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-----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

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