

South Australia



ANNO QUINQUAGESIMO
ELIZABETHAE II REGINAE
A.D. 2001

**NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT
REPEAL ACT 2001**

No. 2 of 2001

[Assented to 22 March 2001]

An Act to repeal the Netherby Kindergarten (Variation of Waite Trust) Act 1997;
and for other purposes.

SUMMARY OF PROVISIONS

1. Short title
2. Repeal

Preamble

1. By a transfer dated 29 January 1914, certain land at Urrbrae, being the whole of the land comprised in Section 268 of the Hundred of Adelaide, was transferred in fee simple by Peter Waite to the University of Adelaide (the **University**).

2. By virtue of an indenture (the **Trust**) made on the same day between Peter Waite and the University, the transferred land is held by the University subject to various trusts.

3. The *Netherby Kindergarten (Variation of Waite Trust) Act 1997* varied the terms of the Trust so as to enable the University to lease a particular portion of the western half of Section 268 to Netherby Kindergarten (the **Kindergarten**), the site occupied by the Kindergarten since 1945.

4. The Kindergarten is now relocating to a site that is not subject to the Trust.

5. It is therefore desirable that the terms of the Trust be restored to the terms that existed immediately before the commencement of the *Netherby Kindergarten (Variation of Waite Trust) Act 1997*.

The Parliament of South Australia enacts as follows:

Short title

1. This Act may be cited as the *Netherby Kindergarten (Variation of Waite Trust) Act Repeal Act 2001*.

Repeal

2. (1) The *Netherby Kindergarten (Variation of Waite Trust) Act 1997* (the repealed Act) is repealed.

(2) The terms of the Trust are to be taken to be as they were immediately before the commencement of the repealed Act.

(3) However, no person is liable at law or in equity for breach of trust by virtue of anything done under the repealed Act or by virtue of the occupation by the Kindergarten at any time of the relevant portion of the western half of Section 268.