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BDO TARANAKI
10 Young Street, New Plymouth 4310
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New Zealand

11 December 2020

The Trustees
Ngāti Te Whiti Whenua Tōpu Trust

Tēnā koutou Trustees

Thank you for your appointment as Returning Officer for the 2020 Trustee Elections. I have summarised below the Trustee nomination and appointment process:

APPOINTMENT OF RETURNING OFFICER

As Returning Officer, I was engaged to co-ordinate an independent and fair Trustee election process. As recommended in my report for the 2017 election, it was agreed that BDO would undertake the entire election process including co-ordinating the Trustee nominations right through to the Election process. In the past, the Trustee nominations and Election packs had been distributed to members by the Trust and only the Election votes were received by the returning officer. This change meant that we could implement an efficient process and not duplicate effort, but also provide an independent process.

TRUSTEE NOMINATION PROCESS & RESULT

I worked with Pauline Lockett and Rita Rukuwai in the planning phase and together we reviewed the Election process and documented a timeline and action plan to meet the requirements of the Trust deed. As part of the review and focus to be able to communicate with as many members as possible, all nomination and election forms were revamped and published on the website.

The Trustee nomination phase opened for the five trustee positions available with applications to be received by BDO no later than 5pm on 25 September 2020.

Five Trustee nominations were received on time and a sixth nomination received late. As the Trust deed was silent on late nominations, legal advice was taken and due process followed to communicate with the late nominee and provide the option of either withdrawing the nomination or seeking court direction. On 18 October, Judge Harvey advised the decision that the Trustees can proceed with the election process without the late nomination being included.

No election was therefore required and the five trustee nominations received, having met the nomination criteria will be duly appointed for the new term commencing March 2021. The successful nominees are:

1. Linda McCulloch
2. Haydn Te Ruki
3. Perry Cassidy
4. Rita Rukuwai
5. Jack Cassidy

PRINCIPALS: G A Findlay D L Greenlees M P Irving K D Landrigan D V Roberts S F Waite
ASSOCIATES: S C Andrews E M Gall K M Gillum L Kelsen R K Stockman

All trustees were advised of their successful nomination pending Court appointment on 29 October. Application to the Maori Land Court for formal trustee appointment will be made by Leo Watson.

RECOMMENDATIONS FOR FUTURE

1. As the trust deed was silent on late nominations, it may be useful to update the trust deed and/or any form of communication/election documents to clarify the position of the Trustees should this situation arise again;
2. All communication and forms to be updated to ensure clarity that nominations and/or voting forms can be received electronically via email and the appropriate process to meet the trust deed requirements;
3. Maintaining the Trust Register will need to be an ongoing process. I would recommend that a review be undertaken of the existing database to ensure that it will be fit for purpose to provide the necessary information for an efficient Election process in 2023;
4. Social media and other forms of communication including utilising the Trust website should be encouraged to ensure as wide a reach as possible to connect and communicate with members.

Thank you again for providing me the opportunity to work with you and I wish you every success for the future.

Nāku, nā

G A FINDLAY
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