



Appointment of Kaiwhakahaere and Deputy Kaiwhakahaere Policy

Process for the Election of the Kaiwhakahaere and Deputy Kaiwhakahaere pursuant to clause 6.14 of the Charter as at November 2018.

1. Definitions

The following definitions apply to this policy; terms defined in the Charter have the same meaning in this policy:

- 1.1. **“Request for Nomination”** means written notice giving Members 30 calendar days (“the Nomination Period”) to consider nominating their Rūnanga Representative (or another Rūnanga Representative) for the role(s) of Kaiwhakahaere and/or Deputy Kaiwhakahaere if the Member considers that appropriate. The Request for Nomination shall also include a timetable for the election process for the Kaiwhakahaere and/or Deputy Kaiwhakahaere and such other information as the Secretary considers appropriate.
- 1.2. **“Majority”** means 10 votes or more at a valid Te Rūnanga Meeting.
- 1.3. **“Nomination”** means a written notice from a Member nominating their Rūnanga Representative (or another Rūnanga Representative) for the role(s) of Kaiwhakahaere and/or Deputy Kaiwhakahaere. Each Member may only submit one (1) Nomination for Kaiwhakahaere and one (1) Nomination for Deputy Kaiwhakahaere per election process. The Nomination must include the following:
 - confirmation from the Member they are willing for their Rūnanga Representative to stand for and perform the role(s) of Kaiwhakahaere and/or Deputy Kaiwhakahaere (if the Nomination relates to their Rūnanga Representative).
 - the signature of the Rūnanga Representative confirming he/she is prepared to stand for and perform the role(s) of Kaiwhakahaere and/or Deputy Kaiwhakahaere.

The Nomination may include a personal statement from the Rūnanga Representative at his/her discretion. The Secretary shall provide rules relating to the size and content of such personal statements in the Request for Nomination.

2. Secretary initiates election for Kaiwhakahaere and/or Deputy Kaiwhakahaere

- 2.1. An election for the role(s) of Kaiwhakahaere and/or Deputy Kaiwhakahaere shall take place if:
 - 2.1.1. The incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere ceases to hold office as a Rūnanga Representative; or
 - 2.1.2. His/her term as Kaiwhakahaere and/or Deputy Kaiwhakahaere is due to expire within three (3) months;
 - 2.1.3. The incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere gives written notice resigning from office;
 - 2.1.4. The incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere is removed from their role(s) pursuant to clause 6.14(c)(ii) of the Charter;
- 2.2. The Secretary receives an election request signed by 10 or more Rūnanga Representatives or 10 or more Members (“Election Request”). It is the responsibility of the Secretary to make the necessary arrangements and run the election in accordance with this policy.



3. Election Process

3.1. Seeking Nominations for Kaiwhakahaere and/or Deputy Kaiwhakahaere

The Secretary shall issue a Request for Nomination to all Members within 14 calendar days' of either:

- 3.1.1. the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere ceasing to hold office as a Rūnanga Representative; or
- 3.1.2. the date three (3) months before the expiry of the term of the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere;
- 3.1.3. (where Kaiwhakahaere and/or Deputy Kaiwhakahaere has resigned) the date which:
 - (i) (if the notice is three (3) months or longer) is three (3) months before the resignation of the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere is effective; or
 - (ii) (if the notice is less than three (3) months) the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere submits their resignation to Te Rūnanga;
- 3.1.4. the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere being removed from their role(s) pursuant to clause 6.14(c)(ii) of the Charter;
- 3.1.5. receipt of an Election request.

3.2. Nominations for Kaiwhakahaere and/or Deputy Kaiwhakahaere by Papatipu Rūnanga

If a Member so chooses they may submit a Nomination to the Secretary. No Rūnanga Representative is eligible to be elected as Kaiwhakahaere or Deputy Kaiwhakahaere unless they have the support of their Member by way of a valid Nomination nominating them for the role.

3.3. If No Nominations Received

If the Secretary receives no valid Nominations during the Nomination Period then the Secretary shall issue a new Request for Nomination within 10 calendar days' of the Nomination Period ending and the process shall be repeated until a valid Nomination is received.

3.4. Election Decision Paper

Provided a valid Nomination has been received, the Secretary shall ensure that a Decision Paper is included in the next Te Rūnanga Meeting general papers (i.e. not In Committee papers) issued following the end of the Nomination Period that:

- 3.4.1. Proposes the following Ordinary Resolutions:
 - (i) That Te Rūnanga holds an election for Kaiwhakahaere and/or Deputy Kaiwhakahaere at the Meeting and notes those Rūnanga Representative(s) who have been nominated by their Member and accordingly, are eligible to be considered for the role(s) ("the Candidates").
 - (ii) That the term of office for the Kaiwhakahaere and/or Deputy Kaiwhakahaere to be appointed shall be three (3) years ("the Term") and the Term shall commence at the conclusion of the election process.



- (iii) That if the election results in a new Kaiwhakahaere and/or Deputy Kaiwhakahaere being appointed the previous Kaiwhakahaere and/or Deputy Kaiwhakahaere's appointment(s) shall end upon the appointment of the new Kaiwhakahaere and/or Deputy Kaiwhakahaere.

3.4.2. Attaches all Nominations received during the Nomination Period.

3.5. Election

3.5.1. Provide Te Rūnanga passes the resolution detailed at 3.4.1(i) the election shall follow immediately after Te Rūnanga has confirmed the Term for the role(s).

3.5.2. If Te Rūnanga does not pass the resolution detailed at 3.4.1(i) then no election shall take place and that election process shall end and the incumbent Kaiwhakahaere and/or Deputy Kaiwhakahaere shall continue in their roles unless Te Rūnanga decides otherwise.

3.5.3. The election shall be held at a Meeting which is open to members of Ngāi Tahu Whānui. The election (including consideration of the resolutions above at 3.4.1) shall be the first agenda item at the Meeting following Karakia. If there is no quorum the election shall be held at Te Rūnanga's next Meeting where there is a quorum.

3.5.4. Before the election vote takes place each Candidate shall korero to their nomination for such maximum period as the Secretary shall nominate. The Candidates speeches shall not be interrupted. Following korero from all the Candidates a question time shall follow where Rūnanga Representatives shall have the opportunity to ask the Candidates questions. The Secretary will set the rules relating to this question time and it is acknowledged that time and other constraints may prevent all Rūnanga Representatives being able to ask questions.

3.5.5. The method of voting shall be by show of hands with the order of voting being determined by the Secretary on a random basis.

3.5.6. Each Rūnanga Representative will be entitled to cast one vote per role.

3.5.7. For the avoidance of doubt:

- (i) Candidates are entitled to vote for themselves.
- (ii) Rūnanga Representatives are entitled to abstain from voting at their discretion.
- (iii) Alternate Rūnanga Representatives are entitled to vote in the election as detailed in the Charter.
- (iv) Proxies are allowed as detailed in the Charter.

3.5.8. Immediately following the election vote and in the presence of those scrutineers that choose to be present, the Secretary shall count the votes, ascertain the result of the vote and announce the result to the Meeting. The votes of each Rūnanga Representative shall be recorded in writing by the Secretary and provided to all Members in the Meeting minutes and provided to those members of Ngāi Tahu Whānui present at the Meeting.

4. Election Result

4.1. A Candidate who receives a Majority shall be declared the Kaiwhakahaere or Deputy Kaiwhakahaere for the Term.

If there is one (1) Candidate

4.2. If there is one (1) Candidate and the Candidate:



Te Rūnanga o NGĀI TAHU

- 4.2.1. receives a Majority, then the Candidate shall be declared the Kaiwhakahaere or Deputy Kaiwhakahaere for the Term:
- 4.2.2. does not receive a Majority, then there shall be a revote(s) until either the Candidate receives a Majority or the Secretary considers there is no reasonable likelihood that the Candidate will receive a Majority in which case, the election process will be called to an end and:
 - (i) should the incumbent holder of the office be the Candidate in the election, then (provided he/she has not withdrawn) he/she will be declared duly elected for the Term;
 - (ii) should the incumbent holder of the office not be the Candidate in the election, then the Secretary will adjourn the vote until Te Rūnanga's next Meeting. If the vote at that Meeting remains inconclusive, the Secretary will issue a new Request for Nomination and restart the election process.

If there are two (2) Candidates

- 4.3. If there are two (2) Candidates and one (1) Candidate:
 - 4.3.1. receives a Majority, then the Candidate shall be declared the Kaiwhakahaere or Deputy Kaiwhakahaere for the Term;
 - 4.3.2. does not receive a Majority, then there shall be a re-vote(s) until either one (1) Candidate receives a Majority or the Secretary considers there is no reasonable likelihood that a Candidate will receive a Majority in which case the election process will be called to an end and:
 - (i) should the incumbent holder of the office be a Candidate in the election, then (provided he/she has not withdrawn) he/she will be declared duly elected for the Term (even if he/she had been eliminated earlier in the election process.
 - (ii) should the incumbent holder of the office not be a Candidate in the election, then the Secretary will adjourn the vote until Te Rūnanga's next Meeting. If the vote at that Meeting remains inconclusive, the Secretary will issue a new Request for Nomination and restart the election process.

If there are more than two (2) Candidates

- 4.4. If there are more than two (2) Candidates and one (1) Candidate:
 - 4.4.1 receives a Majority then that Candidate shall be declared the Kaiwhakahaere or Deputy Kaiwhakahaere for the Term;
 - 4.4.2 does not receive a Majority, then there shall be a re-vote(s) until either one (1) Candidate receives a Majority or the Secretary considers there is no reasonable likelihood that a Candidate will receive a Majority, in which case the Candidate who received the least votes in the last ballot will be eliminated and there will be a re-vote.
 - 4.4.3 whilst there are more than two (2) Candidates, the process of dropping off the bottom Candidate and re-voting shall continue until one (1) Candidate receives a Majority (and is therefore duly elected) or until only two (2) Candidates remain. If only two (2) Candidates remain, the rules set out at clause 4.3 shall apply.
- 4.5. Should clause 4.4 apply, and there is a need to eliminate the Candidate with the least votes in the last ballot, but there is a tie for last place (or all Candidates receive equal votes), then the Candidate (who is not the incumbent) who has served the shortest periodⁱ as a Rūnanga Representative shall be eliminated from the process.



5. Further Rules

- 5.1. A Candidate may withdraw from the election process and no longer be a Candidate at any time by notifying the Secretary either verbally or in writing. The Secretary shall promptly advise all Members and Rūnanga Representatives that the Candidate has withdrawn from the election process.
- 5.2. Any Candidate will automatically be disqualified from the election if they cease to hold office as a Rūnanga Representative.
- 5.3. At all times the election shall be carried out in accordance with the Te Rūnanga o Ngāi Tahu Code of Conduct.
- 5.4. The Secretary's decision is, subject to compliance with the Te Rūnanga o Ngāi Tahu Act and Charter, final on all matters affecting the eligibility of Candidates, the conduct and results of an election and such other matters as may from time to time arise in relation to the election.
- 5.5. Each Candidate is entitled to appoint one scrutineer by giving the Secretary notice in writing or verbally before the election takes place.
- 5.6. The Secretary shall ensure that all Election Requests, Requests for Nomination, Nominations and the Election Decision Paper are promptly forwarded to Members and published on the Te Rūnanga o Ngāi Tahu internet site available for viewing by members of the Ngāi Tahu whānui.
- 5.7. Should the Kaiwhakahaere role become vacant then the Deputy Kaiwhakahaere (if any) shall act as the Kaiwhakahaere until a new Kaiwhakahaere is appointed pursuant to this policy, but the Deputy Kaiwhakahaere shall not be considered "the incumbent Kaiwhakahaere" under this policy.

Document History and Version Control					
Title	Appointment of Kaiwhakahaere and Deputy Kaiwhakahaere Policy				
Version number	v1.2	Date approved	November 2018	Next review date	2023
Owner	Group General Counsel	Reviewer	Te Here	Approver	TRoNT (material changes)
History	v1.0 - New policy adopted Jan 2010				
	v1.1 - Reviewed and updated Aug 2013 (minor changes approved by Te Here)				
	v1.2 - Reviewed and updated Nov 2018				

ⁱ In assessing which Rūnanga Representative has served the shortest period as a Rūnanga Representative all terms as a Rūnanga Representative will be taken into account, not just the most recent unbroken continuous term served by the Candidates.