



Government Gazette

of the State of

New South Wales

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CHARITABLE TRUSTS ACT 1993
ORDER UNDER SECTION 12
CY PRES SCHEME RELATING TO
THE MARY WATSON MEMORIAL FUND

Section 12(1)(a) of the *Charitable Trusts Act 1993* permits the Attorney General to establish a cy pres scheme to alter the original purpose of a charitable trust. Section 9(1) permits the application of trust property cy pres where the purpose of the original trust has failed or has ceased to provide a suitable and effective method of using the trust property, having regard to the spirit of the trust.

Under clause 10 of the Will of the late Arthur William Selwyn Watson, dated 17 May 1962, Mr Watson bequeathed a sum of £5,000.00 to constitute a fund known as the Mary Watson Memorial Fund (**the Fund**), and prescribed that the Trustee, Perpetual Trustee Company Limited, pay any net income from the Fund to Dr Barnardo's Homes National Incorporated Association of NSW (**Dr Barnardo's Homes**) towards the assistance in rural industry of current and former Barnardo boys. The current value of the Fund is the sum of \$22,185.00.

From 1920 to 1965, Dr Barnardo's Homes ran an official child migration scheme to Australia and established family group homes in NSW for the vulnerable and disadvantaged. It also established farm training schools in regional areas which allowed boys to work as farm trainees and girls as domestic servants.

Since the execution of the Will, Dr Barnardo's Homes been succeeded by Barnardos Australia (ABN 18 068 557 906). Barnardos Australia has ceased its migration programme and closed its farm schools. Currently, Barnardos Australia facilitates foster care, kinship care and adoption, and provides family support, adolescent services and advocacy for children. Services are offered to assist disadvantaged children generally and no longer separated by gender.

In circumstances where the services offered by Barnardos Australia have evolved and adapted, but assistance is still provided to children and youth from rural regions in need, a cy pres scheme is required to apply the Fund to Barnardos Australia for the purposes of care and support of disadvantaged children and youth in rural NSW. The purpose of providing assistance for children falls within the charitable purpose of relief of the impotent. It is considered that the proposed scheme most closely gives effect to the original purpose of the trust.

As the net income available for distribution is very small, and the cost of the administering the fund is likely to surpass the income earned, it is also appropriate that the scheme distributes the whole of the Fund to Barnardos Australia, allowing Barnardos Australia to apply both the capital and income until depletion.

The trustee of the Fund, Perpetual Trustee Company Limited, has no objection to a cy pres scheme distributing the Fund to Barnardos Australia, to apply the capital and income of the Fund until depletion, for the purpose of the care and support of disadvantaged children and youth in rural NSW.

In circumstances where the Fund can no longer be applied to Dr Barnardo's Homes for the assistance in rural industry of current and former Barnardo's boys, as it has been succeeded by Barnardos Australia whose services have evolved, I, as the Attorney General's delegate, have approved the establishment of a cy pres scheme so that the capital of the Fund is to be paid to Barnardos Australia for the purpose of the care and support of disadvantaged children and youth in rural NSW.

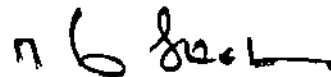
Pursuant to section 12 of the *Charitable Trusts Act 1993*, I hereby order that a cy pres scheme be established whereby the Mary Watson Memorial Fund would be distributed to Barnardos Australia, to apply the capital and income of the trust until depletion, for the purpose of the care and support of disadvantaged children and youth in rural NSW.

The order will take effect 21 days after its publication in the NSW Government Gazette, in accordance with section 16(2) of the *Charitable Trusts Act 1993*.

Date of Order:

7 February / 2022

SIGNED



M G SEXTON SC

Solicitor General (Under delegation from the Attorney General)

DISTRICT COURT ACT 1973

District Court of New South Wales

Direction

Pursuant to section 173 of the District Court Act 1973, I direct that the District Court shall sit in its criminal jurisdiction at the place and time shown as follows:-

Orange	10.00am	31 October 2022 (2 weeks)
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Orange	10.00am	5 December 2022 (2 weeks)
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Dated this 8th day of February 2022

Justice D M Price AO
Chief Judge