



Returned & Services League of Australia (Queensland Branch) Act 1956

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Queensland

Returned & Services League of Australia (Queensland Branch) Act 1956

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Returned & Services League of Australia (Queensland Branch) Act 1956

An Act to make provision for the holding of real and personal property by trustees on behalf of district branches and sub-branches of the corporation named the Returned & Services League of Australia (Queensland Branch), to provide for the succession of title thereto, and for other incidental purposes

Preamble

WHEREAS it is desirable that real and personal property which belongs now or may hereafter belong to district branches and sub-branches of the corporation formerly named the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch, subsequently named the Returned Services League of Australia (Queensland Branch) and now named the Returned & Services League of Australia (Queensland Branch), should rest in and be managed by trustees, and that on any change in the trusteeship becoming necessary the title to such property should devolve without the expense of conveyance or transfer being incurred.

And whereas it is necessary to obtain power and authority for providing for the due succession of trustees without conveyance or transfer, and for creating facilities of proof.

1 Short title

This Act may be cited as the *Returned & Services League of Australia (Queensland Branch) Act 1956*.

2 Interpretation

In this Act—

acting authorised representative means such person as in the event of the death, illness, absence, or incapacity of the authorised representative may be appointed by the State president of State branch for the time being, by signed notice, to act as authorised representative.

authorised representative, of State branch, means the State secretary appointed by State congress or State council of State branch and for the time being holding office and includes a person for the time being duly appointed to act in such capacity.

district branch means any district branch now existing or hereafter formed under and pursuant to the rules and by-laws of the State branch.

register means the register kept by the registrar of titles pursuant to the *Land Title Act 1994* and also includes any register kept by any authority (other than the registrar of titles) charged with the registration by such authority of the instrument of tenure of the land concerned.

registrar of titles means the registrar of titles for the time being appointed under the *Land Title Act 1994*, or, where the registrar of titles is not the authority charged with the registration of the instrument of title to the tenure of any land, the authority charged with registering the instrument of title to such tenure.

RSL lands includes all lands and premises in Queensland, of whatever tenure, which now are or which may at any time hereafter be held in trust for or on behalf of any district branch or sub-branch, together with all rights, easements, and appurtenances whatsoever relating thereto and also includes chattels real, and tenements and interests which are now held, possessed, or occupied or which may at any time hereafter be acquired and held, possessed, or occupied under any right, lease, licence, authority, or tenure peculiar to goldfields or mineral fields, or other tenure under the laws relating to mining, or any leasehold, occupation licence, authority, or

permit or other tenure under the laws relating to the occupation, leasing, and alienation of Crown land.

State branch means the corporation—

- (a) formerly named the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch; and
- (b) subsequently named the Returned Services League of Australia (Queensland Branch); and
- (c) now named the Returned & Services League of Australia (Queensland Branch).

sub-branch means any sub-branch now existing or hereafter formed under and pursuant to the rules and by-laws of the State branch.

3 Vesting of property

- (1) Upon the passing of a resolution by any district branch or sub-branch adopting this Act, all lands and any estate therein, and all moneys and securities for money, and all personal property then held by such district branch or sub-branch or by any person or persons on behalf of such district branch or sub-branch, and all RSL lands, and all moneys or securities for money and personal property which may at any time or times hereafter be acquired by such district branch or sub-branch by gift, purchase, devise, bequest, or otherwise shall, subject to and without prejudice to any mortgage, charge, encumbrance, lien, lease, agreement, or other transaction affecting the same, respectively become vested in the trustees in the official name of the Trustees of the Returned & Services League of Australia (Queensland Branch) district branch (naming the district) or sub-branch (naming the sub-branch), as the case may be, who shall be appointed by such district branch or sub-branch in accordance with the rules and by-laws for the time being governing such district branch or sub-branch upon such trusts and for such purposes and subject to such conditions as shall from time to time be defined by such rules and by-laws and shall be subject to the provisions of this Act.

- (2) A certificate that a resolution as referred to in subsection (1) has been passed by any district branch or sub-branch on a particular date adopting this Act, signed by persons purporting to be the president and secretary of such district branch or sub-branch, shall be taken as sufficient evidence that such district branch or sub-branch has adopted this Act upon the date named in such certificate.

3A Vesting of property after incorporation under Associations Act

- (1) This section applies if a district branch or sub-branch (the *branch*) that has adopted this Act under section 3(1) becomes incorporated under the Associations Act.
- (2) On the branch's incorporation, sections 3(1), 4 and 7 no longer apply to the branch.
- (3) However, for applying section 22(1)(b) of the Associations Act to the branch's property, the trust mentioned in that provision includes the trusts, purposes and conditions stated in the rules and by-laws, as amended from time to time, governing the branch.
- (4) In this section—

Associations Act means the *Associations Incorporation Act 1981*.

branch's property means the property that, immediately before the branch's incorporation, was vested in the trustees of the branch under section 3(1).

3B Vesting of property after registration of incorporated association under Corporations Act

- (1) This section applies if a district branch or sub-branch (the *branch*) that is an incorporated association under the *Associations Incorporation Act 1981* becomes registered as a company under the Corporations Act.
- (2) The provisions of a trust that applied to property of the branch immediately before its registration as a company continue to apply for the holding of the property by the company.

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- (3) For applying subsection (2), the trust mentioned in the subsection includes the trusts, purposes and conditions stated in the rules and by-laws, as amended from time to time, governing the branch.

3C Vesting of property after registration of company

- (1) This section applies if—
- (a) a company is registered under the Corporations Act; and
 - (b) property that, under section 3(1), is vested in the trustees of a district branch or sub-branch (the *branch*) is transferred to the company by the trustees; and
 - (c) before the trustees transfer the property, the authorised representative certifies to the trustees that the authorised representative is satisfied the company is a suitable entity for assuming, for all practical purposes, responsibility for the branch's property.
- (2) When the transfer is completed—
- (a) sections 3(1), 4 and 7 no longer apply to the branch, or the trustees of the branch, to the extent that the provisions relate to the property the subject of the transfer; and
 - (b) the provisions of a trust that applied to the property immediately before the trustees transferred the property to the company continue to apply for the holding of the property by the company.
- (3) For applying subsection (2)(b), the trust mentioned in that provision includes the trusts, purposes and conditions stated in the rules and by-laws, as amended from time to time, governing the branch.

4 Powers of trustees

So far as persons dealing with such trustees are concerned, such trustees, whether of a district branch, or of a sub-branch, shall be deemed to have the same power of sale, lease, mortgage, and disposition over such property as if they were

the absolute owners thereof; and it shall not be incumbent upon any person to inquire whether any proposed dealing constitutes a breach of trust, nor shall any person be concerned to see to the application of any purchase, mortgage, or other moneys paid to such trustees.

5 Transfers, conveyances etc. executed by majority sufficient

- (1) Where any sale, mortgage, exchange, or lease of any RSL lands subject to the provisions of this Act and under the operation of the *Land Title Act 1994*, shall be made, the transfer, mortgage, exchange, or lease of such land, if signed by a majority of the trustees for the time being of such land named in the register of trustees hereinafter mentioned, shall be as effectual as if such transfer, mortgage, exchange, or lease had been duly signed by all the trustees or registered proprietors thereof.
- (2) Moreover, in case such land shall not be under the operation of such Acts, the conveyance, mortgage, exchange, or lease thereof, if executed by a majority of the trustees for the time being thereof named in such register of trustees, shall be deemed to pass the legal estate therein as fully and effectually as if all the trustees in whom the legal estate was vested had joined in, executed, or made such conveyance, mortgage, exchange, or lease.

6 Documents concerning personal estate executed by majority sufficient

The signatures of the majority of the trustees for the time being in whom are vested any lands mortgaged to such trustees, or in whose names are invested any moneys in debentures, stock, treasury bills or other securities of the Commonwealth, this State or a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*, whenever made or given, or in any financial institution or company, to any release or transfer shall be sufficient to reconvey, release, or transfer respectively, the estate of all the

trustees therein in the same manner as if such documents had been signed by the whole of such trustees.

7 Register of trustees to be kept

- (1) The authorised representative of the State branch must keep a register of trustees of property held subject to the Act on behalf of the district branches and sub-branches.
- (2) The register must—
 - (a) be in the form approved by the chief executive; and
 - (b) kept in duplicate; and
 - (c) be called and inscribed the Returned & Services League of Australia (Queensland Branch) Register of Trustees for Queensland.
- (3) If a district branch or sub-branch appoints a new trustee, the authorised representative must update the register by inserting the following information and signing each amendment—
 - (a) the name and address of the new trustee;
 - (b) the reason for the appointment;
 - (c) the date of the appointment;
 - (d) the date of the amendment of the register.

8 Power to amend register

The authorised representative shall have full power at any time to amend the register of trustees by rectifying any error or supplying any omission therein and shall initial such amendment and add the date thereof, but shall not render illegible the part so rectified and the register so amended shall have all the validity and operation by this Act conferred upon the register of trustees.

9 Legal estate to pass to new trustees without conveyance

- (1) On the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or

trustees of any RSL lands not under the operation of the *Land Title Act 1994*, held subject to the provisions of this Act, the estate in such lands of the trustee or trustees in whose place such new trustee or trustees shall be appointed shall forthwith vest in such new trustee or trustees solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate and interest as the former trustee or trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever.

- (2) On the insertion and authentication as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of any RSL lands under the operation of the *Land Title Act 1994* held as aforesaid, such new trustee or trustees, together with the former or continuing trustees (if any), shall be deemed the proprietor or proprietors thereof within the meaning of the *Land Title Act 1994* as if the name or names of such new trustee or trustees appeared or was or were entered as such proprietor or proprietors in the register book kept under the provisions of the *Land Title Act 1994*, and as if a certificate of title had been duly issued to him, her or them, solely or jointly, as the case may be, with the former continuing proprietor or proprietors (if any) for all the same estate and interest as the former proprietor or proprietors had therein, and subject to the same trusts, without any transfer being made for the purpose.
- (3) Moreover, as to such lands under the operation of the *Land Title Act 1994*, the trustees for the time being thereof registered as aforesaid in the said register of trustees shall be deemed the proprietors thereof within the meaning of the said Acts as if the names of such trustees appeared or were entered as such proprietors in such register book kept under the provisions of the said Acts, and as if certificates of title had been duly issued to them, but subject to the provisions of this Act, and to any then subsisting mortgage, lien, encumbrance, or lease.

10 Interest of trustees in personalty to pass to new trustees without transfer

On the insertion as aforesaid in the said register of trustees of the name or names of any new trustee or trustees of any personal property, moneys, or securities for money held subject to the provisions of this Act, the estate in such property, money, or securities of the trust or trustees in whose place such new trustee or new trustees shall be appointed shall forthwith vest in such new trustee or trustees solely or jointly, as the case may be, with the old continuing trustee or trustees (if any) for the same estate or interest as the former trustee or trustees had therein, and subject to the same trusts, without any transfer or assignment whatsoever.

11 Production of register sufficient evidence

- (1) A book purporting to be the register of trustees hereinbefore referred to shall, on production thereof by the authorised representative for the time being or by any person appointed in writing so to do by him or her, be received and taken in all proceedings and on all occasions whatsoever as sufficient evidence (except in case of fraud or collusion) for and against not only the immediate parties but for and against third persons, purchasers, and all others whom it may concern, as to who are or were the trustees of such lands, property, or funds, and also of the vacancies which occurred in the trusteeship, and of the appointment of new trustees to supply such vacancies, and of the date of the insertion of their names as aforesaid in such register of trustees, and of their consent to act, and of all other matters recorded therein in pursuance of this Act.
- (2) Judicial notice shall be taken of such book and of the signatures of the authorised representative therein and any extract purporting to be an extract from such register of trustees, and certified under the hand of the authorised representative for the time being, and bearing what purports to be the seal of State branch, shall be received and taken in all proceedings and in all dealings with RSL lands before any registrar of titles, officer of the department in which the *Land Act 1994* is administered, warden, or other duly constituted

authority under any other Act or law having the like or similar powers, authorities, and functions, and on all occasions whatsoever, as sufficient evidence of the several extracted matters comprised in such extract so far as the same may relate to any particular RSL land, property, or funds, without the production of such register of trustees, and judicial notice shall be taken of the signature of the authorised representative to every such extract, and of such seal of State branch.

12 Acting authorised representative of State branch

- (1) In case of the decease, illness, absence, or temporary incapacity of the authorised representative as aforesaid, some other person may be appointed by the State president for the time being of State branch to act in the place of the authorised representative, but not for a longer period than the next monthly meeting of State council, and such other person shall be designated the ‘acting authorised representative of State branch’ and such acting authorised representative during the time for which the person shall be so appointed shall have, perform, and execute all the powers, authorities, and duties of the authorised representative, and shall underneath his or her signature in the columns of the said register of trustees insert the word ‘acting’, and shall underneath his or her signature to any extract to be made by the person from such register of trustees insert the words ‘acting authorised representative of State branch’.
- (2) A copy of the gazette containing a notification by the State president for the time being of State branch of the appointment of an authorised representative or of an acting authorised representative as aforesaid shall be sufficient evidence of the due appointment of such authorised representative and acting authorised representative respectively.

13 Powers and duties of registrar of titles

The registrar of titles (as hereinbefore defined) shall, by virtue of this Act, have power and authority to, and shall cause to be made any necessary recordings in the register and do and

execute all such other acts, matters, and things as may be necessary and proper to give full effect to the objects and purposes of this Act.

14 Transitional provision because of name change of trustees

(1) In this section—

new name means the official name mentioned in section 3(1) after the commencement of this section.

previous name means the official name mentioned in section 3(1) before the commencement of this section.

- (2) If the previous name is recorded in a register including, for example, the land registry, the person whose duty it is to keep the register must change the previous name to the new name on production of instruments that the person considers proper for the purpose of recording the change of name.
- (3) No fee may be charged for the change to a register as mentioned in subsection (3).
- (4) An instrument mentioned in subsection (3) does not create a liability on any person for stamp duty.

15 Transitional provision for register

- (1) This section applies to a register kept for the purposes of section 7 before the commencement of this section.
- (2) As soon as possible after the commencement of this section, the register is to be inscribed with the name ‘Returned & Services League of Australia (Queensland Branch), Register of Trustees for Queensland’.
- (3) On compliance with subsection (2), the register becomes the register for the purposes of section 7.