



NGATI TUWHARETOA (BOP) SETTLEMENT TRUST

Beneficiary Registration Policy

Overview

The Ngati Tuwharetoa (Bay of Plenty) Settlement Trust (“NTST”) is governed by a Trust Deed dated 30 May 2004 (“NTST Trust Deed”).

The NTST Trust Deed refers to Beneficiaries and Registered Beneficiaries.

The NTST Trust Deed provides for a Registration Committee to assess applications to be a Registered Beneficiary, however does not set out the criteria for registration.

The NTST Trust Deed provides that the Trustees have the power to determine all questions and matters of doubt which arise in the course of the management and administration of the Trust. This Policy has been adopted by the Trustees in accordance with that power.

Purpose of Policy

The purpose of this document is to set out NTST’s policy and procedures to be followed in respect of the matters set out below.

- ❖ How a Beneficiary can confirm their status as a Beneficiary.
- ❖ The criteria for a Beneficiary to be a Registered Beneficiary.
- ❖ The process to be followed when a Beneficiary applies to be a Registered Beneficiary.
- ❖ When a Beneficiary’s status as a Registered Beneficiary can be revoked.

This policy is to be read together with and subject to the Persons with a Disability – Registration and Voting Policy.

Trust Deed

The NTST Trust Deed is the governing document for NTST and its terms must be complied with. This policy document sets out the manner in which the terms of the Trust Deed are applied.

Relevant Provisions of the Trust Deed

The Trust Deed contains the following definitions:

Beneficiaries means every individual referred to in the definition of Ngati Tuwharetoa in this Trust Deed.

Beneficiaries Register means the register of individual Registered Beneficiaries maintained by The Trust at the Head Office in which are to be entered the names and addresses of all those persons who:

- (a) are Beneficiaries; and
- (b) whose names have been approved by the Beneficiaries Registration Committee for entry in the Beneficiaries Register.

Beneficiaries Registration Committee means the committee appointed pursuant to clause 20.2 and shall comprise:

- (a) two Trustees appointed by way of Ordinary Resolution; and
- (b) two Adult Registered Beneficiaries who must be:
 - (i) appointed by way of Ordinary Resolution;
 - (ii) expert in matters relating to Ngati Tuwharetoa whakapapa; and
 - (iii) who are not also Trustees.

Registered Beneficiaries means Beneficiaries whose names are recorded on the Beneficiaries Register.

Beneficiaries and Registered Beneficiaries

The Trust Deed makes reference to Beneficiaries and Registered Beneficiaries.

If a person is a Beneficiary of NTST, he or she is:

- ❖ owed fiduciary duties by the Trustees;
- ❖ eligible to apply for and if accepted, receive benefits from NTST (subject always to the discretion of the Trustees as to any benefits); and
- ❖ may apply for and if accepted, receive grants (subject always to the discretion of the Trustees as to the terms on which any grants are to be made).

It is noted that the Trustees are not obliged to make benefits or grants available to any person. Benefits and grants are made at the discretion of the Trustees and on such terms as the Trustees may require.

Beneficiaries may also apply for registration as a Registered Beneficiary, although registration is not guaranteed.

Registered Beneficiaries who are 18 years of age or over have an additional set of rights enabling a greater participation in certain aspects of NTST including:

- ❖ the right to vote on various matters relating to NTST;
- ❖ the right to obtain additional information about NTST's affairs; and
- ❖ the right to be nominated for election as a Trustee.

If you are a Beneficiary, and your application to be a Registered Beneficiary is declined for any reason, you will still continue to be a Beneficiary of the Trust, and will be eligible to apply for, and if accepted receive benefits and/or grants from NTST, subject always to the discretion of the Trustees as to the terms on which any benefits and/or grants are to be made.

Criteria to be a Beneficiary

Beneficiaries of NTST are those people who fall within the definition of Ngati Tuwharetoa in the Trust Deed.

Status as a Beneficiary is based solely on whakapapa.

Please see the NTST Policy relating to Whangai, Legal Adoption, Guardianship and Foster Children for further detail as to when such persons will be Beneficiaries.

Confirmation of Beneficiary Status

Subject always to the discretion of the Trustees and the terms on which any benefits or grants are to be made, Beneficiaries are eligible to apply for and if accepted receive benefits and/or grants under the Trust Deed.

Any person who believes they are a Beneficiary may apply for any benefit or grant which they consider they may be eligible for, provided that he or she must provide details of their whakapapa confirming their status as a Beneficiary with the application.

In order to simplify a Beneficiary's interaction with NTST, including simplifying the process for applying for grants which may be available from time to time, a Beneficiary may apply to the Registration Committee for confirmation of their status as a Beneficiary. Once a person's status as a Beneficiary is confirmed by the Registration Committee, that status will be held in NTST records and there will be no need for a Beneficiary to establish their status in respect of individual grant applications.

To confirm status as a Beneficiary, it is necessary to:

- (1) complete the Beneficiary Application Form which is available from the NTST office in accordance with the instructions on the application form;
- (2) attach a copy of the applicants full birth certificate to the application form;
- (3) have the application form endorsed by one of the Approved Kaumatua; and
- (4) submit the application form to the Registration Committee along with any other supporting documentation which may be required as noted on the application form.

The Registration Committee process is set out further below.

Criteria to be a Registered Beneficiary

The additional rights which a Registered Beneficiary holds enable participation in key matters relating to the operation of the Trust. Given such rights can impact on the direction of Ngati Tuwharetoa, it is essential that when exercising such rights, Beneficiaries have the best interests of Ngati Tuwharetoa at heart, and are not influenced by outside interests or a greater affiliation with another Iwi.

For a Beneficiary to be afforded the status of Registered Beneficiary, the following criteria must be met. The applicant must:

- (1) be a Beneficiary;
- (2) be a person of good standing within Ngati Tuwharetoa.

It is acknowledged that there may be situations where it is difficult to ascertain whether a Beneficiary meets the criteria for registration as a Registered Beneficiary.

The Registration Committee may consider any information which it considers relevant in the assessment of any application for registration as a Registered Beneficiary. This may include, without limitation:

- ❖ the applicants whakapapa and the strength of his or her blood tie to Ngati Tuwharetoa;
- ❖ the extent to which the applicant participates in the Ngati Tuwharetoa community;
- ❖ the extent to which the applicant affiliates to other Iwi;
- ❖ a primary affiliation to one of the following Marae:
 - (i) Hahuru
 - (ii) Oniao
 - (iii) Umutahi

Process to apply to be a Registered Beneficiary

Any person who wishes to apply for registration as a Registered Beneficiary must:

- (1) complete the Beneficiary Application Form which is available from the NTST office in accordance with the instructions on the application form;
- (2) attach a copy of the applicants full birth certificate to the application form;
- (3) have the application form endorsed by one of the Approved Kaumatua; and
- (4) submit the application form to the Registration Committee along with any other supporting documentation which may be required as noted on the application form.

The Registration Committee process is set out further below.

Approved Kaumatua

If a person wishes to apply to be a Registered Beneficiary, the whakapapa set out in his or her application must be endorsed and approved by one of the Approved Kaumatua.

The Approved Kaumatua as at the date of this Policy are as below:

Approved Kaumatua	
FOX, Robert (Bob)	BROWN, Viola (Whaaeroa)
TE RIRE, Amorangi Graham (Kahu)	HUNIA, Raymond
TE RIRE, Te Haukakawa (Boycie)	VERCOE, Kara
SCHUSTER, Reverend Robert (Bob)	WICKLIFFE, Te Waikaretu (Ani)

The Approved Kaumatua may change from time to time. A current list of Approved Kaumatua may be obtained from the NTST office.

Registration Committee Process

The Registration Committee shall be entitled to set their own procedure for meetings to consider applications. The Registration Committee shall make reasonable efforts to meet on a regular basis.

The Registration Committee must consider all information submitted by the applicant with his or her application form.

The Registration Committee may make any further enquiries and seek any further information that it considers appropriate to assess the application, however shall be under no obligation to make such enquiries.

Once the Registration Committee has considered and made a decision on an application, the Registration Committee will advise the applicant of the decision.

If the applicant disagrees with the decision by the Registration Committee, the applicant may, within 20 working days of the date of the decision, apply for the Trustees to reconsider the application. The applicant may submit further information in support of his or her application. The Trustees shall approve or decline the application by ordinary resolution.

Adoption of Policy

This policy was adopted by NTST on 2 May 2013.

Amendment of Policy

- 1 Updating of the Approved Kaumatua took place on the 30 April 2015.
- 2 The trustees of NTST approved the Persons with a Disability – Registration and Voting Policy on the 23 February 2018. Subsequently, reference to the Persons with a Disability – Registration and Voting Policy required inclusion in this policy.
- 3 Updating of the Approved Kaumatua took place on the 23 February 2018.
- 4 Updated job position for person signing this policy on the 23 February 2018.

Confirmed as a true copy of the policy adopted by resolution of the trustees of NTST on 23 February 2018.



Elaine August
Pou Whakarite Take – Whenua Taiao



NGATI TUWHARETOA (BOP) SETTLEMENT TRUST

Beneficiary Code of Conduct

Overview

The Ngati Tuwharetoa (Bay of Plenty) Settlement Trust (“NTST”) is governed by a Trust Deed dated 30 May 2004 (“NTST Trust Deed”).

NTST is a trust established for the benefit of Ngati Tuwharetoa as defined in the NTST Trust Deed.

NTST represents the collective interests of all Ngati Tuwharetoa.

The actions of individual Beneficiaries can impact on the way in which Ngati Tuwharetoa and its representative body, NTST, are perceived by third parties.

Privileges and responsibility go hand in hand. If Beneficiaries wish to have the privileges which come with being part of Ngati Tuwharetoa, then they must also accept they in turn have individual responsibilities to the Ngati Tuwharetoa.

Purpose of Code of Conduct

The purpose of this Code of Conduct is:

- (1) to ensure that the principles and values of Ngati Tuwharetoa are upheld;
- (2) to ensure that all Beneficiaries are treated with dignity and respect; and
- (3) to promote and protect the reputation of Ngati Tuwharetoa.

Valid Debate

Discussion and debate are essential to ensure good decision making. NTST is mandated to maintain and grow assets received under a Deed of Settlement between Ngati Tuwharetoa ki Kawerau and the Crown. It is therefore important that Adult Registered Beneficiaries of Ngati Tuwharetoa are able to express views and discuss matters of importance in relation to the operation of NTST.

While discussion and debate are essential, it is also important to ensure that such discussion and debate occurs in an appropriate environment and within appropriate boundaries so that views from all of Ngati Tuwharetoa can be heard, not just the views of the few who shout the loudest.

Beneficiary Conduct

Each Beneficiary agrees to meet the following standards in relation to their conduct.

- ❖ Treat others with dignity and respect.
- ❖ Be fair and honest.
- ❖ Do not abuse, threaten or intimidate others.
- ❖ Do not use obscene language.

If any Trustee has a personal involvement in the behaviour which is the subject of the complaint (such as if abusive language complained of were directed to a Trustee), then that Trustee shall not participate in the investigation of the complaint or in the making of the decision.

If the behaviour which is the subject of the complaint was directed at all Trustees, then the matter shall be decided by all of the Trustees who shall investigate the complaint and make the decision as to any sanctions which are to be imposed.

Sanctions

It is important that any sanction on a Beneficiary is appropriate to the level of behaviour which occurred and it is acknowledged that Trustees are not obliged to apply any sanction.

If a sanction is to be applied, then the Trustees may apply any sanction which they consider to be appropriate in the particular circumstances.

Sanctions may include (by way of example only) such things as:

- ❖ requiring the Beneficiary to provide an apology for his or her behaviour;
- ❖ suspending the right of the Beneficiary to apply for grants or other assistance from NTST for a period of time; and/or
- ❖ revoking an Adult Registered Beneficiary's status as a Registered Beneficiary (in which case they shall continue to be a Beneficiary).

It is acknowledged that any sanction which suspends the rights of a Beneficiary or revokes status as an Adult Registered Beneficiary would only be acceptable in the case of a very serious breach, where there has been continual ongoing breaches, or where a Beneficiary has demonstrated a blatant disregard for this Code of Conduct such that the Trustees consider it inevitable that the Beneficiary will continue to breach this Code of Conduct.

The process set out in this Code of Conduct, and any sanction which may be imposed under this Code of Conduct shall not prevent the matter being referred to the Police.

Adoption of Code of Conduct

This code of conduct was adopted by NTST on 2 May 2013.

Confirmed as a true copy of the code of conduct adopted by resolution of the trustees of NTST on 2 May 2013.



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Trust Manager
Ngati Tuwharetoa (BOP) Settlement Trust

- ❖ Promote the collective interests of Ngati Tuwharetoa.
- ❖ Do not bring NTST into disrepute.
- ❖ Do not victimise or discriminate against others.
- ❖ Listen to the views of others with an open mind.
- ❖ Do not make offensive personal comments about other Beneficiaries or Trustees (who are themselves Beneficiaries).
- ❖ To take responsibility for their actions.
- ❖ Not make frivolous complaints about other Beneficiaries or Trustees (who are themselves Beneficiaries).

Process where a Breach of Code of Conduct is Alleged

If the trustees of NTST consider that a Beneficiary has, or may have, breached this Code of Conduct, then the following process shall be followed.

If the Trustees consider that the breach or alleged breach is a matter which may merit further or more formal consideration, then the Trustees may (but are not obliged to) make initial enquires of any party who may have knowledge of the breach or alleged breach to determine whether the matter should be subject to further consideration.

If the breach or alleged breach is of a minor nature, the Trustees may:

- (1) decide to not pursue the matter; or
- (2) determine the matter with the least formality as the breach permits, without the need to follow the formal process set out below.

If the breach or alleged breach is of a material or significant nature, the Trustees shall follow the process set out below.

- (1) The Trustees shall advise the Beneficiary, of the basis on which the Trustees consider that the Beneficiary has or may have breached this Code of Conduct, and inviting the Beneficiary to provide their response.
- (2) The Beneficiary shall provide any response which he or she wishes to make to the Trustees within 10 working days.
- (3) The Trustees may seek further information in respect of the complaint from other parties who were present at the time of the possible breach.
- (4) The Trustees may refer the complaint, or parts of it, to kaumatua for advice.
- (5) When considering the breach or alleged breach, the Trustees must consider any response provided by the Beneficiary and may also consider all other information which they deem relevant including:
 - ❖ the nature of the breach
 - ❖ the circumstances in which the breach occurred
 - ❖ whether or not the breach was deliberate
 - ❖ the consequences of the breach
 - ❖ the effect of the breach on other Beneficiaries
 - ❖ the manner in which such behaviour has been treated on prior occasions
- (6) The Trustees shall:
 - (a) determine whether or not there has been a breach of this Code of Conduct;
 - (b) if there has been a breach, what sanction, if any, should be imposed; and
 - (c) advise the Beneficiary of the Trustee's decision.