



PAIN FARM TRUST LANDS INCOME DISTRIBUTION POLICY

1. Rational

The Martinborough Community Board under the guidance of Council has a governance role of the Pain Farm Trust Lands and the recommendation of the expenditure of the income. There has been a widespread lack of understanding of the bequest and how the funds can be spent. This policy will be reviewed in accordance with SWDC requirements.

2. Purpose

- To provide guidelines for the distribution of funds from the income from the various leases of the Pain Farm Trust Lands.
- To allow greater efficiencies, understanding and transparency and give direction how and where the funds can be expended.

3. Guidelines

3.1 Administration

1. The Council shall recover fair and reasonable administration costs.
2. The Council will ensure that all leases, the land, homestead and cottage and Landfill /Transfer station will be reviewed and the intent of the bequeath and High Court judgment be complied with.
3. Council will advertise where the funds have been expended annually

3.2 Repairs and Maintenance

1. A fund of \$40,000 will be set aside for repairs and maintenance of the property and buildings, if expensed at any one time the amount will be accrued by \$10,000 amount per year until the fund is replenished.

3.3 Funding Distribution

1. The Community Board with the guidance of Council will ensure that the Council's Martinborough Parks and Reserves will have priority over available funds and will be expended as directed by the High Court's Judgement in 1966. It is recommended that the funds are spent on capital equipment/facilities.

2. Funds may be spent purchasing and funding capital sporting equipment and facilities where it will benefit the residents of Martinborough Community and with the support and guidance of Council.
3. Applications for funding community sporting (2. Above) equipment/amenities will be called for annually and will not exceed \$25,000 and if the funds are available.
4. All expenditure above \$35,000 will be subjected to the SWDC Annual Plan
5. Any funding distribution must be of benefit to the residents of Martinborough; this removes the confines of any town boundary as a sporting facility, club or reserve may be located on the outskirts of the town yet be a Martinborough amenity.
6. The Community Board may wish to accumulate funds for a specific project or raise a loan using some of the income; this will be permitted under Council guidance.

4. Background

George Pain, known as Tiny Pain or Hura Rorere (king of the road) born 1847 Wellington died 1937. A “pioneer” shepherd/farmworker, hawker, hotelier, storekeeper, landlord, run-holder/farmer and wool baron.

George Pain in 1932 made a will bequeathing the 210 acre property known as the Pain Farm to the then Borough Council (now the SWDC) with this wife having a life interest. In 1960 Mrs Pain died and the land was handed to the Martinborough Borough Council. The land that was bequeathed

‘to be held on behalf of the inhabitants of Martinborough and he particularly desired that the property should as far as possible be made available as a sports ground for the residents of Martinborough and as a playground for the children’

In 1965 due to the practicality, uncertainty (the farm being held in a 21 year lease), location and the Borough Council already having a number of under utilised reserves, resolved to apply to the Supreme Court for a judgement on a scheme for the use of the income from the Pain Farm.

Under provisions of the Charitable Trust Act 1957 in February 1966 the Court directed:

“That the income from the Trust Lands should be used, in maintaining and improving the borough’s parks, sports grounds, camping ground, swimming baths, providing equipping and maintaining sports facilities and a children’s playground in such manner and in such proportion as the Council may from time to time decide.”