

MacKillop Family Services Bill

EXPLANATORY MEMORANDUM

OUTLINE

The purpose of this Bill is to make provision for the vesting in MacKillop Family Services Limited ("MacKillop") of certain property given for charitable purposes to the Christian Brothers, Sisters of Mercy and Sisters of St Joseph or certain agencies in connection with those purposes.

The Bill will—

make provision for the vesting in MacKillop of certain property given for charitable purposes; and

provide that certain gifts and trusts for charitable purposes do not fail but have effect as if made or declared to or in favour of MacKillop; and

enable MacKillop to establish investment pools for the collective investment of trust funds for charitable purposes.

CLAUSE NOTES

- Clause 1 sets out the purposes of the Bill.
- Clause 2 is the commencement provision. The Bill will come into operation on Royal Assent.
- Clause 3 defines various terms used in the Bill. A "Congregation" is defined as the Christian Brothers, the Sisters of Mercy or the Sisters of St Joseph. An "agency" is defined as an agency of a Congregation. The agencies to which the Bill applies and the charitable works carried out by those agencies are set out in the Schedule to the Bill.
- Clause 4 provides that trustees of property given for a charitable purpose of a Congregation or agency may transfer the property to MacKillop to be applied for a charitable purpose which corresponds with, or is similar to, the charitable purpose for which the property was given.

Clause 5 provides that if before, on or after the commencement of the Bill—

- a gift, disposition or trust of property has been or is made or declared, or is deemed to have been made or declared; or
- a trust fund has been or is created—

to, in favour of, for the use of, or for a charitable purpose of a Congregation or agency, the gift, disposition or trust takes effect, or may take effect, or the trust fund may be applied as if made or declared to, or created in favour of, MacKillop for a charitable purpose of MacKillop that corresponds with, or is similar to, the charitable purposes of the Congregation or agency for which the gift, disposition or trust was made or declared or the trust fund was created.

Clause 6 enables MacKillop to establish one or more investment funds for the collective investment of any money held on trust by it for different charitable purposes.