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Application by trustees for incorporation as a charitable trust board

Section 7(3) Charitable Trusts Act 1957

NOTES | The name cannot be the same as, or confusingly similar to, the name of any other incorporated trust, society, company or other body corporate, nor can it be contrary to the public interest (for example, be offensive or prohibited by an enactment).

Check existing trust, society and company names for free by doing a **Register Search** online at www.companies.govt.nz.

1. We being all the trustees under "a Trust Document" that creates a trust exclusively or principally for charitable purposes hereby apply to be incorporated as a Board under the Charitable Trusts Act 1957.

Note | Examples of Trust Documents include a deed of trust, will, declaration of trust or a similar authorisation.

NPC# 08

2. We, as trustees, are not at present incorporated.

18 JUN 2015

3. Proposed name of Board

Home Grown Waiheke Trust

4. Address of registered office

This address must be a physical (street) address and NOT a PO Box, Private Bag or Document Exchange address.

18 Mako Street
Waiheke Island
Auckland

5. Address for premises (optional)

Where provided, this address must be a physical (street) address.

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6. Addresses for communication

Postal address (this can be a PO Box address) to which communications from the Registrar may be sent. The Registrar may also contact the Board by email. The email address you provide here will not be publicly available.

Postal address

18 Mako Street
Waiheke Island
Auckland 1081

BUSINESS & REGISTRIES
BRANCH, AUCKLAND
17 JUN 2015
RECEIVED

Email address (optional)

7. The following documents are attached to the application

Copy of the Trust Document (certified by an applicant) as per section 10(2)(a) Charitable Trusts Act 1957, and

Statutory declaration as per section 10(2)(b) of the Charitable Trusts Act 1957.

8. Date

10/6/15

9. Your contact details

Name and postal address

Charlotte Parkes
18 Mako Street
Waiheke Island
Auckland 1081

Email

charlotte.parkes@gmail.com

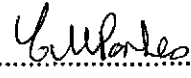
Telephone

0 7


Proposed name of Board

Home Grown Waiheke Trust


Signatures of the trustees who are applying to be incorporated as a Board

1 Full name CHARLOTTE PARKES Signature 

Residential address 18 MAIKO ST, ONERDA
WAIHEKE ISLAND 1081

2 Full name Lynda Jeffs Signature 

Residential address 9 Tetley Rd, Surfdale, Waiheke Island
Auckland 1081

3 Full name Jane Cooper Signature 

Residential address 7 Beatty Parade, Surfdale,
Waiheke Island 1081

4 Full name Signature

Residential address

5 Full name Signature

Residential address

6 Full name Signature

Residential address

7 Full name Signature

Residential address

8 Full name Signature

Residential address

Proposed name of Board

Home Grown Waiheke Trust

Statutory declaration

Supporting the application for incorporation as a charitable trust board

Section 10(2)(b) Charitable Trusts Act 1957

I, Charlotte Mary Parkes

of Waiheke Island, Auckland.

do solemnly and sincerely declare that:

- 1. I am one of the applicants under the application for incorporation submitted with this statutory declaration.
- 2. There are no trusts, other than those set out in the Trust Document, under which the applicants for incorporation hold any property.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

Charlotte Mary Parkes

Signature

Declared at WAIKE

this 13. day of JUNE 2015

before me:

.....

Justice of the Peace, Solicitor or other person authorised to take a statutory declaration
Waiheke Island 1843 Email linbrig@xtra.co.nz
Phone 09 372 7885
Mobile 027 457 5736

LINDSAY BRIGHOUSE (Mr)
Justice of the Peace
[Signature]
Waiheke Island 1843 Email linbrig@xtra.co.nz
Phone 09 372 7885
Mobile 027 457 5736

No 1992

Home Grown Waiheke Trust

18 Mako Street
Waiheke Island
Auckland 1081
homegrownwaiheke@gmail.com
Ph: +64 9-372-7367

DEED OF TRUST

HOME GROWN WAIHEKE TRUST

THIS DEED is made on the 10th of June 2015.

1. THE TRUSTEES

The Trustees are:

Charlotte Parkes of Waiheke Island
Jane Cooper of Waiheke Island
Lynda Jeffs of Waiheke Island

THE TREASURER

Lindsay Jeffs of Waiheke Island

2. THE TRUSTEES

- 2.1 The Trustees wish to establish a Charitable Trust to carry out the aims set out in this Trust Deed.
- 2.2 The Trustees to this Deed hold the sum of five dollars each being the initial Trust Fund, along with any other money or properties held by the Trust to carry out the aims set out in this Trust Deed.
- 2.3 The Trustees are entitled to apply to be incorporated as a Trust under the Charitable Trust Act 1957 to carry out the aims, powers and rules set out in this Trust Deed.

3. NAME

The name of the Trust is Home Grown Waiheke Trust.

4. AIMS

The Trust is established to carry out within New Zealand the following aims:

- 4.1 Advance the public benefit by carrying out gardening and composting projects that will increase food resilience and self-sufficiency in food production, on Waiheke Island.
- 4.2 Educate the Waiheke community in methods and principles of sustainable food production.

Handwritten signatures and initials, including "J.C." and "P.L."

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- 4.3 Alleviate poverty on Waiheke Island by supporting individuals, families and communities to grow and share low cost, healthy food.
 - 4.4 Undertake research and trial alternative methods of cultivation to ameliorate the effects of climate change on local growing conditions.
 - 4.5 Share information with, and work with other groups and individuals who adhere to similar objectives and principles.

5. GUIDING PRINCIPLES

Our work will be informed by the principles of:

- Community resilience
- Self-sufficiency
- Sustainability
- Stewardship of our natural environment
- Respect for all people

6. ACTIVITIES LIMITED TO NEW ZEALAND

The activities of the Trust will be limited to New Zealand.

7. POWERS

The Trust will have the following powers:

- 7.1 To purchase, lease, hire or otherwise acquire any real or personal property;
- 7.2 To sell, let, mortgage or otherwise dispose of or deal with any property of the Trust;
- 7.3 To construct, maintain, or alter any buildings or property;
- 7.4 To borrow, raise, invest, loan or apply for money in any manner or any terms suitable to the Trust;
- 7.5 To enter into any arrangement or contract with any individual, Government Department or corporate body;
- 7.6 To employ or engage staff, advisors or other people whether or not they are Trustees and to pay their wages, salaries and/or their expenses on terms suitable to the Trust.
However,
 1. Employees who are Trustees may not participate in any discussion relating to the financial remuneration of that person or any other person
 2. No Trustee or any other person associated with a Trustee shall participate or materially influence any decision made by the Trust in respect of payment to or on behalf of that Trustee or associated person of any income, benefit or disadvantaged whatsoever. Any such income paid shall be reasonable and

CP  J.C.

relative to that which would be paid in an 'arms length' transaction (being the open market value).

- 7.7 To alter the powers and rules of the Trust provided that no alteration or addition endangers the charitable aims and status of the Trust.
- 7.8 The Trustees will be responsible for the management of the Trust and may exercise all the powers given to it by this Deed
- 7.9 To do anything else that in the opinion of the Trust will further the charitable objects of the Trust.

8. RULES

The rules for the Trust will be as follows

- 8.1 The Trust will have between two and eight Trustees.
- 8.2 The persons named in this Trust Deed are the current elected Trustees.
- 8.3 The Trust will appoint new Trustees of the Trust according to these rules and on their appointment those new members will become Trustees.
- 8.4 A Trustee will hold office until the next Annual General Meeting of the Trust unless prior to this date he/she:
 1. Resigns
 2. Is unable to perform his/her duties
 3. Does not attend three consecutive Trust meetings without adequate explanation
 4. Passes away
 5. Is removed from the Trust by a vote of at least two thirds of the Trustees at a General Meeting.

The Trustee concerned must be given:

- a) At least 14 days notice of the proposed removal.
 - b) The reasons for the proposed removal.
 - c) An opportunity to reply at the meeting considering his/her removal.
 - d) The Trustee concerned may vote at the meeting
- 8.5 Any Trustee may resign from the Trust by giving notice in writing to the Trust and the resignation will take effect from the date the notice is received by the Trust.

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9. POWERS OF THE TRUST

The Trustees will be responsible for the management of the Trust and may exercise all the powers given to it by this Deed.

10. TRUST MEETING

- 10.1 The Trust will meet at least four (4) times every year and one of these meetings will be the Annual General Meeting which is to be held not more than 15 months following the previous Annual General Meeting. Meetings may be held in person or by any other means of communicating as decided on by the Trust from time to time. The Secretary will ensure that all Trustees of the Trust are notified of the meeting, either electronically, verbally or in writing.
- 10.2 At the first meeting of the Trust and at every Annual General Meeting, the Trust will appoint the following officers:
1. A Chairperson who will be responsible for convening and chairing Trust meetings.
 2. A Secretary who will carry out the functions allocated to the Secretary.
 3. A Treasurer who will administer the funds of the Trust.
- 10.3 If at any time an office holder ceases to be a Trustee the Trust may appoint another Trustee to that office prior to the next AGM.
- 10.4 In addition to the appointment of office holders, the Annual General Meeting will carry out the following tasks:
1. Consider and adopt the Annual Report
 2. Consider and adopt the Financial Accounts
 3. Appoint an Auditor or Accountant if required, who may not be a Trustee
 4. Consider any other General Business
- 10.5 At the conclusion of each Trust meeting, a date for the next meeting will be set and included in the Minutes.
- 10.6 The Quorum for all Trust Meetings will be half of the Trustees.
- 10.7 Decision making at any meeting will be by consensus or failing that by a majority. The Chair will have the casting vote.
- 10.8 Each present Trustee will be entitled to one vote.
- 10.9 The Annual General Meeting will not be open to the public.
- 10.10 The Trust may co-opt other people to be non-voting participants at Trust meetings.
- 10.11 All proceedings of Trust meetings will be recorded in the Minutes by the Secretary, a copy of which will be available to all Trustees.

CS  J.C.

11. COMMON SEAL

- 11.1 The Common Seal of the Trust will be kept in the custody and control of the Secretary, or such other officer appointed by the Trust.
- 11.2 When required, the Common Seal will be affixed to any document following a resolution of the Trust and will be signed by the Chairperson (or a trustee acting as the Chair) and one other person appointed by the Trust

12. CONTROL OF FUNDS AND PROPERTY

- 12.1 The Trust, through its Treasurer, will keep proper books of account and will prepare annual accounts.
- 12.2 All funds received by the Trust will be kept in the Trust's bank account.
- 12.3 All withdrawals from the Trust's accounts will be signed or authorised by the Treasurer and one other Trustee.
- 12.4 The Treasurer will prepare at minimum quarterly financial statements.

13. ALTERATION AND ADDITION OF RULES

- 13.1 The Trustees may alter, add or cancel any rules at a Trust Meeting provided that:
 1. Written notice of the proposed change is sent to every Trustee
 2. The meeting may amend the proposed change
 3. A two thirds majority of the Trustees present at the meeting agree
 4. No alteration, addition, or cancellation will be made to these rules that are in conflict with:
 - A. The aims of the Trust
 - B. The charitable nature of the Trust
 - C. The Charitable Trust Act 1957
 - D. The conditions of any exemption by any Government Agency or the Charities Act 2005.

14. WINDING UP

The Charitable Trust may be wound up if:

1. A majority of the Trustees pass a resolution to wind up the Trust and that the resolution is confirmed at a subsequent general meeting called for that purpose

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and held not sooner than the 28th day after the date on which the resolution to be confirmed was passed.

2. At the second meeting a two thirds majority of the Trustees confirms the resolution.
3. On the winding up of the Charitable Trust any surplus assets (after the payment of costs, debts and liabilities) will be given to other charitable organisation/s within New Zealand with similar aims as the Trustees decide. If the Trust is unable to make such a decision, the remaining assets will be disposed of in accordance with the directions of the High Court pursuant to section 27 of the Charitable Trusts Act 1957 or subsequent enactment.

1) **SIGNED** by C. Parkes: C. Parkes 2) **SIGNED** by L Jeffs: L. H. Jeffs

As Trustees in the presence of:

Witness: L. H. Jeffs

Signature: L. H. Jeffs

Occupation: Lecturer

Witness: L. H. Jeffs

Signature: L. H. Jeffs

Occupation: Lecturer

Address: 9 Tetley Road
Surfdale, Waiheke Island

Address: 9 Tetley Road
Surfdale, Waiheke Island

3) **SIGNED** by J. Cooper: J. Cooper

As Trustees in the presence of:

Witness: L. H. Jeffs

Signature: L. H. Jeffs

Occupation: Lecturer

Address: 9 Tetley Road
Surfdale, Waiheke Island