

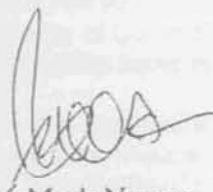
Extract from letter dated
28 January 2000 (MAF
to N Wells)

Legal status of the Trust

20. Could you please provide documentary evidence confirming that the Trust has been legally registered under the Charitable Trusts Act 1957.

MAF would appreciate your comments on the above points.

Yours sincerely



Mark Neeson
Senior Policy Analyst

OFFICIAL INFORMATION ACT
OFFICIAL INFORMATION ACT

RELEASSED UNDER THE OFFICIAL INFORMATION ACT

-----Original Message-----
From: Neil Wells [mailto:nwells@unitec.ac.nz]
Sent: 17 March, 2000 4:03 PM
To: neesonm@maf.govt.nz
Cc: bayveld@maf.govt.nz
Subject: AWINZ

Mark

I would like to re-visit one other issue arising from our meeting relating to your requirement that a recommendation for approval cannot be considered without evidence of registration under the Charitable Trusts Act.

I ask that you reconsider that requirement. Registration with the Ministry of Commerce is a process that will add months to the application being finalised.

The Act provides that an applicant can be "any organisation" but there is no requirement that the organisation be a body corporate. An "organisation" can be incorporated or unincorporated.

Unlike bodies corporate such as societies and companies, a trust becomes a legal person upon the signing of the trust deed, not from the date it is registered. Many trusts are never registered under the Charitable Trusts Act but are still legal persons.

While AWINZ will register as a charitable trust that is part of a process that leads to approval by Inland Revenue for exemption from filing tax returns and for tax rebates for donations in the hands of donors. Whether "an organisation" is a charity or a for-profit company is not contemplated by the Act. I don't see that this is an issue that goes to the heart of an application.

AWINZ can produce evidence that the trust is in being by providing a signed copy of the trust deed and will give an undertaking that it will be registered with the Ministry of Commerce.

The other issues you raised have been considered and a formal letter will be ready next week.

Regards
Neil

Neil Wells
Programme Co-ordinator Animal Welfare Investigations
UNITEC Tel: 09 815 4321 ext. 8006
Home Office 09 811 8020 Fax 09 811 8010
e-mail: nwells@unitec.ac.nz

CC: "David Bayvel (E-mail)" <bayveld@maf.govt.nz>, "Barry O'Neil (E-mail)"
<oneilb@maf.govt.nz>

Extract from letter dated 25 March
2000 (N Wells to Hon Jim
Sutton)

[Faint, illegible text from the original document, likely a letter or report.]

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Trust documentation

A signed copy of the Deed of Trust will follow. The original is being submitted to the Ministry of Commerce for registration as a charitable trust in accordance with clause 20 (a) of the Deed.