



New South Wales

# Sydney University Settlement Incorporation Amendment Bill 2005

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to set out aims and objectives of the Sydney University Settlement (*the Settlement*), and
- (b) to require that the constitution of the Settlement be read subject to those aims and objectives, and
- (c) to require the Settlement's property to be used exclusively to carry out its aims and objectives, and
- (d) to prevent the Settlement's real property being disposed of unless the disposal has the approval of at least 75 per cent of members attending, and entitled to vote at, a special general meeting called to approve that disposal, and
- (e) to prevent a member participating in, and voting at, any such meeting if the member, or a close relative or close associate of the member, may gain a financial or other benefit from the disposal, and

- (f) to prevent the Registrar-General from registering a transfer of land held by or on behalf of the Settlement, unless a certificate under the common seal of the corporation is lodged with the Registrar-General certifying that the transfer has been approved in accordance with paragraph (d).

## Outline of provisions

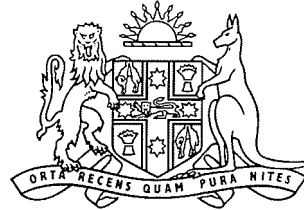
**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision that gives effect to the amendments to the *Sydney University Settlement Incorporation Act 1959* set out in Schedule 1.

## Schedule 1 Amendments

Schedule 1 amends the *Sydney University Settlement Incorporation Act 1959* to give effect to the objects of this Bill as set out in the Overview.



New South Wales

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New South Wales

# **Sydney University Settlement Incorporation Amendment Bill 2005**

No. , 2005

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## **A Bill for**

An Act to amend the *Sydney University Settlement Incorporation Act 1959* to make further provision with respect to the Constitution of the Sydney University Settlement and the disposal of property of the Settlement; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Sydney University Settlement Incorporation Amendment Act 2005</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of Sydney University Settlement Incorporation Act 1959 No 16</b>	7 8
The <i>Sydney University Settlement Incorporation Act 1959</i> is amended as set out in Schedule 1.	9 10

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1] Sections 2A and 2B</b>		3
Insert after section 2:		4
<b>2A Aims and objectives of Settlement</b>		5
(1) The aims and objectives of the Sydney University Settlement are as follows:		6 7
(a) to operate within, and to implement, the nineteenth century “settlement tradition” which includes direct service, education and social reform and is based on the philosophy of people from different backgrounds or cultures working together in reciprocal relationships to improve social conditions and learning from each other in the process,		8 9 10 11 12 13
(b) to be a non-profit, charitable and benevolent organisation, the purpose of which is to relieve poverty, sickness, suffering, distress, misfortune, destitution or helplessness by:		14 15 16 17
(i) building the links between communities and increasing the capacity of communities to gain more control over their situations and lives, and		18 19 20
(ii) providing direct material assistance to disadvantaged people and groups, and		21 22
(iii) running educational programs, activities, classes and groups to increase the skills and capabilities of disadvantaged people, and		23 24 25
(iv) educating the wider community about social problems and solutions to those problems, and		26 27
(v) building networks of, and strengthening links between, different social, ethnic and cultural groups to develop more cohesive and supportive communities, and		28 29 30 31
(vi) providing information, referrals, advice, counselling and support programs to disadvantaged people, and		32 33 34
(vii) providing low-cost facilities to disadvantaged people in order to improve access to services and quality of life, and		35 36 37

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(viii)	promoting and advocating policy, legal and social changes that will benefit disadvantaged people, and	1 2
(ix)	improving the capacity of groups, organisations and the wider community to support and assist disadvantaged people, and	3 4 5
(x)	researching the needs of disadvantaged communities and gaps in services for disadvantaged people, and	6 7 8
(xi)	acting as a catalyst to bring together individuals, families, groups and cultures to identify their own needs and to get those people to work together to solve their own problems, and	9 10 11 12
(xii)	carrying out any other activities that result in community benefit,	13 14
(c)	to carry out its aims and objectives without discrimination or prejudice against people based on gender, race, ethnicity, sexuality, disability or religious or political beliefs,	15 16 17 18
(d)	to direct its efforts and resources to groups within the local community that are disadvantaged and marginalised,	19 20
(e)	to use strategies that promote community development and empowerment.	21 22
(2)	Sydney University Settlement recognises the prior occupation by Aboriginal peoples who were displaced and dispossessed and is committed to the objective of respecting the heritage, rights and place of indigenous peoples in Australia.	23 24 25 26
<b>2B</b>	<b>Constitution to be read subject to aims and objectives</b>	27
	The constitution is to be read subject to the aims and objectives set out in section 2A and subject to the other provisions of this Act.	28 29 30
<b>[2]</b>	<b>Section 3A</b>	31
	Insert after section 3:	32
<b>3A</b>	<b>Use and disposal of property</b>	33
(1)	The Settlement's property is to be used exclusively to carry out the Settlement's aims and objectives as set out in section 2A despite any condition or trust affecting the property.	34 35 36



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|-----|---|--|
| (2) | No portion of the Settlement's property is to be paid to a member (including a member of the executive committee) except as genuine remuneration for services rendered or expenses incurred on behalf of the Settlement.  | 1<br>2<br>3<br>4                             |
| (3) | No interest in the Settlement's real property is to be disposed of unless the disposal has the approval of at least 75 per cent of members attending, and entitled to vote at, a special general meeting that has been called to approve that disposal.   | 5<br>6<br>7<br>8                             |
| (4) | At any special general meeting called to approve a disposal of an interest in the Settlement's real property, a member cannot participate in, and is not entitled to vote at, the meeting, if that member, or a close relative or close associate of that member, may gain a financial or other benefit from the disposal (including, but not limited to, a benefit from a possible increase or change in the value of land in the vicinity of the real property that is the subject of the special general meeting). | 9<br>10<br>11<br>12<br>13<br>14<br>15<br>16  |
| (5) | The Registrar-General is not to register under the <i>Real Property Act 1900</i> a transfer of land held by or on behalf of the Settlement (or the corporation) to another person, or any other dealing in relation to any such land that is otherwise registrable under that Act or the <i>Conveyancing Act 1919</i> , unless a certificate under the common seal of the corporation is lodged with the Registrar-General certifying that the requirements of subsection (3) have been satisfied.                    | 17<br>18<br>19<br>20<br>21<br>22<br>23<br>24 |
| (6) | In this section:  | 25   |
|     | <b>close associate</b> of a member means:   | 26   |
|     | (a) a partner of the member, or   | 27   |
|     | (b) an employee or agent of the member, or  | 28   |
|     | (c) a corporation, or a member of a corporation, partnership, syndicate or joint venture, in which the member, a person referred to in paragraph (a) or (b) or a close relative of the member has a beneficial interest.  | 29<br>30<br>31<br>32                         |
|     | <b>close relative</b> of a member means:  | 33   |
|     | (a) a spouse of the member, or  | 34   |
|     | (b) a person who is in a de facto relationship with the member within the meaning of the <i>Property (Relationships) Act 1984</i> , or  | 35<br>36<br>37                               |
|     | (c) a child, grandchild, sibling, parent or grandparent of the member.  | 38<br>39                                     |
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<i>dispose</i> includes sell, transfer, lease, mortgage or otherwise encumber or agree to do any of these.	1 2
<i>member</i> means a person who is a member of the Settlement in accordance with the constitution.	3 4
<i>property</i> of the Settlement includes property of the corporation and any proceeds of the disposal of any such property.	5 6
<i>Settlement's real property</i> includes any building on that property.	7 8
<i>special general meeting</i> means a special general meeting of all of the members called in accordance with the constitution.	9 10
<b>[3] Section 11 and Schedule 1</b>	11
Insert after section 10:	12
<b>11 Savings and transitional provisions</b>	13
Schedule 1 has effect.	14
<b>Schedule 1 Savings and transitional provisions</b>	15
(Section 11)	16
<b>1 Regulations</b>	17
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	18 19 20
<i>Sydney University Settlement Incorporation Amendment Act 2005</i>	21 22
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	23 24
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	25 26 27
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	28 29 30
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	31 32 33

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**2 Disposal of property**

Section 3A (5) applies to any registrable dealing that is not registered before the date of assent to the *Sydney University Settlement Incorporation Amendment Act 2005*.

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