



## NSW Legislative Council Hansard

### Royal Blind Society (Merger) Bill

Extract from NSW Legislative Council Hansard and Papers Thursday 10 November 2005.

#### Second Reading

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [6.28 p.m.], on behalf of the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

#### Leave granted.

This bill will give full effect to the recent merging of three charitable agencies supporting the blind and vision impaired, into a new combined agency.

On July 6 2004, the Royal Blind Society of New South Wales, Royal Victorian Institute for the Blind Ltd, and Vision Australia Foundation were merged into a combined agency RBS.RVIB.VAF Ltd, now known as Vision Australia Limited.

All of the undertakings, property and liabilities of each of the three separate agencies were, where legally possible, transferred to the new body.

The corporate existence of the three agencies has continued. However, it is the intention of the combined agency to wind-up or deregister each of the three agencies as soon as possible.

Each of the three agencies and the combined agency rely heavily on public fundraising, volunteer works, gifts, bequests, dispositions and trust funds.

It was always intended that legacies and bequests left to each of the respective three agencies would be transferred to the combined agency.

However, the Royal Blind Society received legal advice that bequests, gifts and dispositions made to each of the three agencies cannot be automatically transferred to the combined agency.

There is also a risk that other bequests, gifts or dispositions might fail, particularly after the Royal Blind Society is wound-up or deregistered.

The Royal Blind Society's legal representatives requested that legislation be passed to enable bequests and gifts created or granted since 6 July 2004, and in the future, to be transferred to the combined agency.

The three agencies will be wound up after legislation securing bequests, gifts and dispositions, past and future, to each organisation is enacted.

A similar request was made to the Victorian Attorney General, as two of the three agencies were incorporated in Victoria. Victoria has passed legislation which was assented to on 20 September 2005.

Each of the three agencies has a long and distinguished history of providing services to the blind and vision impaired communities in New South Wales and Victoria. The merger will allow them to provide a better and more effective service to these communities.

This bill will ensure that the valuable work of these agencies continues.

I commend the bill to the House.

In July 2004, at the request of these three bodies, the Federal Court approved their merger into one peak body called Vision Australia Ltd. At the time of the merger the assets and liabilities of the three separate organisations were transferred, where possible, to the new entity. While the corporate existence of the three bodies has continued, it is intended that they be wound up or deregistered, leaving only Vision Australia Ltd to carry on the good work that in past years has been carried on by the three organisations acting separately.

The purpose of the bill is to ensure that any gifts or bequests not vested before the merger will be treated as gifts or bequests in favour of Vision Australia Ltd. This has been made necessary because of legal advice that gifts and bequests made to the three charitable bodies cannot be transferred automatically to the new body, Vision Australia Ltd. Similar provisions to those in this bill have been passed in Victoria to cover the situation with the two bodies incorporated in that State. Provision is made for the repeal of the Royal Blind Society (Corporate Conversion) Act 2003 by proclamation on or after the date on which the Royal Blind Society of New South Wales is deregistered as a company. This bill is purely technical in nature, but it is of great importance for the continued work on behalf of the blind and visually impaired community, which will be carried on through Vision Australia Ltd.