

## Deregistration decision: The Wellington Foodbank Service Incorporated (CC44228)

### Executive Summary

1. The Charities Registration Board (the Board) has determined that the Wellington Foodbank Service Incorporated (the Society) no longer qualifies for registration as a charitable entity.
2. The Board considers that the Society no longer qualifies for registration as a charitable entity because it does not have exclusively charitable purposes and its main purpose is to provide private pecuniary profit to persons connected with the Society, which is non-charitable.
3. The Board also considers that the Society and persons connected with the Society have engaged in serious wrongdoing as defined by section 4 of the Charities Act 2005 (the **Act**).
4. As such, the Board has determined that the Society be removed from the Charities Register pursuant to sections 32(1)(a) and 32(1)(e) of the Act.

#### **Charitable Purposes**

5. The Board considers that the Society is an entity whose activities do not further its charitable purposes and its main unstated, non-charitable purpose is to provide private pecuniary profit to persons in connection with the Society. The Act states that a society is not qualified for registration if it is carried out for the private pecuniary profit of any individual.

#### **Serious Wrongdoing**

##### **(a) An unlawful or a corrupt use of the funds or resources of the entity**

6. The Board considers that persons in connection with the Society initiated the Society to establish a private profit making business. The Board also considers that the funds raised were always intended to be directed away from charitable purposes and unlawfully directed towards the private benefit of those individuals.

##### **(b) An act, omission or course of conduct that constitutes a serious risk to the public interest in the orderly and appropriate conduct of the affairs of the entity**

7. The Board considers the diversion of donated funds to persons in connection with the Society has had a significant, negative impact on the Wellington foodbank

sector. The Board considers a significant amount of funding has been diverted from the legitimate foodbanks and/or charities in the Wellington region.

8. The Board considers that the Society and persons involved with the Society have acted in a manner and engaged in activities that have been harmful to the public.

(c) An act, omission or course of conduct that constitutes an offence

9. The Board considers that two persons in connection with the Society have engaged in acts, omissions or courses of conduct that constitute offences under legislation other than the Act.

(d) An act, omission or course of conduct by a person that is grossly negligent, and constitutes gross mismanagement

10. The Board considers there has been a systemic failure of the Society and Committee to operate in accordance with the Society's rules.
11. The Board considers there has been gross negligence and gross mismanagement by the Society, the Committee and persons in connection with the Society.

**For the above reasons, the Board determines to deregister the Society as a charitable entity by removing the Society from the Register.**

Signed for and on behalf of the Board

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Roger Holmes Miller



28<sup>th</sup> JANUARY 2014  
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Date

