

Ngati Rehua AGM

Chief Returning Officer Report on Proxy and Registration Process

Following the Court Order by Justice Muir on 29 May 2017, electionz.com (ENZ) was engaged to carry out the proxy and registration process for the Ngati Rehua AGM.

Consequently, Ngati Rehua Trust (NRT) provided the existing registration database to us on 9 June. This had 1,648 records. This database was a listing of registered members by name, address, phone, email, postal address. It did not contain any whakapapa details. We noted on this file that 503 records did not contain a Rehua ID number.

ENZ produced a duplicate members report (on exact name and DOB) containing 53 records and sent this back to the Trust for review on 16 June. An updated file was received back from the trust on 17 June. After this duplicate process, the database had 1,621 records, ie 27 duplicate records were deleted.

The proxy forms and registrations for the AGM process, as per the court order, were prepared by ENZ and NRT and made available on the trust website from 10 June.

It was agreed by consent by all parties that the AGM would be held on 24 June, and that the close of proxies would be 5pm on Monday 19 June. Once the proxy process was announced to members, ENZ was inundated with significant phone and email enquiries about current registrations for members and proxy enquiries. By 17 June it became apparent that the volume of proxies and registrations from existing members and new registrations were significant. It was then agreed by all parties by consent to postpone the AGM until Saturday 8 July and to extend the proxy deadline until 5pm on Monday 26 June.

A summary of the documents we received is as follows.

1. Emails

As at today 4 July, ENZ has received 1,009 emails about proxies or registrations, involving more than 2,300 attachments (proxy forms, registration forms, various ID documents). These were collated into a Proxy Database, assigning each proxy to their proxy holder, along with the associated registration forms and ID (if supplied for those people that were not currently registered).

2. Proxies and Registrations

By the close off of proxies (5pm Monday 26 June), ENZ received 1,533 proxy forms, from 56 proxy holders, of which 788 were from members who were already registered (743 were not registered).

571 proxies were received with accompanying registrations forms of which 105 were already registered. This meant that 466 (appointing 26 different proxy holders) registrations were presented to the Kaumatua on Monday 3 July. Of the 466 registration forms presented to Kaumatua for verification, 12 were from proxy holders, and four from candidates in the trustee election. In addition 381 online registrations were provided to Kaumatua, being 847 in total.

370 proxies received (for 26 proxy holders) were not registered, and did not provide a registration form. This list was provided to both parties on Saturday 1 July.

Since the closing time for proxies (26 June) we have received 20 proxy forms for 4 proxy holders, and 50 registration forms. The 20 proxy forms have not been processed (marked as late), and the registration forms were not received in time to make it the Kaumatua meeting on 3 July.

In addition to these registration forms, NRT provided a spreadsheet of 426 online registrations made through the NRT website form 1 January 2017 to 26 June 2017, of which 381 were online only, and 45

were online and in hard copy . This list of 426 registrations with whakapapa details (where provided) were printed off and provided to the Kaumatua for verification.

All registrations forms and the list of online registrations were provided in hard copy sets to both Kaumatua in strict alphabetical order, without any reference to who the proxy holders were.

- 110 registrations were on the correct registration form with supporting ID
- 279 registrations were on the correct registration form, but with no supporting ID. Of these, 60 had no or incomplete DOB, therefore 219 had DOB but no ID in support. 176 crossed out the proof of identify section at the bottom of the form and had written “for my identity to be proven by Kaumatua” or words to that effect.
- 6 were received on an incomplete or different registration form
- 69 registrations were signed on behalf of the person registering, ie not signed by the applicant. Most of these are from two families. These are made up of 3 minors, 2 signed on behalf of a sister, 47 signed as “pp”, and 19 signed by the one person in the same handwriting where they have just changed the first initial for all in the family.

3. Kaumatua Process

Both Kaumatua groups were in attendance at the Auckland City Council office, 135 Albert St, on Monday 3 July. The protocols for how the Kaumatua process was to be carried out had been agreed to by all parties on Thursday 29 June, ie that both parties would complete their assessment, then depending on timing meet to korero any differences. In their assessments both parties were to record how many of their Kaumatua approved each registration, ie 0 for none or 1 through to 4 if all 4 approved.

Following the respective Kaumatua assessment, ENZ were to reconcile and provide details of those registrations for which both parties disagreed. Additions or deletions to the registered database could only occur if both parties could korero their respective positions and reach a majority decision accordingly.

4. NRT Kaumatua

The “NRT” Kaumatua arrived at 8.30am, being Mook Hohneck, Bruce Davies, Pita Mita, Vern Rosieur. Kieran Raftery, Michele Day (ENZ Election Administrator) and I briefly met with them at 9.15am. Following a Karakia, the Kaumatua met in a separate meeting room (29.3) and deliberated on all registrations in alphabetical order. They completed this process at 1.15pm. At a short debrief meeting with ENZ, they advised their process, including that they had been very strict on the compliance with the correct process (ie ensuring correctness of form completion, signatures, ID, DOB), in addition to those whose whakapapa was not approved.

The Kaumatua advised they had unanimously approved 46 of the hard copy registration forms (46 out of 466), and that all of the 381 online registrations were unanimously not approved. Only one proxy holder was approved (12 were presented to Kaumatua for validation), and all four candidates who were not already on the database, but were candidates at the 6 May AGM, were not approved (Jeffrey Cleave, Tipi Howe, Cilla Moore, Trixie Wepiha).

The Kaumatua also advised that they saw no value in waiting for the “Harrison” Kaumatua to finish in order to korero. They confirmed that their decisions in accordance with their stated Tikanga. The Kaumatua then left the building at approximately 2pm.

5. Harrison Kaumatua

Kieran Raftery and I met the “Harrison” Kaumatua at 10am. The Kaumatua present were Dave Wharemate, Michael Beazley, Suie Rata, Hiria Duke and Aperahama Edwards. As part of our initial discussion, Kieran and I advised that we were both uncomfortable with the presence of Aperahama Edwards in the Kaumatua meeting, as Aperahama is a candidate in the trustee election, and therefore was conflicted.

After a korero in room 28.18, the Kaumatua advised that Aperahama Edwards would remain in the room for the deliberations on whakapapa and checking of registrations, but that his vote would not be counted for their marking of registrations, ie 4 Kaumatua signatories would be counted.

The Kaumatua checked the hard copy registrations in alphabetical order and approved 465 of the 466 registration forms. One was not approved due to insufficient whakapapa. Kaumatua unanimously

approved 375 of 381 online registrations, and marked 6 requiring further whakapapa information. Kaumatua then checked the full proxy database (those existing registered members who had appointed a proxy holder, 788 records). Kaumatua flagged 289 records that they couldn't verify without whakapapa details. Kaumatua then checked the full registration database, and flagged 428 records that they couldn't verify, and asked for supporting whakapapa information.

The Kaumatua noticed at least 6 records from deceased persons and a number of likely duplicates, where names were the same or very similar, and DOBs were the same or similar. More work would be required to double check these records in detail.

The Kaumatua completed their verification at approx 4.50pm. They advised they were now ready to meet with the trust Kaumatua to korero over those registrations that both parties had assessed differently. The Kaumatua were advised that the Trust Kaumatua did not wish to korero and had left the premises. Kieran Raftery advised them that he had emailed the Trust Chair in order to arrange a time for korero between the two groups the following day, and had spoken to her on the phone. The Trust Chair advised Kieran Raftery that the Kaumatua had dispersed and from their point of view there was no point in having a korero the following day, and that their decision was final.

6. Results of Kaumatua Process

Following the Kaumatua hui on Monday 3 July, Michele Day and I completed a reconciliation of the outcomes, which are recorded as follows.

46 registrations were approved by both parties.

All remaining hard copy registrations (420) and all online registrations (381) were deadlocked, ie 801 people. This included the four candidates and 12 proxy holders (representing 531 proxies). 801 people were rejected out of 847 registrations, being 94.6%.

This means that of the 1,533 proxies received for 56 proxy holders, only 1,002 proxies for 44 proxy holders were approved.

However, the eleven proxy holders that were not approved by the Trust Kaumatua represent 401 proxies. Of these, 102 were registered, ie 299 were not registered, and were not approved by Kaumatua. This means that in effect, these registered votes from 102 members are currently disenfranchised because their proxy holder is not an approved beneficiary. For their votes to count on Saturday they would have to assign their proxy votes to another proxy holder who is already registered and approved by both parties.

The Harrison Kaumatua have also raised concerns about the whakapapa for 289 of the registered proxies, and 428 of the current registrations. I have advised the Trust of this and are awaiting their response.

In summary, there is deadlock over the validation of whakapapa. One side sees value in further korero to resolve this impasse, the other side does not.

Conclusion

With the above deadlock in Kaumatua approval, I am of the view that the voting database is potentially compromised, as is the election process.

In the first instance, four of the candidates have not been approved by the "Trust" Kaumatua, which affects the validity of the election process at the AGM, ie there are now only 10 registered candidates of the 14 who were nominated.

In addition 12 of the 56 proxy holders have not been approved, representing 531 people, or 34.6% of the proxies received, and there is also the problem of timely proxy assignment.

At present there are only 46 people who have been accepted by both Kaumatua groups. Therefore there are 801 registrations from people who have been rejected (94.6% of all new registrations), who are currently of the view that their vote will be valid on Saturday. This is not the case because the two Kaumatua groups have been unable to agree. This is significant.

Taking this into account, and given the challenge raised by the "Harrison" Kaumatua about the validity of whakapapa of 428 currently registered members, I am of the view that there may be significant issues with the integrity of the registration database, and therefore the ability for a valid AGM voting process to be carried out could be compromised, unless these difficulties are resolved beforehand. It is difficult to be sure at this point

that all potential members have been given the opportunity to vote. There is the potential that many beneficiaries could be unnecessarily disenfranchised.

As a first step to get the voting process back on track, the integrity of the database and the registration process needs to be addressed. I therefore recommend that Kaumatua from both parties with appropriate administrative support review all records, determine whakapapa and create a database that can withstand scrutiny by any party.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W. Lampp', written in a cursive style.

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