

DRAFT FOR CONSULTATION

Girl Guides Association (New Zealand Branch) Incorporation Amendment Bill

Private Bill

Explanatory note

General policy statement

The purpose of the Girl Guides Association (New Zealand Branch) Incorporation Amendment Bill (the **Bill**) is to confirm the powers of the Girl Guides Association of New Zealand Incorporated (the **Association**) to do all things necessary or desirable for ensuring the welfare of the New Zealand Branch, including the disposition of property on terms that may be inconsistent with the requirements of section 6 of the Girl Guides Association (New Zealand Branch) Incorporation Act 1942.

Some of the Association's long held properties have become uneconomic to hold, given the Association's financial circumstances, and no longer meet the needs of the Association or its members.

Clause by clause analysis

Clause 1 states the Title of the Bill.

Clause 2 states that the Bill commences on the day after the date on which it receives the Royal assent.

Clause 3 states that the Bill amends the Girl Guides Association (New Zealand Branch) Incorporation Act 1942 (the **principal Act**).

Clause 4 replaces section 4 of the principal Act to clarify that the Corporation has power to dispose of property of the kinds recognised in section 6 of the principal Act, despite section 6 of the principal Act and any statutory trust recognised under that section that would not otherwise permit the disposal of such property.

Dr Duncan Webb

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Preamble

- (1) The Girl Guides Association New Zealand Incorporated (the **Association**) was incorporated under the Girl Guides Association (New Zealand Branch) Incorporation Act 1942 for the purposes of promoting special training and instruction of girls in the principles of discipline, loyalty, and good citizenship in New Zealand:
- (2) Some of the Association's long held properties have become uneconomic to hold, given the Association's financial circumstances, and no longer meet the needs of the Association or its members:
- (3) The Association wishes to clarify that it can sell, transfer, and otherwise dispose of property which is held subject to statutory trusts recognised under the principal Act, even if such a disposition would otherwise be inconsistent with the terms of such trust:
- (4) The objects of this Act cannot be achieved without legislation:

The Parliament of New Zealand therefore enacts as follows:**1 Title**

This Act is the Girl Guides Association (New Zealand Branch) Incorporation Amendment Act **2020**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Girl Guides Association (New Zealand Branch) Incorporation Act 1942 (the **principal Act**).

4 Section 4 replaced (Powers of Corporation)

Replace section 4 with:

4 Powers of Corporation

- (1) The control of the Girl Guide movement in all its activities in New Zealand is vested in the Corporation.
- (2) Subject to the constitution and bylaws of the Corporation, the Corporation may provide for and maintain in New Zealand an organisation that it considers necessary or desirable for performing and exercising, for the Girl Guides in New Zealand, the functions, duties, and powers delegated to the Corporation under Royal Charter by the Association in the United Kingdom of Great Britain and Northern Ireland.
- (3) The Corporation may also do what it considers, in its discretion, is necessary or desirable for promoting the welfare of the Girl Guides Association (New Zealand Branch), including any disposition of property, whether of the kinds recognised in section 6 that is held on trust or otherwise.
- (4) Despite section 6 and any statutory trust that it recognises, this section applies even if the trust terms would not, without this section, permit the disposal of that property.
- (5) In this section, **disposition** and **property** have the meanings given in section 345(2) of the Property Law Act 2007.