

CLAUSE NOTES

Kennerley Trust Bill 2015

- Clause 1:** **Short title**
Provides that the Act may be cited as the Kennerley Trust Act 2015.
- Clause 2:** **Commencement**
The Act commences on the day on which it receives the Royal Assent.
- Clause 3:** **Interpretation**
Provides definitions for certain terms used in the Act
- Clause 4:** **Validation of certain actions**
Operates to validate trust functions or powers that were performed or exercised, or purportedly performed or exercised, in good faith in accordance with the Trust Deed or Rules of the Association.
- Clause 5:** **Trust Deed**
Ensures that, prior to the commencement of this Act, there has been no breach of trust by any person that would invalidate the Trust Deed.
- Clause 6:** **No action lies in respect of failure to act**
Prevents legal action being taken against any person who acted (or purportedly acted) as Trustee or Trust Governor under the Trust Deed for failing to act as may have been required under the Trust Deed.
- Clause 7:** **Revocation of Trust Deed**
Revokes the Trust Deed on the day on which this Act commences.
- Clause 8:** **Transfer of assets and liabilities**
On the day this Act commences, the Trust property as identified in the section passes to the Association for the purposes of the Association. No fee, tax, duty or charge is payable in respect of any document prepared or transfer or transaction done to give effect to the property transfer. The liabilities of the Trust become the liabilities of the Association.
- Clause 9:** **Construction of certain documents**
Clarifies that after the commencement of this Act, a reference in a document to the Trust Deed is taken to be a reference to the Rules of Association, and a reference in a document to the Trust is taken to be a reference to the Association. It also provides a

list of names which the Association has previously been referred to and provides that they are taken to be a reference to the Kennerley Children's Home Inc.

Clause 10:

Legal proceedings and related matters

Provides for what happens to legal or other proceedings from the commencement date.

Clause 11:

Administration of Act

Provides that the administration of this Act is assigned to the Attorney-General and the department responsible in relation to the administration of this Act is the Department of Justice.