

Returned Sailors and Soldiers Imperial League of
Australia (New South Wales Branch) Incorporation
Bill, 1922.

EXPLANATORY NOTE.

THIS is a Bill to incorporate the New South Wales Branch of the above League, to define its membership, certain of its objects, and to provide for its government; to nominate certain trustees who shall hold the funds collected for the proposed memorial building.

The Bill provides that pending the erection of the building the income from the collected funds may be applied by the trustees to the branch for the purposes of the branch or for such other purposes and to such other persons for the benefit of returned sailors, soldiers, or nurses as to the trustees seem proper.

The Bill also safeguards the rights of any returned sailor, soldier, or nurse to use the memorial building.

Further, that the League is not to be identified with any party political or religious question or movement; and forbids party political or religious propaganda within the memorial building.

The accounts of the branch are added to the Second Schedule of the Trustees Audit Act, 1912.

No. , 1922.

A BILL

To incorporate and otherwise promote the objects of a society called the Returned Sailors and Soldiers Imperial League of Australia (New South Wales Branch); to make certain provisions with regard to the funds raised for the erection of an Anzac Memorial Building; to amend the Trustees Audit Act, 1912; and for purposes connected therewith.

[MR. BRUNTNELL;—15 *November*, 1922.]

WHEREAS a society called the Returned Sailors and Soldiers Imperial League of Australia has been formed under certain rules and by-laws, with a New South Wales branch, for the general advancement and benefit of returned sailors, soldiers, and
5 ment and benefit of returned sailors, soldiers, and
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nurses who have been on active service and their dependents and the dependents of fallen comrades: And whereas on the second day of August, one thousand nine hundred and eighteen, an appeal for funds was made to the public for the purpose of raising a memorial building, which would not only serve as a memorial of the achievements of the Australian Imperial Forces, but would also provide returned sailors and soldiers with a place for rest and recreation, and as the result of such appeal the sum of about forty-five thousand three hundred pounds is now held on behalf of such memorial building: And whereas other sums of money are also held for the same purpose, which sums include moneys collected on the twenty-fifth day of April, one thousand nine hundred and sixteen, now amounting to eleven thousand eight hundred pounds or thereabouts, and certain other moneys collected in the year one thousand nine hundred and nineteen, amounting to about five thousand seven hundred and fifty pounds: And whereas it is expedient that the said society should be incorporated, and should be invested with the powers and authorities hereinafter contained: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Returned Sailors and Soldiers Imperial League of Australia (New South Wales Branch) Incorporation Act, 1922."

Definitions.

2. In this Act, unless the context or subject-matter otherwise requires,—

"By-laws" means the by-laws made by the council in accordance with this Act.

"Corporation" means the branch hereby incorporated.

"Council" means the council of management for the time being of the corporation.

"League" means the Returned Sailors and Soldiers Imperial League of Australia (New South Wales Branch).

"Returned

“Returned sailor, soldier, or nurse” means a returned sailor, soldier, or nurse by the rules declared to be eligible to become a member of the branch incorporated by this Act.

5 “Rules” means the constitution, aims, objects, and standing orders of the corporation for the time being.

10 “Secretary” means such person or persons as shall for the time being be or be acting as secretary or secretaries, honorary or otherwise, of the corporation.

“State congress” means the meeting so termed in the rules.

15 “Sub-branch” means a sub-branch of the league constituted in accordance with the rules.

“Trustees” means such persons as shall for the time being be the trustees of the corporation in accordance with the provisions of this Act.

20 **3.** All persons who are hereinafter declared to be members shall be, subject to the provisions in this Act contained, a body corporate with the name of the “Returned Sailors and Soldiers Imperial League of Australia (New South Wales Branch),” by which name such body corporate shall have perpetual succession and
25 a common seal, and shall and may enter into contracts, sue and be sued, proceed and be proceeded against in all courts and places whatsoever, and any writ, summons, notice, or other process which it may be requisite to serve upon the corporation may be served upon the secretary
30 or one of the secretaries, as the case may be, or if there be no secretary, or if the secretary or secretaries be absent from the State, then upon the president or one of the vice-presidents of the corporation.

4. The members of the corporation shall be all
35 returned sailors, soldiers, and nurses,—

(a) who are members of the said branch at the commencement of this Act; and

(b) who shall in manner prescribed by the rules or by this Act become members thereof:

Provided

Provided that when the members aforesaid become reduced in number to less than one thousand, and after the expiration of ten years from the commencement of this Act, all returned sailors, soldiers, and nurses, and the sons of returned sailors, soldiers, and nurses, and such other persons as the council may from time to time determine shall be entitled to become members upon signing and handing to the secretary an application in the form prescribed by the rules or by the by-laws. 5 10

Objects of corporation.

5. The objects and purposes of the corporation shall be—

- (1) the purchase or erection and the equipment and maintenance of a suitable memorial building for the use, benefit, rest, and recreation of all returned sailors, soldiers, and nurses members of the corporation, and subject thereto; 15
- (2) the protection of the interests and promotion of the welfare of returned sailors, soldiers, and nurses, and their dependents, and the dependents of deceased sailors, soldiers, and nurses; and 20
- (3) the promotion or carrying out of any objects incidental to or which may be necessary or desirable in connection with any of the foregoing objects; 25
- (4) such other objects as appear in the rules.

Power to hold and deal with lands.

6. The corporation shall have power, with the consent of a majority of the trustees, to acquire and hold land and any interest therein, and also with such consent to sell, let, mortgage, or otherwise dispose of or deal with such land or interest therein. 30

Ordinary business to be managed by the council.

7. The ordinary business of the corporation shall be managed by the council, and it shall not be lawful for individual members to interfere in any way in the management of the affairs of the corporation, except as is by this Act and by the rules for the time being specially provided. 35

8. (1) The council shall consist of a president, two vice-presidents, a treasurer, and thirteen councillors, of whom three shall be nominated annually by the trustees. Such nominees shall be returned soldiers and while their nomination holds, be ex officio members of the corporation.

Composition
of council.

(2) The president, vice-presidents, treasurer, and the elected members of the council shall be elected annually at the annual State congress in the manner provided by the rules, and unless their offices sooner become vacant, shall hold office until their successors are elected, and no longer, but shall be eligible for re-election.

9. (1) The president and vice-presidents of the said branch in office immediately before the commencement of this Act shall be the president and vice-presidents respectively of the corporation, but, unless re-elected or their offices are sooner vacated in accordance with the rules, shall hold office only until their successors are elected.

Continuance
in office of
existing
officers.

(2) The secretary and treasurer of the said branch in office immediately before the commencement of this Act shall be the secretary and treasurer respectively of the corporation, and shall hold office until they are retired by the council or their office is sooner vacated.

10. (1) Any vacancy occurring in the office of president or vice-president by death, resignation, or otherwise shall be filled by such person as may be appointed by the council from the members of the council, but any person so appointed shall retire at the next annual State congress and shall be eligible for re-election.

Vacancies.

(2) Any vacancy occurring in the office of an elected member of the council shall be filled by the district which he represented in accordance with the rules, and any vacancy occurring in the office of a nominated member of the council shall be filled by the trustees, and the member so elected or nominated shall hold office for the balance of the period for which his predecessor would have held office and shall be eligible for re-election or re-nomination.

Special
general
meetings.

11. An extraordinary State congress for the trans-
action of any particular business may at any time be
called by the council; and on receiving a requisition
signed on behalf of not less than one-fifth of the sub-
branches the secretary shall call an extraordinary State 5
congress.

Meetings of
council.

12. (1) The council shall meet at least once a
quarter.

(2) Eight members thereof shall form a quorum.

(3) Any member of the council shall vacate 10
his seat—

(a) if he takes any office of profit under the league;

(b) if he, by notice in writing to the council,
resigns his office;

(c) if he dies, or becomes bankrupt, insane, or 15
otherwise incapable to act;

(d) if he, being an elected member, is declared by
a majority vote at a State congress to have lost
the confidence of the members;

(e) if he absents himself without leave from the 20
meetings of the council for four consecutive
meetings.

(4) The council shall appoint from its members
an executive committee consisting of the president,
treasurer, and five other members of the council, who 25
shall carry on the government of the corporation subject
to the council.

Powers of
council.

13. The council shall have the general management
and superintendence of the affairs, business, and property
of the corporation, and with the exception of the appoint- 30
ment of presidents and vice-presidents, the council may
appoint all officers and servants required for the carrying
out of the objects of the corporation and the manage-
ment and protection of its property, and may define the
duties and fix the salaries of all officers and servants. 35

The council may also with the consent of a majority
of the trustees purchase, lease, or otherwise acquire land
or buildings, and may erect buildings for any of the
purposes of the corporation, and may with such consent
borrow money for such purposes, either on mortgages 40
of

of the real and personal property of the corporation or any part thereof or without security, and may also agree to and settle the covenants, powers, and authorities to be contained in any instrument as aforesaid.

5 **14.** The council shall have the custody of the common seal of the corporation and power to use the same in or about the affairs and business of the corporation and for the execution of any of the instruments aforesaid, and may under such seal authorise any person
10 without such seal to execute any deed or instrument and do such other matter as may be required to be done on behalf of the corporation, but it shall not be necessary to use the said seal in respect of the ordinary business of the corporation nor for the appointment of any secretary
15 or other officer.

Custody and use of common seal.

15. The president or any vice-president or the secretary or either one of the secretaries may represent the corporation in all legal and equitable proceedings, and may for and on behalf of the corporation make such
20 affidavits and do such acts and sign such documents as are or may be required to be done by the plaintiff or complainant or defendant respectively in any proceeding to which the corporation may be a party.

President, vice-president, or secretary may represent corporation for certain purposes.

16. Such of the persons as shall for the time being
25 hold the positions hereinafter mentioned, and who shall be willing to act, shall be the trustees of the corporation, namely:—

Trustees.

- The Premier of the State.
- The Leader of the Opposition.
- 30 The Lord Mayor of Sydney.
- The Deputy-Governor of the Commonwealth Bank of Australia.
- The General Manager of the Bank of New South Wales.
- 35 The General Manager of the Commercial Banking Company of Sydney, Limited.
- The General Manager of the Australian Mutual Provident Society.
- The Managing Director of the Mutual Life and
40 Citizens' Insurance Society, Limited.

The

The President of the New South Wales Branch of the League.

Three other persons (who may also be members of the council) to be nominated annually by the council. 5

Powers of trustees.

17. The trustees shall have full power to prescribe the times, places, quorum, and conduct of their own meetings, the modes of signing or endorsing cheques, receipts, and other vouchers, and the method of operating upon any banking account of the trustees. 10

Capital moneys to be paid to trustees.

18. (1) The sums mentioned in the preamble to this Act shall be paid by the persons who now hold the same to the joint account of the trustees at a bank or banks at Sydney, to be nominated in writing by the trustees, and the receipt of the bank shall be a good discharge for the amount expressed therein to be received. 15

(2) Any other property belonging to the branch at the commencement of this Act, or to which it is then entitled, is hereby transferred to and vested in the council on trust for the corporation. 20

Application of capital moneys.

19. (1) The trustees shall hold the said sums and all further sums that may hereafter be given to or raised by the corporation upon trust to apply the same as the council, with the approval of a majority of the trustees, shall think proper, in the erection, purchase, or lease of a suitable memorial building, or the purchase or lease of land for the erection thereon of such building, and in the equipment, upkeep, maintenance, and management thereof, or otherwise for the purpose of carrying out the objects of the corporation. 25 30

Investment of moneys.

(2) Any moneys held by the trustees may be invested in any State or Commonwealth stocks, funds, or securities or in any State or Commonwealth savings bank, or upon mortgage for any term not exceeding seven years over freehold lands in Australia, or upon fixed deposit with any bank. 35

Payment of income.

(3) Pending the acquisition or erection as aforesaid of a suitable memorial building, or of land for that purpose and the erection thereon of such building, the trustees may, if they think fit, from time to time, pay 40

pay over the whole or any part of the income to be derived from the sums in the hands of the trustees to the corporation, or for such other purposes and to such persons for the benefit of returned sailors, soldiers, or
5 nurses as to the trustees seem proper. Income accumulated in any year may be so applied in a subsequent year.

20. (1) It shall be lawful for the council from time to time to make by-laws under this Act for the manage-
10 ment of the affairs of the corporation and for carrying out the provisions of this Act. By-laws and rules.

(2) All by-laws as made shall—

- (i) be published in the Gazette;
- 15 (ii) take effect from the date of publication, or from a later date to be specified in such by-laws; and
- (iii) shall be laid before both Houses of Parliament within fourteen days after publication, if
20 Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen
25 sitting days after such by-laws have been laid before such House disallowing any by-law, such by-law shall thereupon cease to have effect.

(3) Until such by-laws have been made, the rules of the said branch in force immediately before
30 the commencement of this Act shall, except where inconsistent with this Act and except so far as altered or repealed by any by-laws made under this Act, continue binding on the members of the corporation.

21. (1) A printed copy of any such rules or of such
35 by-laws sealed with the seal of the corporation and purporting to be certified by the secretary for the time being as being correct, shall be received in all courts as conclusive evidence of such rules or of such by-laws, and of the same having been given effect to by or duly
40 made under the authority of this Act. Copy of by-laws, &c., to be evidence.

(2) A copy sealed and certified as aforesaid shall be registered in the office of the Registrar-General in such register as may be, by regulations made under the Conveyancing Act, 1919, prescribed or until so prescribed in the miscellaneous register, and a copy of every amendment sealed and certified as aforesaid shall also be so registered within one month of such amendment being made. 5

Right of returned sailor, &c., to use certain parts of memorial building, whether a member or not.

22. Any returned sailor, soldier, or nurse shall, so long as he or she observes the by-laws, have the right to enter and use such parts of the memorial building as are set apart for general purposes, whether he or she is or is not a member of the corporation, and the by-laws shall expressly so provide. 10

Corporation not to take up party political or religious questions.

23. The corporation shall not take up or become identified with any party political or religious question or movement, nor shall any member engage in party political or religious propaganda within the memorial building, and the by-laws shall expressly so provide. 15

Each member of council, &c., to be liable only for his own acts, &c.

24. The members of the council and the trustees for the time being shall be respectively charged only for such moneys, stocks, funds, shares and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively. 20 25 30

Trustees Audit Act, 1912.

25. The accounts of the corporation are hereby included in Schedule Two to the Trustees Audit Act, 1912. 35

Liability of members.

26. In the event of the funds and property of the corporation being insufficient to meet its engagements no member thereof shall be individually liable for the same except to the extent of any moneys owing by him to the corporation. 40