

Special Needs Taekwon-Do Federation of New Zealand

DEED OF TRUST



Special Needs Taekwon-Do Federation of New Zealand

March 2016

Deed of the Special Needs Taekwon-Do Federation of New Zealand

Dated: 15th day of March 2016

The Trustees

The original trustees are:

Benjamin Evans, Director of Special Needs Taekwon-Do, Tamatea

Emily Harris, Early Childhood Teacher, Tamatea

Berry Rangi, Napier Health Centre, Napier

Kirsten Kauri, Gardening Services, Napier

Melissa Collins, Flaxmere Taekwon-Do Representative, Flaxmere

("The Trustees")

The Trustees wish to create a Charitable Trust to carry out the aims set out in this Trust Deed.

The Trustees hold the sum of \$10 as the initial Trust Fund, on trust along with any other money or property received by the Trust to carry out the aims set out in this Trust Deed.

The Trustees are entitled to apply to be incorporated as a Board under the Charitable Trust Act 1957 (Section 7) to carry out the aims, powers and rules set out in this Trust Deed.

1. Name

*The name of the Board is the **Special Needs Taekwon-Do Federation of New Zealand**. (“the Trust”).*

2. Aims

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

- 2.1 To provide and promote the health benefits of Taekwon-Do to those with both physical and intellectual disabilities.*
- 2.2 To improve the disability community in their fitness, flexibility, confidence, self esteem, self defence and well-being. To encourage a more positive life and to help those in the community see they can reach their full potential regardless of physical or intellectual disability.*
- 2.3 To encourage and promote the sharing of resources between various community groups that will have mutual financial benefits and savings for all parties.*
- 2.4 To foster synergy and collaboration between groups by bringing more groups together to broaden their networks.*
- 2.5 To further demonstrate that by sharing and working in a cooperative arrangement, key funding providers will support this project with appropriate resources.*
- 2.6 To be able to offer Taekwon-Do regardless of financial income.*
- 2.7 To provide an educational national organisation for instructors throughout the country with ongoing courses and workshops.*
- 2.8 To provide opportunities to the disability Taekwon-Do community to be able to participate in local, regional, national and international championships and training workshops.*

3. Powers

The Board will have the following powers:

- 3.1 To pay all or any of the expenses incurred in establishing and running the Board.*
- 3.2 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 Board.*

3.3 To alter the powers and rules of the Board provided that no alteration or addition endangers the charitable aims and status of the Board.

3.4 To do anything else that in the opinion of the Board will further the charitable objects of the Board.

4. Rules

The Rules of the Board will be as follows:

4.1 Constitution of the Board

4.1.1 The Board will have between 4 and 8 members.

4.1.2 The Trustees named in this Deed will be the original Board members and their appointment will commence from the date of this Deed.

4.1.3 The Board will appoint new members to the Board according to these rules and on their appointment those new members will become Trustees.

4.1.4 A Board member will hold office until the next Annual General Meeting of the Board unless prior to this date he or she:

(i) resigns

ii) is unable to perform his or her duties

iii) does not attend three consecutive Board meetings without adequate explanation

iv) dies

v) is removed from the Board according to clause 4.1.5.

4.1.5 A Board member may be removed from the Board by a vote of at least two thirds of the Board members at a General Meeting. The Board member concerned must be given:

i) at least 14 days notice of the proposed removal

ii) the reasons for the proposed removal

iii) an opportunity to reply at the meeting considering his or her removal.

4.1.6 Any Board member may resign from the Board by giving notice in writing to the Secretary of the Board. The resignation will take effect once it has been accepted by the Board.

4.2 Powers of the Board

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

4.3 Board Meetings

4.3.1 The Board will hold at least four meetings in 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.

4.3.2 At the first meeting of the Board and at every Annual General Meeting the Board will appoint the following officers:

- i) a Chairperson who will be responsible for convening and chairing Board meetings*
- ii) a Secretary who will carry out the functions allocated to the Secretary in these Rules*
- iii) a Treasurer who will control the funds of the Board.*

4.3.3 If at any time an office holder ceases to be a Board member the Board may appoint another member to that office prior to the next Annual General Meeting.

4.3.4 In addition to the appointment of office holders the Annual General Meeting will carry out the following tasks:

- i) consider and adopt the Annual Report*
- ii) consider and adopt the Financial Accounts*
- iii) appoint an Auditor or Accountant who may or may not be a Board Member*
- iv) consider any other general business.*

4.4 Notice of Board meetings

4.4.1 Notice of all Board meetings including the Annual General Meeting will be given in writing to each Board member at least 14 days prior to the meeting. However, if all Board members agree, a Board meeting may be called at any time.

4.5 The Running of Board meetings

4.5.1 The Quorum for all Board meetings will be half of the Board members.

4.5.2 Decision making at any meeting will be by consensus, but failing a consensus decisions will be made by a simple majority of the Board members present at the meeting.

4.5.3 Every Board member present at a Board meeting will be entitled to one vote. The chairperson does not have a casting vote.

4.5.4 The Board may from time to time appoint two or more of its members to form a sub-committee. The sub-committee may co-opt other people who are not Board members.

4.5.5 A Board member who is in any way, whether directly or indirectly, interested in a contract or proposed contract or arrangement or dealing involving the Trust, shall disclose the nature of that interest at a Board meeting, and that disclosure shall be recorded in the minutes of the meeting.

4.6 Minute Book

4.6.1 All proceedings of Board meetings will be recorded in a minute book which will be held by the Secretary of the Board.

4.7 The Common Seal

4.7.1 The Common Seal of the Board will be held by the Secretary and will be used only when authorised by a resolution of the Board. When the seal is used it will be signed by the Secretary and one other Board member appointed to sign that document by the Board.

4.8 Control of Funds and Property

4.8.1 The Board, through its Treasurer, will keep proper books of accounts and will prepare annual accounts which are to be audited.

4.8.2 All funds received by the Board will be paid into the Board's bank account.

4.8.3 All cheques and withdrawal slips drawn on the Board's account will be signed by the Treasurer and one of two other Board members appointed by resolution of the Board.

4.8.4 The income and property of the Trust is to be applied solely to further the aims of the Trust. No income or property is to be paid or transferred directly or indirectly to any members of the Board. This will not prevent payment of reasonable wages or expenses to any officer or employee of the Board or to any Board members for any services performed by them for the Trust.

4.8.5 A Board member may make a reasonable charge for any services carried out by him or her where the Board would have had to pay for that service if it was carried out by somebody who was not a Board member.

4.9 Alterations and Additions to the Rules

4.9.1 The Board may alter, add or cancel any rules at a Board meeting provided that:

- i) written notice of the proposed change is included in the notice calling the meeting
- ii) the meeting may amend the proposed change
- iii) a two thirds majority of the Board members present at the meeting agree to the change
- iv) no alterations, additions 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 granted by the Inland Revenue Department.

4.10 Winding Up

4.10.1 The Charitable Trust may be wound up if:

- i) a majority of the members at a General Meeting pass a resolution to wind up the co-operative
- ii) a second meeting is held, not earlier than 30 days since the first meeting to confirm or reject the resolution
- iii) at the second meeting a two thirds majority of the members confirm the resolution.

4.10.2 On winding up any surplus assets of the Charitable Trust will be distributed to other charitable organisations that provide similar support for the community in Napier.

SIGNED by Benjamin Evans

as Trustee in the presence of: _____

Witness _____

Signature _____

Occupation _____

Address _____

SIGNED by Emily Harris

as Trustee in the presence of: _____

Witness _____

Signature _____

Occupation _____

Address _____

SIGNED by Berry Rangi

as Trustee in the presence of: _____

Witness _____

Signature _____

Occupation _____

Address _____

SIGNED by Kirsten Craigie

as Trustee in the presence of: _____

Witness _____

Signature _____

Occupation _____

Address _____

SIGNED by Melissa Collins

as Trustee in the presence of: _____

Witness _____

Signature _____

Occupation _____

Address _____
