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Application by trustees for incorporation as a charitable trust board

Section 7(3) Charitable Trusts Act 1957

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.

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

3. Proposed name of Board

Piha Community Library 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.

23 Seaview Road
Piha
Waitakere City

5. Address for premises (optional)

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

23 Seaview Road
Piha
Waitakere City

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
P.O. Box 21609
Henderson
Waitakere City 0650

Email address (optional)

7. The following document

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

8. Date

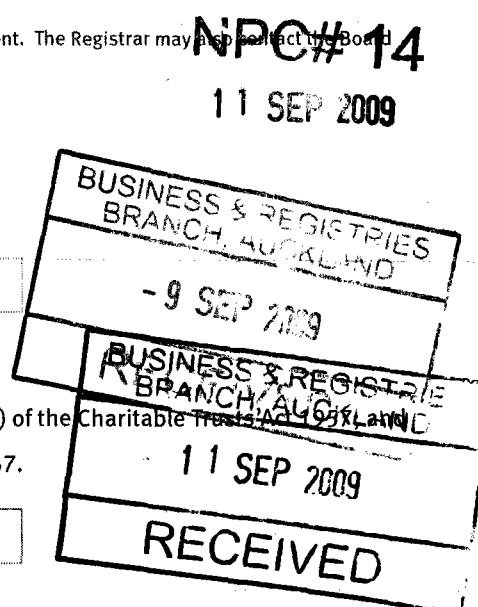
8 September 2009

9. My contact details

Name and postal address
Yvonne Dufaur
PO Box 21609
Henderson
Waitakere City 0650

Email (optional)

Telephone



Proposed name of Board

Piha Community Library Trust

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

1 Full name Gabrielle Lancaster Signature 

Residential address 153, Marine Parade North
Piha
Waitakere City

2 Full name ALBERTO BONINI Signature 

Residential address 71 GARDEN ROAD, PIHA
RD2 NEW LYNN, 0772

3 Full name JANE WALTER Signature 

Residential address 61 MARINE PDE NTH, PIHA
RD2, NEW LYNN 0772

4 Full name Marilyn Perko Signature 

Residential address 72 Garden Road, Piha
Waitakere 0772

5 Full name GILLIAN COTTON Signature 

Residential address 69 NORTH PIHA ROAD
PIHA. RD2 NEW LYNN 0772

6 Full name Norma Joan Woodall Signature 

Residential address 41 Rayner Rd
PIHA RD2 New Lynn 0772

7 Full name Yvonne Dufaur Signature 

Residential address 72 Piha Road
Piha, RD2 New Lynn
Waitakere 0772

8 Full name Jill Ruth Stetter Signature 

Residential address 8A Taurarua Terrace
Parnell, Auckland

Proposed name of Board

Piha Community Library Trust

Statutory declaration

supporting the application for incorporation as a charitable trust board

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

I, Yvonne Dufaur

of, 72 Piha Road, Piha, Wairakere

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.

[Handwritten Signature]
Signature

Declared at Piha, Wairakere City

this seventh day of September, 2009

before me: [Handwritten Signature]
Justice of the Peace, Solicitor or other person
authorised to take a statutory declaration

SHIRLEY MAY BOND, REG #2001
MANAGER - AUCKLAND
JUSTICE OF THE PEACE
FOR NEW ZEALAND
117 Piha Road, Auckland 0772

PIHA COMMUNITY LIBRARY TRUST DEED

1. NAME:

The name of the charitable trust shall be the 'PIHA COMMUNITY LIBRARY TRUST', which is a charitable trust to operate within the Piha, Karekare and Anawhata areas, hereinafter referred to as the 'Trust'.

2. AIMS:

The objective of the Trust shall be to provide the Piha, Karekare and Anawhata areas with a high quality library, educational, information and resource centre which meets the recreational and educational needs, whether hard copy, audio visual or computerized form, of the named communities.

3. THE BOARD OF TRUSTEES:

3.1 The Trust shall be governed by a board of trustees which shall have responsibility for carrying out the objective of the Trust, including:-

- (a) The adoption of the policies and protocols to be followed in the provision of the library service.
- (b) Developing and reviewing regular strategic planning for the library
- (c) The monitoring and support of the Library Manager.
- (d) The keeping of proper financial records for the Trust, including bank accounts and any other relevant financial transactions.
- (e) The acquisition of land or buildings by lease, purchase or other acquisition
- (f) The receipt of funds or property, real or personal, for the purpose of the Trust
- (g) The investment of funds in the name of the Trust provided that all income therefrom shall be applied to the purposes of the Trust.
- (h) The carrying on of any business (whether in partnership or otherwise), whether or not carried on at the commencement of this Deed, in such manner as the Board shall think fit, provided that such business furthers the objective of the Trust.
- (i) The entering into legal binding commitments.
- (j) The power to take all steps which are considered expedient or necessary for the effective constitution and incorporation of the trustees as a Board pursuant to the Charitable Trusts Act 1957, and to obtain any legislative or other authority that is considered desirable for any such purpose that shall advance the performance and management of the Trust created by this Deed.

- 3.2 The Board of Trustees shall comprise not less than five (5) and not more than eight (8) members, who shall be appointed for a period of three (3) years, and shall consist of up to three (3) members from the contributing areas, the Library Manager, providing such position is a voluntary one, and the remaining positions to be filled by nominees of the Librarians Committee.
- 3.3 The Trustees shall appoint officers from among their number, including a chairperson, secretary and treasurer or secretary/treasurer.
- 3.4 Trustees shall be eligible for up to three (2) further terms of appointment.
- 3.5 Retirement or resignation from the Board within the normal term shall be in writing and the Board shall have the power to fill such casual vacancies arising between annual general meetings, provided that the Board carries out similar procedures through a Nominating Committee as for normal appointments of trustees.
- 3.6 The Board shall have the power to terminate the trusteeship of any trustee by a seventy-five per cent majority resolution should it believe that such action is in the best interests of the trust.
- 3.7 The foundation trustees shall be:

Alberto Bonini of Piha
Gillian Cotton of Piha
Yvonne Dufaur MNZM of Piha
Gabrielle Lancaster of Piha,
Marilyn Perko of Piha,
Jill Stotter of Auckland,
Jane Walter of Piha
Norma Woodall of Piha.

4. APPOINTMENT OF TRUSTEES:

- 4.1 The foundation trustees shall, within four (4) months of the registration of the Trust, hold an Annual General Meeting at which the appointment of trustees for the ensuing period shall take place.
- 4.2 Following the initial appointment of trustees, in order to maintain continuity, two (2) trustees (by lot or voluntarily) will retire after one year, a further two (2) trustees will retire after two years, and the remaining trustees will retire at the end of the third year. Retiring trustees will be eligible to additional terms as specified in clause 3.4 of this deed.
- 4.3 The Board shall, prior to the Annual General Meeting, appoint an ad hoc Nominating Committee which will receive and deliberate on nominations for appointments as a trustees from the contributing areas.

- 4.3 The Nominating Committee of four (4) persons shall comprise the chairperson of the Board, one (1) trustee of the Board, one (1) persons nominated by the Librarians Committee and one (1) person appointed by the Board, who is not a trustee and who has expertise in the area of library or non-profit organisation management.
- 4.4 The Nominating Committee shall consult widely in the communities served by the Trust and present its recommendations for appointment to an Annual General Meeting of the Trust. In the event of the Trust rejecting any or all of the nominees, the Nominating Committee shall be re-convened and shall present an amended list of nominees for consideration at a Special General Meeting which the Trust shall convene for the purpose within 1 month of receiving the Nominating Committee's amended recommendations.

5. MEETINGS OF THE TRUST:

- 5.1 The Trust shall meet a minimum of three (3) times a year to conduct its business, one of which shall be the Annual General Meeting which will be open to registered Friends of the Library who shall be presented with a report of the year's activities and invited to offer ideas and suggestions for the library's services and future.
- 5.2 At least seven (7) days' notice of meetings shall be provided to all trustees.
- 5.3 The business of the Annual General Meeting, which shall be within three (3) months of the end of the Trust's financial year, shall be –
- (a) To review and account for the work of the Trust during the previous financial year
 - (b) To receive and approve the audited annual balance sheet and statement of accounts for the preceding year.
 - (c) To appoint trustees to fill vacancies on the Trust.
 - (d) To appoint an auditor to the Trust.
 - (e) To receive and deliberate on policy and strategic directions initiated by the Board or recommended by the Library Manager and the Librarians Committee, who shall attend all Annual General Meetings of the Board.
 - (f) To carry out such other business of a broad policy nature as may be necessary.
- 5.4 Each trustee shall be entitled to one vote on all matters, with the chairperson having a deliberative and a casting vote.
- 5.5 Alterations to the Trust Deed shall be decided by a seventy-five per cent majority at an Annual General Meeting, notice of such alterations to the Trust Deed being notified to the trustees at least fourteen (14) days prior to the date of the meeting.

6. LIBRARY MANAGER AND LIBRARIANS COMMITTEE:

- 6.1** The Board of Trustees shall delegate to the Library Manager responsibility for the efficient carrying out of the library services in accordance with the strategic plan and policies and protocols set by the Board of Trustees.
- 6.2** The Library Manager will be assisted and supported by the Librarians Committee which shall comprise library assistants who have completed all training requirements and have undertaken a minimum of 12 library duties following training.
- 6.3** The Library Manager shall act as chairperson of the Librarians Committee.
- 6.4** The Librarians Committee shall meet a minimum of three (3) times a year, such meeting may be combined with a meeting of the Trust if thought appropriate and agreed upon by the Board.
- 6.5** The Library Manager shall be responsible for keeping the Board fully informed of the library's activities and shall be expected to promote to the Board any projects, policies or strategies that it feels will enhance the performance of the library service in the communities it serves.
- 6.6** The Trust shall be responsible for appointing a Library Manager for a period to be decided by the Board and will undertake consultation with the Librarians Committee prior to such appointment.
- 6.7** The Library Manager shall be responsible for the day-to-day administration of the library and for appointing from within the library staff such persons as are to hold positions of responsibility in the management of the library on a day-to-day basis.

7. FINANCES:

- 7.1** The financial year of the Trust shall be from 1 July in one year to 30 June in the following year.
- 7.2** The Board shall cause to be kept proper books of account showing full and true accounts of all the affairs and transactions of the Trust, such records to be available for inspection by trustees and the Librarians Committee at all reasonable times.
- 7.3** The financial accounts of the Trust shall be audited each year within three (3) months of the end of the financial year and the audited balance sheet and audited statement of accounts shall be presented to the Annual General Meeting of the Trust.

7.4 An auditor of the Trust shall be appointed by the Board within four (4) months of the registration of the Trust and shall be re-appointed from year to year at the Annual General Meeting of the Trust.

7.5 The Board shall make the audited accounts available to prospective and supporting funders/sponsors and to such other interested parties as may be deemed appropriate.

8. REMUNERATION OF TRUSTEES:

None of the assets, income or profits in connection with the Trust shall go to or be distributed to trustees, provided however that trustees may be reimbursed approved expenses incurred by them in connection with the functions of the Trust.

9. LIABILITY OF TRUSTEES:

No trustee shall be liable for any loss unless contributed to by his/her own dishonesty or to the unlawful commission of any act known to be a breach of trust and in particular no trustee shall be bound to take any proceedings against a co-trustee for any breach or alleged breach of trust committed by such a co-trustee.

10. ALTERATIONS TO RULES OF THE TRUST:

10.1 Proposed alterations to the rules of the Trust shall be made only at an Annual General Meeting and notified to trustees in writing a minimum of fourteen (14) days prior to the date of the Annual General Meeting at which such alterations are to be voted upon.

10.2 Alterations to the rules of the Trust shall require a seventy-five per cent majority vote of the Board.

10.3 No alterations to the rules of the Trust shall be made which would in any way remove the exclusively charitable nature of the Trust

11. COMMON SEAL:


The common seal of the Board, to be kept in the custody of the Secretary, will be affixed to any document following a resolution of the Board and will be signed by the by two (2) Trustees provided that a resolution has been passed authorizing such action.


12. WINDING UP:

12.1 The Trust may be wound up or dissolved as provided in the Charitable Trusts Act 1957 and any amendments thereto.

12.2 In the event of the winding up of the Trust, the Board of Trustees shall decide upon the distribution of any assets among approved non-profit organisations of a similar nature or as directed by the High Court.

Dated this 8th day of September 2009.

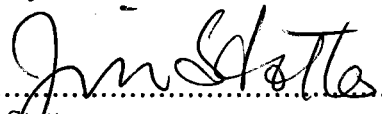

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Alberto Bonini

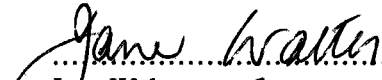

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Gillian Cotton

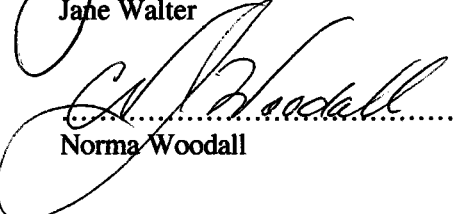

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