

Mr N. V. Douglas

**ANGLICAN TRUST FOR WOMEN AND CHILDREN
AMENDMENT**

[PRIVATE]

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A BILL INTITULED

An Act to change the name of the Anglican Children's Trust to Anglican Trust for Women and Children and further to amend the Anglican Children's Trust Act 1962

- 5 WHEREAS the objects, powers, constitution, and rules of the Anglican Children's Trust are set out in the Anglican Children's Trust Act 1962 (as amended by the Anglican Children's Trust Amendment Act 1968): And whereas the St Mary's Home Trust as an unincorporated body commenced
10 charitable work among women at Parnell in the City of Auckland in or about the year 1884 and in the year 1927 was incorporated under the provisions of the Religious,

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Charitable, and Educational Trusts Act 1908 as the St. Mary's Homes Trust Board: And whereas by a certain deed of conveyance dated the 17th day of July 1885 and registered in the Deeds Registry Office at Auckland as No. 94928 William Garden Cowie, Bishop of Auckland, declared himself possessed of the land therein described situated at Parnell or of land purchased in lieu thereof upon trust for use as a womens' home: And whereas in the year 1901 the said land was transferred to the General Trust Board of the Diocese of Auckland upon the trust aforesaid and the home was later removed to Otahuhu and has since been operated there by the St. Mary's Homes Trust Board upon land vested in the General Trust Board in substitution for the said land at Parnell: And whereas the assets managed by the St. Mary's Homes Trust Board and utilised for the purpose of its work are accordingly held in part in the name of that Board and in part in the name of the General Trust Board: And whereas the St. Mary's Home and its successor the St. Mary's Homes Trust Board have continuously since the said year 1884 conducted a home for pregnant women and both married and unmarried mothers and have of necessity in relation to the conduct of such home cared for their infant children: And whereas in recent years a large proportion of such women have in fact been infants themselves: And whereas although there is still a need for its services it has become difficult and uneconomic for the operations conducted by the St. Mary's Homes Trust Board to be continued as those of an independent body: And whereas in view of the fact that the operations of the St. Mary's Homes Trust Board are in fact complementary to those of the said Anglican Children's Trust it is economically and otherwise advisable that most of the undertaking and assets of and relating to the operations conducted by the St. Mary's Homes Trust Board be merged with and become part of the undertaking and assets of the Anglican Children's Trust and that the powers and objects of the Anglican Children's Trust be enlarged and extended to permit also of work generally among women in need of care and assistance and their families and whether such women are pregnant or unmarried mothers or infants or otherwise: And whereas it has further been thought fitting and desirable having regard to the original intent of Jane Cowie, wife of the said William Garden Cowie and the founder of the said

trust expressly for work among women as set forth in the
said deed of conveyance in the year 1885 that portion of the
assets of the St. Mary's Homes Trust Board, being the land
described in the Schedule to this Act (which said land is
5 vested in the said General Trust Board as trustee aforesaid)
and any funds or assets derived from the sale thereof should
remain vested in the said General Trust Board, and such
assets and the income from time to time derived therefrom
should so far as need be be used specifically for work among
10 women in distress or delinquent or vagrant women whether
or not they are mothers or pregnant women: And whereas in
terms of clause 7 of the will of the late James Murphy of
Otahuhu dated the 16th day of August 1927 certain property
was bequeathed to the trustee appointed under the said will
15 upon trust for the said St. Mary's Homes Trust Board
Incorporated (erroneously called The St. Mary's Home
Trust Board in the said will) to be used and occupied or the
rents or income thereof applied for the purposes and benefit
of the St. Mary's Home at Otahuhu and it is desired that the
20 said asset should be held for and on behalf of and any future
payments which may be required to be made by the trustee
pursuant to the said clause of the said will should be made to
the Anglican Trust for Women and Children (as hereinafter
defined) for the purposes and benefit of the St. Mary's Home
25 at Otahuhu or if such purpose shall for any reason be
impracticable then for the general purposes of the said
Anglican Trust for Women and Children: And whereas it is
desired that the Anglican Children's Trust be empowered to
invest in contributory mortgages: And whereas it is desired
30 to make provision for the said Anglican Children's Trust to
conduct day care centres: And whereas it is desired to make
provision for the said Anglican Children's Trust to undertake
the care and protection of children who are at risk of injury
(whether mental or physical) from their parents or
35 guardians: And whereas by reason of the desired enlargement
of its powers and objects it is expedient that the said Anglican
Children's Trust should change its name to Anglican Trust
for Women and Children:

BE IT THEREFORE ENACTED by the General Assembly of New
40 Zealand in Parliament assembled, and by the authority of
the same, as follows:

1. Short Title—This Act may be cited as the Anglican Trust for Women and Children Amendment Act 1975, and shall be read together with and deemed part of the Act heretofore cited as the Anglican Children's Trust Act 1962 (hereinafter referred to as the principal Act).

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2. Change of name—(1) The principal Act may hereafter be cited as the Anglican Trust for Women and Children Act 1962 and the Anglican Children's Trust Amendment Act 1968 may hereafter be cited as the Anglican Trust for Women and Children Amendment Act 1968.

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(2) The principal Act and the Anglican Children's Trust Amendment Act 1968 are hereby amended by omitting the words "Anglican Children's Trust" wherever they occur, and substituting in each case the words "Anglican Trust for Women and Children".

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(3) All references to the Anglican Children's Trust Act 1962, the Anglican Children's Trust Amendment Act 1968, or the Anglican Children's Trust in any other enactment or in any document whatsoever shall hereafter, unless the context otherwise requires, be read as references to the Anglican Trust for Women and Children Act 1962, the Anglican Trust for Women and Children Amendment Act 1968, and to the Anglican Trust for Women and Children, respectively.

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(4) Section 2 of the Anglican Children's Trust Amendment Act 1968 is hereby consequentially repealed.

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3. Interpretation—In this Act, unless the context otherwise requires,—

"Anglican Trust for Women and Children" means the Anglican Trust for Women and Children as referred to in the Anglican Trust for Women and Children Act 1962:

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"St. Mary's Homes Trust Board" means the Board of Trustees incorporated pursuant to the Religious, Charitable, and Educational Trusts Act 1908 under the name of the St. Mary's Homes Trust Board:

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"General Trust Board" means the General Trust Board of the Diocese of Auckland incorporated pursuant to the Religious, Charitable, and Educational Trust Boards Incorporation Act 1884:

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"Registrar" has the same meaning as in the Land Transfer Act 1952.

4. Dissolution of St. Mary's Homes Trust Board, etc.—

(1) The St. Mary's Homes Trust Board is hereby dissolved.

(2) Notwithstanding anything to the contrary in any Act or any rule of law, but subject to subsection (3) of this
5 section and to section 9 of this Act, all real and personal property whatsoever (including any equitable or similar interests and the benefit of any contracts and all rights and powers pertaining to any such interests or contracts) belonging to the St. Mary's Homes Trust Board or belonging
10 to and held in trust by the General Trust Board and utilised for the purposes of the work conducted by the St. Mary's Homes Trust Board are hereby vested in the Anglican Trust for Women and Children, subject to all liabilities, charges, and obligations affecting the same; and all debts and
15 liabilities of the said St. Mary's Homes Trust Board existing on the passing of this Act shall be and become debts and liabilities of the Anglican Trust for Women and Children.

(3) The Anglican Trust for Women and Children may exercise in relation to any property accruing to or vested in it
20 under and by virtue of this Act, without any limitation imposed by any specific trust affecting the same, all or any of the powers and authorities set forth or referred to in the principal Act, the Anglican Trust for Women and Children Amendment Act 1968, or this Act, as if such property had at
25 all times been the property of the Anglican Trust for Women and Children free of any such specific trust.

5. Extension of objects—Notwithstanding anything to the contrary in the principal Act, the objects of the Anglican Trust for Women and Children shall include and be deemed
30 always to have included provision by direct or indirect assistance for the care, benefit, maintenance, and general welfare of girls or women in need of care or assistance (whether mothers or pregnant women or not and whether infants or of full age) and of their families.

6. Membership of Anglican Trust for Women and Children—Notwithstanding anything in paragraph (1) of Part One of the Second Part of the Schedule to the principal Act, the present members of the St. Mary's Homes Trust Board shall, if they desire and subject to paragraph (3) of
35 that Part, be and become members of the Board of the
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Anglican Trust for Women and Children in addition to the membership envisaged in the said Second Part of the said Schedule, but subject otherwise to all the provisions of the Second Part of the said Schedule.

7. Validation of acts of St. Mary's Homes Trust Board and General Trust Board—All acts purporting to be those of the St. Mary's Homes Trust Board and done in bona fide exercise of the powers of such Board, and all acts bona fide done by the General Trust Board in and relating to the operations hitherto conducted by the St. Mary's Homes Trust Board, shall be deemed to have been duly and properly done and effected and to have been within the powers of such Boards, and no such act shall be open to challenge by any person whomsoever.

8. Bequests, legacies, and gifts to vest in Anglican Trust for Women and Children—Any bequest, devise, legacy, or gift which may on or after the commencement of this Act be given or made to or held in trust for or intended for or for the purposes of the St. Mary's Homes Trust Board shall, notwithstanding the dissolution of such Board by this Act, vest in and be applied for the purposes of the Anglican Trust for Women and Children without any limitation imposed by any specific trust affecting the same, and any receipt or acquittance given by the said Trust shall be a valid and effectual discharge in relation to such bequest, devise, legacy, or gift.

9. Certain land to remain vested in General Trust Board, etc.—Notwithstanding anything in section 4 of this Act, the land described in the Schedule to this Act shall remain vested in the General Trust Board, and any funds or assets derived from the sale thereof or the reinvestment from time to time of such funds or assets shall be the property of such Board and after deduction therefrom of a due proportion of the administration expenses of the General Trust Board to be determined from time to time by such Board, such part or parts of such funds or assets and the net income derived from such land, funds, or assets as such Board in its discretion may from time to time determine shall be allocated and applied, with the prior approval of the Standing Committee of the Diocese of

Auckland, for work specifically among women in distress or delinquent or vagrant women, whether or not they are pregnant women.

**10. Payment of money under trusts of will of James
5 Murphy, deceased**—The trustee of the will of James Murphy,
late of Otahuhu, deceased, is hereby required, authorised,
and empowered to hold the property referred to in clause 7
of the said will or any property or asset obtained in substitu-
10 tion for or in consequence of realisation of the said property
for and on behalf of the Anglican Trust for Women and
Children, and to make payments to the said trust pursuant to
the said clause of the said will for the purposes and benefit of
the St. Mary's Home at Otahuhu or, if such purpose shall for
15 any reason be impracticable, then for the general purposes of
the said trust, and such payments shall be deemed to be full
compliance with the said trust.

11. Powers of Board—Section 9 (g) of the principal Act
is hereby amended by inserting, after the word “mortgage”,
the words “(whether contributory or otherwise)”.

20 12. Power to establish day care centres—The Anglican
Trust for Women and Children is hereby authorised from
time to time in its discretion to establish and conduct or
discontinue day care centres.

25 13. Power to care for children—The Anglican Trust for
Women and Children is hereby authorised to undertake the
care and protection of children who are at risk of injury
(whether mental or physical) from their parents or guardians.

14. Private Act—This Act is hereby declared to be a private
Act.

Section 9

SCHEDULE

1. Lots 93 and 94 on Deposited Plan 21812, being part of Fairburns Old Land Claim 269A, and being part of the land comprised and described in certificate of title, Volume 742, folio 169 (North Auckland Land Registry).

2. Lots 1, 2, 4, and 5 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, Volume 9B/478, 9B/35, 9B/898, and 9B/899 (North Auckland Land Registry).

3. Lot 1 on Deposited Plan 56863, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, Volume 14C, folio 29 (North Auckland Land Registry).

4. Lots 9 to 12 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 9B/901 to 9B/904, inclusive, (North Auckland Land Registry).

5. Lots 14 to 17 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 15D/947 and certificates of title, 16B/972 to 16B/974, inclusive, (North Auckland Land Registry).

6. Lots 19 to 21 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 16B/975 to 16B/977, inclusive, (North Auckland Land Registry).

7. Lot 23 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 16B/978 (North Auckland Land Registry).

8. Lots 26 to 33 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 8A/68 to 8A/75, inclusive, (North Auckland Land Registry).

9. Lots 35 to 38 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificate of title, 8A/76 and certificates of title, 8D/632 to 8D/634, inclusive, (North Auckland Land Registry).

10. Lots 41 to 46 on Deposited Plan 50041, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 7D/209, 8D/636, 8D/637, 7C/893, 8D/638, and 8D/639 (North Auckland Land Registry).

11. Lots 1 to 9 on Deposited Plan 56297, being part of Fairburns Old Land Claim 269A, and being all the land comprised and described in certificates of title, 9C/484 to 9C/492, inclusive, (North Auckland Land Registry).