

[AS REPORTED FROM THE COMMITTEE ON THE BILL]

House of Representatives, 6 December 1983.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Mr Highet

DILWORTH TRUSTEES EMPOWERING

[PRIVATE]

ANALYSIS

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A BILL INTITULED

An Act (to further and vary the terms of the trusts governing the administration by the Dilworth Trust Board of its property and to enable it) to enable the Dilworth Trust Board to enter into an integration agreement (in terms of) under the Private Schools Conditional Integration Act 1975

WHEREAS the Dilworth Trust Board (hereinafter referred to as the Board) is incorporated as a Board pursuant to the provisions of the Charitable Trusts Act 1957 and is trustee of the Trust as defined in section 2 of the Dilworth Trustees Act 1967 and as varied first by that latter Act, and secondly, by the statutory provisions (as defined in section 2 of that latter Act) and thirdly by order of the High Court dated the 20th day of March 1981 made pursuant to section 7 of that latter Act: And whereas the Board in terms of the Trust administers the Dilworth Ulster Institute more commonly known as the Dilworth School situated at Great South Road, Auckland: And

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whereas the said Board has entered into negotiations with the Minister of Education for the integration pursuant to the Private Schools Conditional Integration Act 1975 of part of the Institute: And whereas the terms of the Trust provide generally for the provision of education at the Institute for orphans or children from poor families normally resident in the Auckland Provincial District or the Province of Ulster in Northern Ireland: And whereas in terms of section 29 (2) of the Private Schools Conditional Integration Act 1975 no prospective pupil shall be refused enrolment at an integrated school on the ground of the pupil's socio-economic background and the Board and the Minister of Education are thereby prevented from entering into an integration agreement, notwithstanding anything contained in section 7 (3) of the Private Schools Conditional Integration Act 1975: And whereas this matter can only be dealt with by legislation: And whereas it is desirable that the Minister and the Board be empowered in terms that preserve the basis of selection of pupils as specified in the terms of the Trust to enter into an integration agreement: And whereas although section 7 (3) of the Private Schools Conditional Integration Act 1975 otherwise empowers the Board to enter into an integration agreement, it is desirable and expedient that the Board be so specifically empowered:

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And whereas it is also desired to vary the terms of the Trust to remove any obligation of the Board to solicit and approve any applications in respect of boys resident in the Ulster Province of Northern Ireland: And whereas this last matter could be dealt with by way of an application to the High Court pursuant to section 7 of the Dilworth Trustees Act 1967, but, because of the expense and delay likely to be involved in any such application and because legislation is necessary to deal with the application of section 29 (2) of the Private Schools Conditional Integration Act 1975, it is considered desirable to deal with all these matters by legislation:

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 Dilworth Trustees Empowering Act 1983.

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

- “Beneficiary of the Trust” means a person who qualifies to be selected by the Board as a person who will benefit in terms of the Trust as a pupil and inmate of the Institute:
- 5 “Board” means the Dilworth Trust Board deemed incorporated as a Board pursuant to the Charitable Trusts Act 1957:
- “Institute” means the Dilworth Ulster Institute; and includes any other school or institution established in the future by the Board in terms of the Trust:
- 10 “Integrated School”, in relation to an integration agreement, means any part of the Institute that forms an integrated school (as defined in the Private Schools Conditional Integration Act 1975) in terms of the integration agreement:
- 15 “Integration agreement” means any integration agreement as defined in the Private Schools Conditional Integration Act 1975 entered into between the Minister of Education and the Board:
- 20 “Trust” means the Trust as defined by section 2 of the Dilworth Trustees Act 1967 and as varied first by that Act, secondly by the statutory provisions as defined in the said section 2, and thirdly by order of the High Court dated the 20th day of March 1981 made pursuant to section 7 of the said Act.
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3. Integration agreements between the Minister of Education and the Board—Notwithstanding anything to the contrary contained in the Private Schools Conditional Integration Act 1975 or the Education Act 1964, the provisions of section 29 (2) of the Private Schools Conditional Integration Act 1975 shall apply to any integration agreement entered into between the Minister of Education and the Board and to the establishment and administration of an integrated school in terms of such agreement, except that any prospective pupil may be refused enrolment at an integrated school on the ground that the socio-economic background of the pupil or the parent of the pupil is such that it does not qualify the pupil to be a beneficiary of the Trust.

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4. Power to enter into integration agreements—

40 Notwithstanding anything contained in the terms of the Trust, the Board shall have power to enter into an integration agreement in respect of such part or parts of the Institute as it thinks fit.

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Provided that the terms of such agreement shall be consistent with those terms of the Trust as amended by this Act which relate to the selection of beneficiaries of the Trust.

5. Selection of beneficiaries—Notwithstanding any provision of the Trust to the contrary, the Board may select and maintain any beneficiary of the Trust whether or not he is in any way related to the Province of Ulster in Northern Ireland and without soliciting or investigating applicants from such province.

6. Private Act—This Act is hereby declared to be a Private Act.