

UPPER CLUTHA HOSPICE TRUST BOARD

PROPOSALS TO MODIFY THE TRUST DEED

Section 2: Consultation Process

CONSULTATION PROCEDURES

The Trustees intend to follow the following procedures for consultation on their proposed modifications to the Trust Deed, to comply with the requirements of the Charitable Trust Act 1957 (the Act).

1. The Board of Trustees will appoint a **Convener** for the consultation procedure.
The Board has appointed its Chairman Russell McGeorge to this role
2. The **Convener** will call a **meeting of Contributors** to the Trust, via advertisements placed in the following media, at least one month prior to the meeting (advertisements to be placed at least three times with a minimum of six days between each insertion):
 - a. Otago Daily Times
 - b. Southland Times
 - c. Wanaka Sun

The format of the advertisement is set out in Attachment A below.

3. Section 42 of the Act defines the **Contributors** and money holders that have rights under Part 4 of the Act. It provides:

In any case to which section 40 or section 41 applies, any contribution of money raised for the charitable purpose or of goods sold to provide money for that purpose, or any holder or trustee of any such money or of any money received as the price of admission to any entertainment or paid in any other voluntary manner for that purpose, may proceed in the manner hereinafter set out in this Part [of the Act].

The Trustees have reviewed the various inputs the Trust has received since its foundation and consider the following individuals and groups come within this definition:

- i) The individuals, trusts, societies, clubs and business organisations who have made monetary donations to the Trust.

- ii) The business organisations which have provided goods that have been consumed/used by the Trust and are not on-sold by the Trust.
- iii) The individuals and business organisations who have provided goods for resale by the Trust in its shops or on-line.
- iv) The individuals and business organisations who have provided goods for use as “prizes” in fundraising events organised by the Trust or organised by others, for which the Trust has been the beneficiary of the proceeds.
- v) Various individuals who have assisted the Trust by purchasing admission tickets to fundraising events for which the Trust is the beneficiary.

This list is not exhaustive and individuals or businesses are welcome to contact the Trust Secretary, at PO Box 779, Wanaka or by email to info@uppercluthahospicetrust.org if they consider they are properly a contributor to the Trust, as defined in section 42.

Because of the wide range in the size of contributions to the Trust, for equity to all Contributors, the Trustees will be proposing at the Meeting of Contributors that the number of votes each contributor is entitled to be proportional to the monetary value of their donation(s). This proposal will be put to a vote at the beginning of the meeting.

4. Under the Act, all **Contributors** to the Trust shall have the following rights:
 - a. To attend the meeting and vote on the Trust’s Trust Deed Modification Proposals.
 - b. To appoint a proxy to represent them at the meeting if they are unable to attend (see the “Instrument Appointing a Proxy” Form in Attachment B below– *this form may be downloaded from this website*) The Convener of the meeting (see item 1. above), will accept appointment as a proxy – please advise such appointment in advance by email to info@uppercluthahospicetrust.org
 - c. To advance alternative proposals to those of the Trustees, if desired. Such alternative proposals must be advertised by Contributors by pre-meeting advertising as set out in Clause 2 above.
 - d. Under Section 49 of the Act, Contributors may request prior to the Meeting of Contributors, that the Trust refund their contribution if they disagree with the proposed modifications to the Trust Deed. Under section 49 the contributor must be able to demonstrate to the Trustees that they contributed to the Trust and the value of that contribution.

5. The meeting shall be held at the appointed time and place, as set out in the advertisement, and shall be conducted per the terms set out in s45 of the Act, involving:
 - a. Reception of attendees at the meeting, and verification (or otherwise) of the qualification of each attendee as a **Contributor** entitled to vote at the meeting.

To qualify as a **Contributor** for the purposes of voting at the meeting, each attendee must either:

- (i) present the Trust's receipt for their contribution(s) to the meeting receptionists, and/or be listed as a contributor on the Trust's Donors' Register, OR
- (ii) discuss their contribution with the Foundation Trustees on the reception desk and agree the contribution and its value

Those holding a proxy for a **Contributor**, must present the "Instrument Appointing a Proxy" form duly completed by the Contributor that they are representing (see Attachment B below – this form may be downloaded from this website)

- b. Those qualifying as **Contributors** will be provided with Voting Papers (see Attachment C below) indicating their name (or in the case of a proxy for a Contributor, whom they are representing) and the total of their contributions.
6. At the appointed time for the meeting, the **Convener** shall call the meeting to order, and after outlining the reasons for, and format of the meeting, and shall request nominations from the **Contributors** for the appointment of a **Chairperson** for the meeting.

The Trustees suggest that the Contributors appoint Mr F W M McElrea of Wanaka, a retired District Court Judge, as Chairperson

- a. In the event of more than one nomination, the Chairman shall be decided by the **Convener**, on voting by a show of hands of **Contributors**.
 - b. The **Chairperson** shall not have voting rights, unless the Chairperson is a qualified Contributor, in which case he/she shall have the voting rights their contribution qualifies them for.
7. The **Chairperson** shall then take control of the meeting, and shall put the following **Trustees' Motion** to the meeting:

That voting at this Meeting of Contributors on proposals put to the meeting for changes to the Trust's Deed shall be:

- *pro rata to the monetary value of each Contributors' contribution, with one vote for each dollar of value of the contribution.*
- *That the proposal with a simple majority of votes shall be the successful proposal to be adopted by the Trust*

Voting on the Trustees Motion shall be by show of hands

8. The **Chairperson** shall then:

- Invite the Convener to address the meeting to:
 - Summarise the reasons why the trustee wish to modify the Trust Deed
 - Outline the Trustee's proposed changes to the Trust Deed
- Invite questions from the **Contributors** on the Trust's proposals
- Identify if there are any alternative proposals advanced by Contributors, that have been advertised prior to the meeting as required by the Act
- Invite the authors of the said alternative proposals to present their proposals to the meeting and take questions thereon
- If any Contributor present advances any **new** proposals at the meeting [not the subject of pre-meeting advertising as specified in clause 2. above] the meeting may be adjourned for at least ten days for the new proposals to be advertised as required for other alternative proposals (see clause 2. above)

9. The **Chairperson** shall then call for nomination of three **Scrutineers** to oversee and tally voting on the proposal(s) put before the meeting.

The Trustees suggest that the three Scrutineers are, Nicola McDonald, Treasurer of the Trust, Sue McRobbie, Secretary of the Trust, and Ross Parry, a Trustee, all of Wanaka

10. The **Chairperson** shall then call for voting on the Trust's Proposals and any alternative proposals advanced by Contributors in accordance with s44 of the Act.
- Voting shall be on the Voting Papers provided to **Contributors** at the reception to the meeting, with their vote for or against each proposal being considered by the meeting marked on the voting papers.
 - The votes shall be tallied by the **Scrutineers**, and the results announced by the **Chairman**
 - That proposal receiving a simple majority of votes cast shall be adopted by the meeting

iv. It is the Trustees intention to abstain from voting

11. The **Chairperson** shall then call for the appointment of a **Claims Committee** consisting of the **Convener plus two Contributors** chosen by the majority of the Contributors present. This committee will be responsible for the processing of any claims from Contributors for the refund of their contributions under the circumstances laid out in the Act.

The Trustees suggest that the Claims Committee comprises the Convener, plus Neville Dippie, a Trustee of the Trust, and Ross Parry, a Trustee both of Wanaka

12. The **Chairperson** shall then call for the selection of a **Scheme Committee** comprising three **Contributors** selected by the voting Contributors present.

This Committee is charged with the preparation of a Scheme within two months of the adoption of the proposals, to give effect to the adopted proposals, and submitting the Scheme to the Attorney-General for formal approval (with the required supporting documentation from the consultation process).

The Trustees suggest that the Scheme Committee comprises Russell McGeorge, Ross Parry and Neville Dippie, all of who are Trustees.

13. The **Chairperson** shall then close the meeting

14. Once the Attorney-General's approval is obtained a verified copy of the Scheme and the Attorney-General's approval shall be filed by the **Scheme Committee** in the Court nearest to where the meeting of Contributors took place, with a request for approval by the Court so that the modified Trust Deed is available to the public free of charge.

ATTACHMENT A



Upper Clutha Hospice Trust Board

PROPOSED CHANGES TO ITS TRUST DEED – CONTRIBUTORS MEETING

The Upper Clutha Hospice Trust Board (“The Trust”) is proposing to amend its Trust Deed as follows:

- To extend the Objects of the Trust to better reflect the activities and services that the Trust is providing for the terminally ill in the Upper Clutha District
- To strengthen the Administrative Procedures under which the Trust operates

We are required to consult on our proposals with contributors to the Trust under Part 4 of the Charitable Trusts Act 1957. Contributors are entitled to vote on the proposed variations and may propose their own variations, under section 44 of the Act. Contributors may also request payment of their contribution to the Trust, under section 49 of the Act.

Accordingly, the Trust invites contributors to a public meeting to be held as follows:

2:00pm, Wednesday November 18, 2020

St John Ambulance Conference Room, 4 Link Way, Wanaka

To establish their status as Contributors, attendees will be required to produce evidence of their contribution, appear on the Trust’s Donors register or to agree their contribution with a Trustee at the meeting’s reception.

Details of the proposed changes are set out on the Trust’s website at www.uppercluthahospicetrust.org, or may be obtained on written request to the Trust’s Secretary at PO Box 779, Wanaka or to info@uppercluthahospicetrust.org

Russell McGeorge

UCHTB Chairman and Meeting Convener

ATTACHMENT B

INSTRUMENT APPOINTING A PROXY

RE: Meeting of Contributors to the Upper Clutha Hospice Trust

I/Wehave made donation(s) totalling
\$..... in value to the Upper Clutha Hospice Trust, and believe that we
qualify as a **Contributor** for the Meeting of Contributors to consider the proposed changes
to the Trust's Trust Deed.

I/We hereby appoint as our proxy to vote on our
behalf as follows :

- In favour }
 OR } The Trustees' proposals to modify the Deed
 Against }
Tick one of the above boxes

at the Meeting of Contributors of the Trust to be held:

On Wednesday November 18, 2020, at the St John Ambulance Conference Room, 4 Link
Way, Wanaka, Commencing at 2:00pm, and at any adjournment of this meeting.

Signed this day of 2020

.....
(your signature)

For
(please print your name)

**THIS FORM TO BE PRESENTED BY THE APPOINTED PERSON TO THE RECEPTIONISTS AT THE
MEETING OF CONTRIBUTORS**

ATTACHMENT C

Upper Clutha Hospice Trust Meeting of Contributors

Voting Form Re Trust Deed Changes

..... Value of Contribution(s) \$.....
(name)

I am voting on behalf of: myself as proxy for
(name of Contributor appointing you as proxy)

- I vote FOR:
- The Trustee's proposed changes to the Trust Deed**

 - Thealternative proposal* (if any)**
(identifier to be provided)

 - Thealternative proposal* (if any)**
(identifier to be provided)

 - No change to the Trust Deed**

Vote for only one of the above options

**Comment*

The voting form will be finalised immediately prior to the Meeting of Contributors, when the existence of any alternative proposals is known