

**TE KŌMITI NUI O NGĀTI WHAKAUE  
2015 TRIENNIAL ELECTIONS  
RETURNING OFFICER REPORT**

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**Purpose**

1. This report outlines the process undertaken by GHA as the Returning Officer appointed to conduct the 2015 triennial elections for Te Kōmiti Nui o Ngāti Whakaue (Te Kōmiti Nui).

**Service requirements**

2. In August 2015, GHA were appointed by Te Kōmiti Nui as the Returning Officer to conduct the 2015 triennial elections in accordance with the Trust Deed.
3. The election was to be held for all ten (10) trustee positions following the expiration of their term. The sitting trustees were:
  - a. Pauline Tangohau (Chair)
  - b. Kingi Biddle
  - c. Veronica Butterworth
  - d. Hokimatemai Kahukiwa
  - e. Hamuera Mitchell
  - f. Te Kiriwhero Mitchell
  - g. Ray Pou Poasa
  - h. Paora Tapsell
  - i. Anaru Te Amo
  - j. Larissa Wharepouri
4. All sitting trustees were available for re-election for a consecutive term and did not require re-nomination.

**Nominations process**

5. Nominations were called for by way of newspaper advertisement which was notified in the Daily Post, Bay of Plenty Times and Te Puke Times on Wednesday 9 September and Saturday 12 September.
6. The advertisement set out the basic requirements of nominees and the nominations process, including:
  - a. The ability to receive nominations from the floor at the Registered Voting Hui and prior to the election
  - b. A request for nominees to submit their CV and a cover letter
  - c. The requirement for nominees to attend the Ngāti Whakaue Registered Voting Hui at which the election is held
  - d. The requirement for nominees to whakapapa to the koromatua hapū of Ngāti Whakaue.
7. The advertisement also notified the dates, times and locations of the Registered Voting Hui, as follows:

DATE	VENUE	TIME
Saturday 10 October 2015	<b>Hurungaterangi Marae, Hona Rd, Ngapuna</b> Two (2) representatives for Ngapuna and the eastern and south eastern interests of Ngāti Whakaue.	10.00am with morning tea at 11.00am
Sunday 11 October 2015	<b>Whakaue Marae, Maketu</b> One (1) representative for Maketu and the sea and coastal interests of Ngāti Whakaue.	10.00am with morning tea at 11.00am
Sunday 18 October 2015	<b>Te Papaouru Marae, Ohinemutu</b> Six (6) representatives of the Koromatua Hapu and the central interests of Ngāti Whakaue; and  One (1) representative for Horohoro/Mamaku and the western and south western interests of Ngāti Whākaue.	11.00am Elections with lunch at 12.30 pm

8. In response to this advertisement, one early nomination was received for Tamara Mutu for the Koromatua Hapu election.

#### Election process

9. The election process was established in accordance with the Trust Deed, logistical considerations and preferences of the trustees as advised through the Executive staff of Te Kōmiti Nui.
10. It is noted that the Te Kōmiti Nui trust deed sets out quite broad parameters for its election process and requirements. It further states *“To the extent these Rules do not prescribe as to a particular matter in connection with such an election, the Returning Officer shall be entitled to determine the procedure and act accordingly.”* (Part IV of Schedule, point 3)
11. When establishing the process, the following relevant definitions from the trust deed were applied:

Term	Definition
<b><i>Ngati Whakaue member</i></b>	<i>Means a person who is of Ngati Whakaue</i>
<b><i>Voting Ngati Whakaue member</i></b>	<i>Means a Ngati Whakaue member who is 18 years of age as at the date of a Ngati Whakaue Registered Voting Hui</i>
<b><i>Registered Voting Ngati Whakaue member</i></b>	<i>Means a voting member of Ngati Whakaue whose name and address appears on the Returning Officers register</i>
<b><i>Returning Officer’s register</i></b>	<i>Means the register comprising a list of registered Voting Ngati Whakaue Members compiled by the Returning Officer at the times provided for and contemplated by this deed</i>

12. The following clauses from the trust deed were also applied:

Clause Ref	Clause description
Part IV of Schedule; 5	<i>“On the polling day, (being the day of a Ngati Whakaue Registered Voting Hui) the Returning Officer shall establish a register of eligible voters by: Compiling the register by adding the names and addresses of each of the Voting Ngati Whakaue Members who wish to vote and who attend in person to register. The Returning Officer may at any time remove from the register the name of any person</i>

	<i>if the Returning Officer considers that person is ineligible to be a voter. The decision of the Returning Officer as to the addition or deletion of any name or address from the register shall be final and conclusive.”</i>
Part IV of Schedule; 6	<i>“The following provisions shall govern eligibility to vote: Only registered Voting Ngati Whakaue Members are eligible to vote; and Each individual shall be entitled to one (1) vote.</i>

13. Whilst it was initially established and agreed with the Te Kōmiti Nui executive that voter eligibility would require one to be listed on the Te Kōmiti Nui register, closer investigation of the trust deed found that this in fact was not a requirement.
14. In light of the above considerations, the following election process was established and applied:

<b>Registration/Eligibility</b>	
I.	On arrival at each registered voting hui, attendees to fill in the Returning Officer’s register.
II.	Attendees are advised at the time of registering that they must be of Ngāti Whakaue descent and aged 18 years or over to be eligible to vote.
<b>Quorum</b>	
III.	If the quorum is not met at the scheduled start time of the election, the election may be deferred up to one hour to allow the quorum requirements to be met.
IV.	Upon meeting the quorum, the registered voting hui is declared open.
<b>Introduction</b>	
V.	The purpose of the election is explained.
<b>Nominations</b>	
VI.	The nominations process and criteria are explained and further nominations are invited from the floor.
VII.	Floor open to candidates to give a five minute presentation.
<b>Election</b>	
VIII.	Where the number of nominations exceeds the number of vacancies, an election is held.
IX.	Where necessary, voting forms are amended by the Returning Officer to include the nominations from the floor. Voting forms are distributed to those in attendance who have completed the Returning Officer’s register. The voting forms are unidentifiable.
X.	Votes are counted and a provisional result announced pending declaration of the official results.

### **Ngapuna Registered Voting Hui – 10 October 2015**

15. The Ngapuna Registered Voting Hui was held at Hurungaterangi Marae on 10 October 2015 to fill two vacancies.
16. The hui was deferred for one hour in order to meet the quorum requirements.
17. The hui was convened at 11.00am and the quorum met.
18. The two incumbent nominees were:
  - a. Veronica Butterworth; and
  - b. Ray Pou Poasa.

No new nominations were received from the floor.
19. Given that the number of nominations equalled the number of vacancies, an election was not held and Veronica Butterworth and Ray Pou Poasa were provisionally announced elected.

### **Maketu Registered Voting Hui – 11 October 2015**

20. The Maketu Registered Voting Hui was held at Whakaue Marae on 11 October 2015 to fill one vacancy.
21. The hui was deferred for one hour in order to meet the quorum requirements.
22. The hui was convened at 11.00am and the quorum met.
23. The incumbent nominee was Larissa Wharepouri. No new nominations were received from the floor.
24. Given that the number of nominations equalled the number of vacancies, an election was not held and Larissa Wharepouri was provisionally announced elected.

### **Horohoro/Mamaku Registered Voting Hui – 18 October 2015**

25. The Horohoro/Mamaku Registered Voting Hui was held at Te Papiouru Marae on 18 October 2015 to fill one vacancy.
26. The quorum requirements were met.
27. The two nominees were:
  - a. Paora Tapsell; and
  - b. John Newton (nominated from the floor).
28. The candidates were allowed five minutes to deliver a presentation to the voters.
29. An election was held and voting forms were individually distributed to those in attendance.
30. Once all voting forms were deposited in the ballot box, the election was declared closed.
31. Votes were counted by the Returning Officer's team but a provisional result was not announced as planned, in consultation with the Chairman.

### **Koromatua Registered Voting Hui – 18 October 2015**

32. The Koromatua Registered Voting Hui was held at Te Papiouru Marae on 18 October 2015 to fill six vacancies.
33. The quorum requirements were met.
34. The seven nominees were:
  - a. Kingi Biddle
  - b. Hokimatemai Kahukiwa
  - c. Hamuera Mitchell
  - d. Te Kiriwhero Mitchell
  - e. Tamara Mutu
  - f. Pauline Tangohau
  - g. Maru Tapsell (nominated from the floor)
  - h. Anaru Te Amo
35. The candidates were allowed five minutes to deliver a presentation to the voters.
36. An election was held and voting forms were individually distributed to those in attendance.
37. Once all voting forms were deposited in the ballot box, the election was declared closed..
38. Votes were counted by the Returning Officer's team but a provisional result was not announced as planned.

### **Election process queries**

39. Following the close of the election, GHA received two specific queries, regarding;
  - a. The interpretation that voters must be registered members of Te Kōmiti Nui o Ngāti Whakaue to vote.
  - b. Candidate eligibility.

40. The Returning Officer's review of the trust deed, determined that voters were not required to be registered members of Te Kōmiti Nui. A voter is eligible if they are of Ngāti Whakaeue descent and aged 18 years or over. Legal advice further determined that the Returning Officer had taken all practicable steps to ensure that voter eligibility was established.
41. All of the candidates that stood for election met the eligibility requirements as stipulated in 2.2(b) of the Schedule.
42. Both determinations were supported by independent legal advice sought by GHA.

### **Challenges**

43. The trust deed for Te Kōmiti Nui presents some challenges but also flexibility in establishing the election process.
  44. These challenges include:
    - a. The quorum being set at a minimum of seven trustees and 35 registered voting members. While met, the quorum was difficult to achieve in the Maketu and Ngapuna voting hui;
    - b. An inability to finalise ballot papers due to nominations being able to be received from the floor;
    - c. The ambiguity regarding the eligibility of voting members;
    - d. The potential for voting members to vote in registered voting hui for interests that they don't necessarily whakapapa to.
  45. However, the open nature of the trust deed does allow flexibility to establish an election process that is adaptable and responsive to the practical needs at that time.
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