

**Reprint
as at 1 April 1980**



**Dunedin Anglican Social Services
(Child Welfare) Act 1978**

Private Act 1978 No 1
Date of assent 5 July 1978
Commencement 5 July 1978

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

Preamble

Whereas there are now diverse and sundry trust funds and properties throughout the Anglican Diocese of Dunedin held by the Dunedin Diocesan Trust Board, a board duly incorporated under the Religious Charitable and Educational Trust Boards Incorporation Act 1884, upon sundry trusts for the welfare of Anglican children in or from the said Diocese: And whereas the application of certain of those trust funds and properties is limited by the instruments creating the respective trusts to Anglican residential institutions and to child care work for the benefit of Anglicans from and within such institutions and to child care work for the benefit of Anglicans resident in the Diocese of Dunedin: And whereas it is now impossible, impracticable, and inexpedient to apply the said trust funds and properties for those purposes and objects because there are no longer any Anglican child care institutions in the Diocese of Dunedin and because such residential institutions are considered out of keeping with modern concepts of child care the emphasis today being on small residential units, placing and maintaining of children in private homes (foster homes) and the welfare of children in the community: And whereas it is desirable that the purposes and objects for which the trust funds and properties are presently held be varied so as to enable the said Dunedin Diocesan Trust Board to apply the funds and properties for the welfare of children within the province of Southland as well as the province of Otago and further to enable the said Board to engage in joint or co-operative enterprises with other denominations and with other charitable organisations as the Board thinks fit, the primary purpose of such enterprises being to provide for the welfare of children in the provinces of Otago and Southland: And whereas it is desirable to confer on the said Dunedin Diocesan Trust Board similar powers in respect of any other trusts funds and properties that may hereafter be vested in or transferred to the Board for any special purposes relating to child welfare: And whereas because of the number of trusts to be affected, the expense likely to be involved, and the uncertainty of the outcome it is not practicable to seek to vary the trusts by way of an

application to the High Court under the provisions of the Charitable Trusts Act 1957 and the legislation is accordingly preferred: And whereas the variation and extension of the trusts relating to the trust funds and properties presently held by the said Board and the conferment on the Board of similar powers in respect of trust funds and properties that may hereafter be transferred to or vested in the Board as aforesaid cannot be made otherwise than by legislation: And whereas the Anglican Synod of the Diocese of Dunedin on 25 July 1973 passed a resolution resolving that approval be sought for the application of the said trust funds and properties for the purposes above described and authorised the said Trust Board to seek legislation to authorise the application of the said trust funds and properties for the purposes above described.

Preamble: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

1 Short Title

This Act may be cited as the Dunedin Anglican Social Services (Child Welfare) Act 1977.

2 Interpretation

In this Act, **Board** means the Dunedin Diocesan Trust Board.

3 Board may determine alternative application of certain funds

(1) This section applies to—

(a) the trust funds and properties presently held by the Board on sundry trusts for purposes relating to the welfare of children, being more particularly described in the Schedule; and

(b) any trust funds and properties that may hereafter be vested in the Board for any of the purposes for which any of the said trust funds and properties are presently held, or transferred to the Board pursuant to section 4,—

and applies whether the instrument creating the relevant trust was executed before the passing of this Act, or is executed hereafter.

- (2) If at any time, in respect of any trust fund or property to which this section applies, it becomes impossible or impracticable or inexpedient to carry out the purposes or objects of that trust, the Board may in writing (signified by resolution) approve the application of the funds or properties held subject to that trust to such similar purposes and objects as the Board thinks fit so as to provide for the welfare of children in the provinces of Otago and Southland.
- (3) In any such case the Board may act alone, or jointly or in co-operation with any religious or charitable association as the Board thinks fit.
- (4) Without limiting the generality of subsection (2), the Board may apply any trust funds and properties to which this section applies to any of the following purposes and objects:
 - (a) to buy, sell, rent, or lease property:
 - (b) to provide for the welfare of children in family homes, in foster homes, or elsewhere, and to provide assistance to families where the welfare of the parents bears on the welfare of their children:
 - (c) to administer residential homes, day-care centres, or other institutions for the care of children:
 - (d) to provide for counselling and related services:
 - (e) to appoint, employ, pay, instruct, and dismiss such persons as may be necessary to accomplish any such purposes:
 - (f) to meet the costs and expenses of administration of any such trust funds or property:
 - (g) to provide accommodation, goods, and services:
 - (h) to do all such other things as seems necessary or desirable to the Board to further the welfare of children in the provinces of Otago and Southland.
- (5) Every such application of trust funds and properties shall have effect according to its tenor.

4 Trustees may transfer trust funds and properties to Board

- (1) Subject to any direction to the contrary in any instrument creating the trust, any trustees or other persons, whether incorporated or not, now or hereafter holding funds or properties on trust for the use or purposes of Anglican orphanages, or or-

phans in the Diocese of Dunedin, or for child care work for the benefit of Anglicans from or in Anglican institutions, or for child care work for the benefit of Anglicans resident in the Diocese of Dunedin, may transfer the whole or any part of such trust funds or properties to the Board to be held by it as trustee thereof.

- (2) Except so far as any contrary intention is expressed in any instrument creating the trust, the Board may apply any funds transferred to it under subsection (1) in accordance with and subject to the provisions of this Act, notwithstanding that the powers of application of those funds and properties conferred on the Board by this Act are wider than the powers conferred on the trustees or other persons by any instrument creating the trust.
- (3) The Board may invest and amalgamate such trust funds or properties transferred to it with other trust funds or properties in its Common Investment Fund.
- (4) No such trustees or persons so transferring the whole or any part of any trust funds or properties to the Board shall remain liable for the proper application of the capital and income of those funds or properties in accordance with any instrument creating the trusts, but the Board shall become liable for the proper application of the capital and income of those funds or properties in accordance with any instrument creating the trusts, and the Board shall be liable for the proper application and administration thereof in accordance with the provisions of this Act.

5 Board may act with other persons

In the exercise of its powers under sections 3 and 4 the Board may join or act in association with any other persons or bodies of persons in doing any act or thing which, in the opinion of the Board, will be for the benefit of the welfare of children in the provinces of Otago and Southland.

6 Private Act

This Act is hereby declared to be a private Act.

Schedule s 3(1)(a)
**Capital invested in the Dunedin Diocesan
Trust Board's common fund**

	\$	\$
W T Talboys Bequest (one-third share)	400.00	
Deaconess Institute	466.28	
St Mary's Orphanage Trust	5,831.33	
Mrs M C Nevill's Trust	845.20	
E Macdonald Bequest	611.49	
Mrs I A Ure Bequest	535.36	
Greenslade Trust No 2(a)	2,203.73	
Greenslade Trust No 2(b)	2,203.73	
Miss E M Stevens Trust No 2	1,700.00	
John Scott Bequest	974.20	
Anglican Memorial Home for Boys	5,731.79	
Anglican Memorial Home for Boys (property account)	5,400.00	
William Tayles Bequest	201.88	
Sir James Mills Bequest	412.00	
Anglican Orphanages General Trust	64,063.42	
W M Wade Bequest	600.00	
Anglican Orphanages Reconstruction Fund	902.73	
Anglican Orphanages Sale of Sections	72,289.30	
Child Care Vehicle Account	5,683.33	
Estate E Willett	50.00	
H H Nicholls Trust No 1	2,213.46	
J C Nicholls Endowment No 1 (one-fifth share)	1,015.00	
Livingstone Fund	4,416.92	
W C Owen Bequest	450.08	
William Wooley Bequest (one-third share)	472.04	
Dr C C Anderson's Trust	200.00	
Rev Duncan Rankin Trust No 2	5,672.19	
Estate A J Gall (one-fifth share)	1,794.85	
St Mary's Orphanage Income Reserve	17,888.45	

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Welfare) Act 1978**

Schedule

	\$	\$
Anglican Orphanage Composite Income Account	38,048.80	
		243,277.56
		\$279,673.56

Property held

Four sections at Waverley, Dunedin—Lots 5, 6, 7, and 8, Deposited Plan 15426 comprising 2 488 square metres. 1976 Government Valuation—improvements \$500, land value \$41,000, capital \$41,500.

Residential property at 7 Thesis Street, Dunedin—Lot 270, Deposited Plan 8272 comprising 678 square metres. 1976 Government Valuation—improvements \$19,000, land value \$5,000, capital \$24,000.

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Notes**1 General**

This is a reprint of the Dunedin Anglican Social Services (Child Welfare) Act 1978. The reprint incorporates all the amendments to the Act as at 1 April 1980, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Judicature Amendment Act 1979 (1979 No 124): section 12
