

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

M1058-IM99

IN THE MATTER of the Charitable Trusts Act 1957

AND

IN THE MATTER of the Centrepoint Community Growth
Trust, a Charitable Trust incorporated
pursuant to the Charitable Trusts Act
1957

**ORDER APPROVING A SCHEME UNDER PART III OF THE
CHARITABLE TRUSTS ACT 1957**

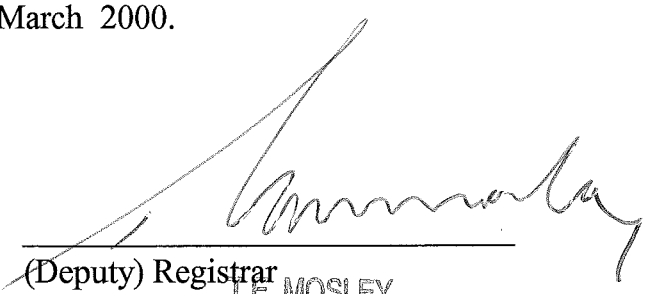
OFFICE SOLICITOR
PUBLIC TRUST
AUCKLAND

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Solicitor Acting: M J Taylor

THIS proceeding coming on for trial on the 28th day of February 2000 before the Honourable Justice Cartwright at Auckland, UPON READING the Notice by Public Trustee of Originating Application for Approval of a Scheme under the Charitable Trusts Act 1957 dated the 11th day of December 1998 and the Notice by Public Trustee Applying for an Amendment to Originating Application dated the 11th day of December 1998 for Approval of a Scheme under the Charitable Trusts Act 1957 dated the 8th day of December 1999 and UPON READING the affidavits of Graham Grant, Jennifer Therese Henley, David Bruce Winslade, Lynnden Elizabeth Rain, Keith Grace McKenzie, George Douglas Pratt and Colin Douglas Theyers in support thereof, and AFTER HEARING Dr J M Priestley QC of counsel for the Public Trustee, Mr B D Gray of counsel for the Non-Resident Members, Ms F Hay-Mackenzie of counsel for the New Community Group, Mr M Ruffin and Ms M Soper of counsel for the Attorney-General, Ms A C M Fisher of counsel for the Adult Children, Mr G J Thwaite of counsel for D Mendelssohn and Ors, Mr F Hogan of counsel for D Mendelssohn and Ors, and Mr Potter in person, IT IS ADJUDGED that the reformed Scheme, a copy of which is annexed to this Order, is approved pursuant to Section 53 of the Charitable Trusts Act 1957.

Dated this 22nd day of March 2000.




(Deputy) Registrar

J.E. MOSLEY

Sealed this

3rd

day of

April

2000.

PROVISIONS OF REFORMED TRUST

1. Name

The name of the Trust shall be "New Zealand Communities Growth Trust."

2. Office

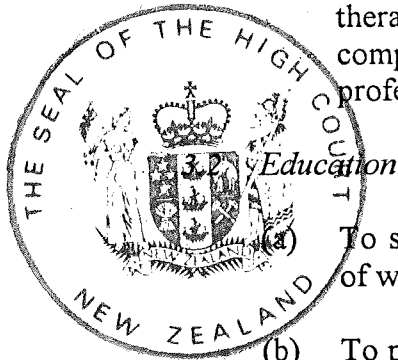
The office of the Trust shall be such place in New Zealand as the Public Trustee may determine.

3. Objects

The objects of the Trust shall fall under four main headings.

3.1 *Therapeutic and Counselling*

- (a) To support the establishment of refuges for members of the wider community in need of spiritual, psychological or emotional assistance.
- (b) To support a professional counselling service and conduct seminars and workshops for people with psychological, emotional or social conflicts.
- (c) To support a professional counselling and support service for adults and children who have been the victims of sexual, physical and emotional abuse including institutional and cult abuse.
- (d) To make available qualified professional support as an adjunct to the above therapeutic and counselling objects. Such counselling and services to comply with protocols and monitoring approved by appropriate professional bodies.



- (a) To support the provision of educational opportunities for the development of work and life skills consistent with the purposes of the Trust.
- (b) To provide scholarships or grants to enable selected participants to increase their knowledge or experience consistent with the objects of the Trust including scholarships or grants for research on the establishment and operation of spiritual communities and/or cults.

3.3 *Public Benefit*

To benefit the New Zealand community in general by promoting:-

- (a) A standard of living which enhances and sustains a quality of life that is not exploitive of the environment or people and that is permanent, healthy and sustainable for future generations.

- (b) The concept of communal living where material and human resources are shared and made available to others.
- (c) To support the establishment of a community or communities in New Zealand and to provide on going support for any such community or communities. Any such community or communities must conduct themselves on precepts of co-operation and respect of their members and to prohibit the exploitation, abuse and/or damage to the self esteem of their members and act entirely within the laws of New Zealand.

3.4 *Relief of Poverty*

To provide support and financial assistance and the relief of poverty of persons who have been disadvantaged by cults and/or spiritual communities and in particular past residents of the Centrepoint community in Albany and their children.

4. Powers

4.1 *General and Specific Powers*

In addition to the powers implied by the general law of New Zealand or contained in the Trustee Act 1956, the powers which the Public Trustee may exercise in order to carry out the charitable purposes are as follows:

- (a) To use so much of the income or capital of the assets of the Trust as the Public Trustee thinks necessary to assist in the attainment of the objects set out in the preceding clause 3; and
- (b) To accumulate as capital of the Trust any surplus income for any accounting period so that it becomes part of the Trust; and
- (c) To use the assets of the Trust as the Public Trustee thinks necessary or proper in payment of the costs and expenses of the Trust, including the employment of professional advisers, agents, officers and staff as appears necessary or expedient; and
- (d) To purchase, take on, lease or exchange or hire or otherwise acquire any land or personal property and any rights or privileges which the Public Trustee thinks necessary or expedient for the purpose of attaining the objects of the Trust and to sell, exchange, bail or lease, with or without option of purchase, or in any manner dispose of any such property, rights or privileges as aforesaid; and
- (e) To carry on any business; and
- (f) To invest surplus funds in any way permitted by law for the investment of trust funds and upon such terms as the Public Trustee thinks fit; and



- (g) To borrow or raise money from time to time with or without security and upon such terms as to priority and otherwise as the Board thinks fit; and
- (h) To accept payments, or transfers of money, investment, real property or other assets on behalf of the Trust to be held in accordance with the trusts and powers set out in this Deed; and
- (i) To do all things as may from time to time appear necessary or desirable to enable the Public Trustee to give effect to and to attain the charitable purposes of the Trust.

5. Income, Benefit or Advantage to be Applied to Charitable Purposes

5.1 Application

Any income, benefit or advantage shall be applied to the charitable purposes of the Trust.

5.2 Influence

No member or person associated with a member of the Trust shall derive any income, benefit or advantage from the Trust where they can materially influence the payment of the income benefit or advantage except where that income, benefit or advantage is derived from:

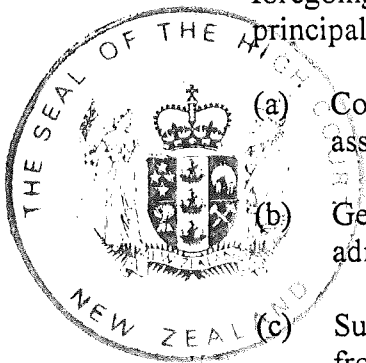
- (a) Professional services to the Trust rendered in the course of business charged at no greater rate than current market rates; or
- (b) Interest on money lent at no greater than current market rates.

6. Advisory Board

6.1 To assist the Public Trustee in applying the assets of the Trust for any of the foregoing charitable objects there will be established an Advisory Board whose principal functions will be:

- (a) Considering all applications for grants and assistance from the Trust and assisting the Public Trustee in dealing with those applications; and
- (b) Generally advising the Public Trustee on the management and administration of the Trust; and
- (c) Such other roles in the decision making process as the Public Trustee shall from time to time nominate.

6.2 The members of the Advisory Board will comprise the Public Trustee as Chairperson of the Advisory Board and as trustee of the Trust together with 2 representatives from each of the groups recognised by the High Court and



known as the Adult Children's Group, the Non-Resident Members' Group and the New Community Group.

- 6.3 The Advisory Board will continue in existence for a period of 5 years up until 31 January 2005 unless prior to that a majority of the members of the Advisory Board consider that it is in the best interests of the Trust for it to continue. Such continuation would be for a further period or periods as agreed by the Public Trustee.

7. Liability of Trustee

The Public Trustee will not be liable for any loss which is not attributable to dishonesty or to the wilful commission by the Public Trustee of an act known to him to be a breach of trust.

8. Disposition of Surplus Assets

On the winding up of the Trust or on its dissolution by the Registrar, all surplus assets after the payment of costs, debts and liabilities, shall be disposed of in accordance with the directions of the High Court pursuant to Section 27 of the Charitable Trusts Act 1957.

