

House of Assembly—No 3

As laid on the table and read a first time, 7 May 2014

South Australia

**Lady Kintore Cottages (Trust Property)
Amendment Bill 2014**

A BILL FOR

An Act to amend the *Lady Kintore Cottages Act 1920*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Lady Kintore Cottages (Trust Property) Amendment Act 2014*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Lady Kintore Cottages Act 1920*

4—Amendment of section 3—Trusts of property

Section 3(1)—delete "purpose of providing homes for indigent widows and deserted wives and their families in this State, and for no other purpose." and substitute:

purpose of—

- 15 (a) administering relief and providing affordable housing and other assistance to sick or disadvantaged people in the State; and
- (b) undertaking all such things or activities which are necessary, incidental or conducive to the advancement of the purpose referred to in paragraph (a).

5—Insertion of section 7

After section 6 insert:

7—Change in corporate structure of Society—references

If the Society becomes registered as a company limited by guarantee under the *Corporations Act 2001* of the Commonwealth, or transfers the whole of its assets and undertaking to such a company—

- (a) all references in this Act to the Adelaide Benevolent and Strangers' Friend Society Incorporated and to the Society will be taken to be references to the relevant company; and
- (b) all references in this Act to the Society's rules will be taken to be references to the relevant company's constitution.

Schedule 1—Transitional provisions

1—Preliminary

In this Schedule—

Society means the Adelaide Benevolent and Strangers' Friend Society, Incorporated.

2—Validation of acts of Society

Despite section 3 of the *Lady Kintore Cottages Act 1920* as in force immediately before the commencement of this Act—

- (a) the exercise or purported exercise of a power by the Society in relation to the provision of money, property or any other benefit; and
- (b) the provision or purported provision of money, property or any other benefit, before the commencement of this Act for the purpose of administering relief or providing affordable housing and other assistance to sick or disadvantaged people in the State—
- (c) has the same force and effect as if the relevant exercise of the power or provision of money, property or other benefit had occurred after the commencement of this Act; and
- (d) must be taken to be, and always to have been, an exercise or a provision for a valid and lawful purpose of the trust in accordance with the rules of the Society.

3—Immunity from liability for breach of trust

Despite section 3 of the *Lady Kintore Cottages Act 1920* as in force immediately before the commencement of this Act, no liability attaches to a person for breach of trust by virtue of—

- (a) the exercise or purported exercise of a power by the Society in relation to the provision of money, property or any other benefit; or
- (b) the provision or purported provision of money, property or any other benefit,

before the commencement of this Act, if the relevant exercise of the power or provision of money, property or other benefit was for the purpose of administering relief or providing affordable housing and other assistance to sick or disadvantaged people in the State.