

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 8 December 1976.

Words struck out by the Committee are shown with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mr Birch

**METHODIST CHARITABLE AND EDUCATIONAL
TRUSTS AMENDMENT**

[PRIVATE]

ANALYSIS

Title	
Preamble	
1. Short Title	6. Investment of money
2. Interpretation	7. Trusts and purposes for which assets are held
3. Change of name	8. Course of instruction
4. Delegation of powers	9. Appointment of principal or director of institution
5. Power to enter into integration agreement	10. Private Act

A BILL INTITULED

**An Act to amend the Methodist Charitable and Educational
Trusts Act 1911**

WHEREAS the Board of the Wesley Training College is a
5 body corporate established by the Methodist Charitable and
Educational Trusts Act 1911 for the purposes of administering
property for the support and upkeep of an institution or school
subject nevertheless to the general control and superintendence
10 of what is now the Conference of the Methodist Church of
New Zealand: And whereas the Board in fact administers
property for the support and upkeep of an institution: And
whereas the Board wishes to enter into an integration agree-
ment affecting a part of the institution: And whereas the
15 Board is empowered generally pursuant to the provisions of
section 7 (3) of the Private Schools Conditional Integration
Act 1975, to enter into an agreement but it is desirable
and expedient that the Board should be so specifically
empowered:

No. 142—2

Price 10c

2 *Methodist Charitable and Educational Trusts*
Amendment

And whereas it has been necessary to restate the special character of the institution and the enrolment policy of the Board for the purposes of an integration agreement: And whereas in terms of an integration agreement there will be established a body to be called the Board of Governors of Wesley College and it is desirable, in order to avoid future confusion of identity between that Board of Governors and the Board, that the name of the Board be changed: And whereas as a result of an integration agreement it appears desirable that sections 31, 32, and 33 of the Methodist Charitable and Educational Trusts Act 1911 be amended and that a new section 17A be added: And whereas it is desirable and expedient that the Board should have an extended power of investment: And whereas the Board of the Wesley Training College has resolved unanimously that legislation be promoted to enable the objects of this Act to be attained: And whereas those objects have the approval of the Conference:

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

1. **Short Title**—This Act may be cited as the Methodist Charitable and Educational Trusts Amendment Act 1976, and shall be read together with and deemed part of the Methodist Charitable and Educational Trusts Act 1911 (hereinafter referred to as “the principal Act”).

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

“Agreement” or “integration agreement” means an integration agreement made pursuant to the provisions of the Private Schools Conditional Integration Act 1975:

“Board” means the Wesley College Trust Board described in section 3 (1) of this Act:

“Conference” means the Conference of the Methodist Church of New Zealand:

“Institution” means that institution administered by the Board.

3. **Change of name**—(1) As from the date on which this Act comes into force the body corporate constituted under section 3 of the principal Act as the Board of the Wesley Training College shall be called Wesley College Trust
5 Board.

(2) All real and personal property whatever held by the Board under its former name is hereby vested without conveyance, transfer, or assignment in the Board under its changed name, subject to all debts, liabilities, encumbrances, charges, liens, and interests (if any) affecting the same. The
10 Board under its changed name shall hold the said real and personal property for the same estate or interest and upon the same trusts and the same functions, rights, powers, duties, and obligations as it held such property under its former
15 name.

(3) The change of name of the Board shall not affect any powers, rights, interests, securities, investments, or obligations of the Board, or render defective any legal proceedings by or
20 against the Board.

Struck Out

(4) The presentation to any Registrar of Deeds or District Land Registrar or any other person of any instrument executed or purporting to be executed under the seal of the Board in its new name and relating to any estate or interest
25 in any land held by the Board under its former name immediately before the passing of this Act shall, notwithstanding that the Board has not been registered as proprietor of that estate or interest under its new name, be accepted by all persons concerned as conclusive proof that that estate or
30 interest is vested in the Board, and it shall not be necessary to record the change of name against any relevant document of title or register or record.

New

(4) On application by the Board under its changed name
35 under seal on such instruments or forms as the Registrar shall approve relating to any estate or interest in any land held by the Board under its former name immediately before the passing of this Act, the Registrar shall record the change of name on all the relevant registers and titles and shall do all
40 other things as are necessary to give effect to this Act:

Provided that it shall not be necessary to record the change of name against any outstanding duplicate of title.

4 *Methodist Charitable and Educational Trusts
Amendment*

4. Delegation of powers—The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. The Board may also delegate and agree to delegate all or any of its powers, duties, and responsibilities in accordance with the provisions of any integration agreement that may be entered into by the Board.” 5

5. Power to enter into integration agreement—The principal Act is hereby amended by inserting, after section 28 (as substituted by section 4 (1) of the Methodist Charitable and Educational Trusts Amendment Act 1971), the following section: 10

“28A. The Board shall have power to enter into an integration agreement in respect of such part or parts of the institution and upon such terms as it thinks fit and shall also have power to enter into supplementary agreements varying the terms of that integration agreement.” 15

6. Investment of money—Section 30 of the principal Act (as substituted by section 5 of the Methodist Charitable and Educational Trusts Amendment Act 1971) is hereby amended by adding to subsection (1) the following paragraph: 20

“(c) On deposit with any Trust, Association, or Savings Society established by or with the consent of the Conference.”

7. Trusts and purposes for which assets are held—The principal Act is hereby amended by repealing section 31, and substituting the following section: 25

“31. (1) The Trusts and purposes upon and for which the said land described in the first three schedules to this Act are and shall be held, and upon and for which the said new site when acquired and any other lands and assets now, previously or hereafter acquired by the Board for the purposes of this Act and so as to be subject thereto shall be held, are and shall be the support and upkeep of the institution as a multi-racial boarding school or as a multi-racial combined day and boarding school catering especially for the maintenance and education of as many Maori pupils and of as many disadvantaged pupils (whether orphan, needy, or otherwise disadvantaged and whether male or female) as the Board shall consider proper and expedient; 30 35

“Provided that selection of applicants for admission either as a pupil of the institution or as a boarder at any hostel provided at the institution, and the term during which they may enjoy the benefits thereof, shall be at the discretion of
5 the Board.

“(2) Moderate and reasonable fees may be charged and taken in cases where there is ability on the part of parents or guardians to pay the same, and the amount of such fees shall be determined in each case by the Board.

10 “(3) The trusts and purposes severally expressed in the said Crown grants are hereby modified and assimilated accordingly:

“Provided always that if the Board shall have entered into an integration agreement the eligibility of pupils for enrol-
15 ment at the school forming part of the institution and the right of the Board to charge dues for attendance at the school shall be determined in accordance with that integration agreement.

New

20 “(4) The Registrar of Deeds or the District Land Registrar as the case may be shall do all such things as are necessary to give effect to this section.”

8. Course of instruction—The principal Act is hereby amended by repealing section 32, and substituting the
25 following section:

“32. (1) The course of instruction provided at the institution shall be in accordance with the curricula and syllabuses prescribed by the Education Act 1964 and regulations made thereunder:

30 “Provided that the general school programme of the institution shall reflect the special character of the institution as it may be established from time to time.

35 “(2) If the Board enters into an integration agreement the special character shall be that described in that integration agreement.

“(3) As part of such special character the Board shall ensure that religious observances and religious instruction are provided at the institution in such form and in such manner as shall be approved and directed by the Conference.”

40 **9. Appointment of principal or director of institution**—Section 33 of the principal Act is hereby amended by adding the following proviso:

6 *Methodist Charitable and Educational Trusts
Amendment*

“Provided that from and after the date of any integration agreement entered into by the Board the principal or director and all other staff of the school forming part of the institution shall be appointed in the manner prescribed by that integration agreement or by the Private Schools Conditional 5
Integration Act 1975 should that manner of appointment be different or in conflict with the foregoing provisions of this section, but in the absence of any such difference or conflict then in accordance with the foregoing provisions of this 10
section.”

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