustees. Ngā Maunga Whakahii o Kaipara Tari Pupuritaonga Trust is a Trust in respect of cultural properties and assets held on behalf of the members.

What is required of a Trustee?

Under Trust law in general, the main duties of trustees are:

- To act in the best interests of the members
- To be impartial between members
- To get to know the terms of the Trust (the Trust Deed), the assets and liabilities of the Trust
- Not to profit from the Trusteeship
- To act personally rather than delegating decisions to others
- To act honestly and with the level of skill and care that would be expected of the reasonable businessperson in administering the affairs of others.

What are the responsibilities associated with being an Elected Trustee?

Being a trustee is an important role for registered members who whakapapa to the five marae of South Kaipara. The assets held by the Trust are significant and complex. The role of the trustee is one of governance and to support management to fulfil the purposes of the Trust, on behalf of and for the benefit of, all members.

Trustees are also directors of Ngā Maunga Whakahii o Kaipara Custodian Trustee Ltd which owns Kaipara Commercial Development Limited (KCDL) and its subsidiaries and the like. As such, individual directors have a broad range of directors' duties. This creates added responsibility for individuals in their role as a director, and for the Board, as governors.

Being a director of a company comes with important duties and obligations, including a fiduciary duty to act in good faith and what they believe to be the best interests of the company in their considered view (with advice from experts sought where appropriate). The directors must ensure that the Group (including subsidiaries KCDL and Whiti Ora) is acting in a way that reflects the purposes of the Trust and acts for the benefit of all members.

There is also the need to ensure the Trust and Ngā Maunga Whakahii o Kaipara Custodian Trustee Ltd fulfills all its legal and compliance obligations.

Trustees are also responsible for the charitable arm of the Trust being Whiti Ora O Kaipara Charitable Trust. Whiti Ora is the social services arm of the organisation. Its purpose is to deliver activities of a charitable nature in support of and for the benefit of Ngāti Whātua o Kaipara whānau and iwi lead services to our Kaipara community on behalf of the Development Trust.

More information on the structure of the group can be found [here](#).

OBJECTS AND PURPOSES OF THE TRUST

“The purpose for which the Development Trust is established are to receive, manage and administer the Trust Assets through the Trustees for the commercial and social development of Ngāti Whātua o Kaipara, on behalf of and for the benefit of the Members of Ngāti Whātua o Kaipara in accordance with this Trust Deed...” (see Trust Deed, s. 2.4 for a full list of its purposes)

What is the term of the appointments?

Each General trustee is elected for a 4-year term and ceases to hold office when he or she completes his or her term and is not re-elected (refer Trust Deed, First Schedule, rule 11.1 (b)).

The Kaumatua trustee is elected for a 2-year term and ceases to hold office when he or she completes his or her term and is not re-elected (refer Trust Deed, First Schedule, rule 11.1 (b)).

What are the risks of being an Elected Trustee?

The office of elected trustee and Director of Ngā Maunga Whakahii o Kaipara Custodian Trustee Ltd comes with certain risks. In certain situations, an elected trustee could be personally liable for certain decisions and actions taken by the Board or as individuals acting outside mandate or in breach of the law.

The policies and standards set assist in understanding these risk areas and how they are being managed, however some risk will always exist. The Trust Deed provides for indemnity in certain circumstances and trustees also have the ability to take out Directors & Officers insurance to cover the elected trustees to some extent.

More information in relation to director responsibilities, governance risks, and health and safety obligations can be found on the Institute of Directors website here: <https://www.iod.org.nz/Governance-Resources/Publications>.

ELECTIONS PROCESS

Who is running the elections? Are they independent?

The elections are run independently by Election Services Limited who have been engaged to facilitate these elections. Historically they have conducted all previous elections for the Trust since its inception and have a strong understanding of our requirements.

What are the key dates?

- Nominations open Friday, 19 January, 2024.
- Nominations close Thursday, 8 February, 12 noon, 2024.
- A copy of the public notice is published on the NMWK website, and on social media.
- Candidate hui 9 March 2024.
- Voting will open Monday 18 March 2024.
- Voting packs will be posted to all registered adult hapū members (over the age of 18 years) with a valid postal address.
- Voting will close at 12.00 noon on 17 April 2024.
- AGM ballot box voting will close at 12 noon and the results will be announced at the AGM on Saturday, 20 April 2024. (AGM "Rain saver" date 27 April 2024).

Why isn't there more time for applications by interested whānau?

The timetable for nominations is specifically outlined in the Trust Deed as 20 days from the date of notice.

Where can I get a nomination form?

A nomination form can be obtained by:

- post to all eligible adult registered members;
- by downloading from www.electionservices.co.nz/nwok24
- by contacting the Chief Returning Officer at info@electionservices.co.nz or 09 973 5212 or 0800 922 822(from 15 January 2024); and
- from the Returning Office, Independent Election Services Ltd, Level 2, 198 Federal Street, Auckland.

Who is eligible to vote?

General Trustees - each Registered Adult Member of Ngā Maunga Whakahii o Kaipara Development Trust over the age of 18 years are eligible to vote for the General Trustee vacancies.

Kaumātua Trustee - each Registered Adult Member who is identified on the Ngā Maunga Whakahii o Kaipara Register as being 60 years of age or over shall be entitled to vote for the Kaumātua Trustee.

How do I ensure I get my voting pack and any notices?

All notices and voting papers will be posted to the address held on our membership register. If your address is incorrect or missing, you will not get the information needed to vote. Please update your address details by contacting Election Services on info@electionservices.co.nz or 09 973 5212 or 0800 922 822.

What happens if my voting pack does not arrive?

Please contact Election Services to request a replacement.

I am not a member, but I would like to register now to vote?

Registration for new members is not available at this time and will hopefully be open later in 2024. Elections Services are not able to register new members. However, Registered Adult Members are able to vote at this time.

Who do I contact about any questions about the elections process?

The Chief Returning Officer, Election Services on info@electionservices.co.nz or 09 973 5212 or 0800 922 822.