

FIRST PRINT

BOY SCOUTS ASSOCIATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Boy Scouts Association—New South Wales Branch Incorporation Act 1928—

- (a) to change the name of the corporation constituted under that Act, which is the controlling body of the Scout Movement in the State, to “The Scout Association of Australia, New South Wales Branch” ;
- (b) to streamline the procedure under that Act for dealing with property of the corporation;
- (c) to update terminology in that Act relating to the organisation of the Scout Movement in the State; and
- (d) to effect other minor amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments.

Schedule 1 (1) changes the short title of the Principal Act to reflect the change of name of the corporation which it constitutes.

Schedule 1 (2) (a) amends the definition of “Association” to recognise its change of name. The Association is the controlling body of the Scout Movement in Australia and is now known as The Scout Association of Australia.

Schedule 1 (2) (b) alters the definition of "Constitution" (which is the document by which functions are delegated by the Association to its N.S.W. branch) to make it clear that it means that document as amended and in force from time to time.

Schedule 1 (3) inserts a provision which effects a change of name of the New South Wales Branch of the Association. The Branch is constituted as a corporation by the Principal Act and is now to be known as The Scout Association of Australia, New South Wales Branch.

Schedule 1 (4) changes a reference from "Boy Scout" to "Scout".

Schedule 1 (5) expands the list of Scout-related terms which an unauthorised person is prohibited from using. The penalty for a contravention is increased to \$200.

Schedule 1 (6) (a) increases to \$200 the penalty for unauthorised use, wearing or sale of Scout badges, uniforms and related items.

Schedule 1 (6) (b) changes a reference from "boy scout" to "scout".

Schedule 1 (7) updates terminology in the provision dealing with vesting of property in the Corporation. References to "troop" and "pack" are updated to "group" and "section".

Schedule 1 (8) streamlines the provision of the Principal Act dealing with the manner in which the Corporation deals with and disposes of property. The provision currently requires that a proposed mortgage or sale of real property be approved by a simple majority at an ordinary meeting of the Executive Committee and approved by a two-thirds majority at a later ordinary meeting. Approval by a two-thirds majority at one meeting only is all that will now be required.

Schedule 1 (9) updates provisions requiring lodgment of certain documents by the Corporation with the Corporate Affairs Commission. A copy of a document so lodged, certified by the Commission, is evidence of the contents of the document.

Schedule 1 (10) changes a reference from "general secretary" to "chief executive", to be consistent with current terminology.

Schedule 1 (11) adds to the methods provided by the Principal Act for the serving of documents on or the giving of notice to the Corporation by including delivery to the Corporation's office and service by post as acceptable methods.

Schedule 1 (12) updates the provision dealing with proceedings for offences.

Schedule 1 (13) inserts a provision which gives effect to the Schedule of savings and transitional provisions and inserts that Schedule. The proposed Schedule makes minor savings provisions concerning gifts and devises to Scouting bodies and the lodgment of documents with the Corporate Affairs Commission.

BOY SCOUTS ASSOCIATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 26, 1928

SCHEDULE 1—AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928

ROYAL SOCIETY OF MEDICINE - 11, BEDFORD SQUARE, LONDON, W.1

THE SECRETARY

1952

BOY SCOUTS ASSOCIATION (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Boy Scouts Association—New South Wales Branch Incorporation Act 1928 to change the name of the corporation constituted by that Act; and for other purposes.

Boy Scouts Association (Amendment) 1986

BE it enacted by the Queen'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:

5 **Short title**

1. This Act may be cited as the "Boy Scouts Association (Amendment) Act 1986".

Amendment of Act No. 26, 1928

10 2. The Boy Scouts Association—New South Wales Branch Incorporation Act 1928 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW SOUTH WALES BRANCH INCORPORATION ACT 1928

15 (1) Section 1—

Omit the section, insert instead:

Short title

1. This Act may be cited as the "Scout Association of Australia (New South Wales Branch) Incorporation Act 1928".

20 (2) Section 2 (**Interpretation**)—

(a) Definition of "The Association"—

Omit the definition, insert instead:

"The Association" means—

25 (a) the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated 4 January 1912; or

(b) from the commencement of the Boy Scouts Association (Amendment) Act 1986—The Scout Association of Australia (previously styled The Australian Boy Scouts Association) incorporated by Royal Charter dated 17
30 October 1967.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(b) Definition of “The Constitution” —

After “instrument”, insert “, as amended and in force from time to time,”.

(3) Section 4B—

5 After section 4A, insert:

Further change of name

10 4B. (1) From the commencement of the Boy Scouts Association (Amendment) Act 1986, the name of the Corporation shall be The Scout Association of Australia, New South Wales Branch.

15 (2) From that commencement, a reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Corporation under either of its former names shall be read as a reference to The Scout Association of Australia, New South Wales Branch.

(3) The Corporation’s former names are The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

20 (4) The Scout Association of Australia, New South Wales Branch, is a continuation of, and the same legal entity as, The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

(4) Section 5 (**Powers**)—

Omit “Boy Scout”, insert instead “Scout”.

25 (5) Section 6 (**Unauthorised use of name**)—

(a) Omit “ ‘The Boy Scouts Association’ or ‘Boy Scout’ ”, insert instead “Boy Scouts Association, Australian Boy Scouts Association, Scout Association of Australia, Boy Scout, Scout, Cub Scout, Venturer Scout or Rover Scout”.

30 (b) Omit “ten dollars”, insert instead “\$200”.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(6) Section 7 (**Unauthorised use or sale of uniform, etc.**)—

(a) Section 7 (1)—

Omit “ten dollars”, insert instead “\$200”.

(b) Section 7 (2)—

5 Omit “boy scout’s”, insert instead “scout’s”.

(7) Section 8 (**Property vested in Corporation**)—

(a) Omit “All real”, insert instead “(1) All real”.

10 (b) Omit “or any branch or any District Association, troop, pack or committee”, insert instead “or any Branch, Area Council, District Association, Group, Section or Committee”.

(c) Section 8 (2), (3)—

Omit the proviso to section 8, insert instead:

15 (2) Property vested in, held by or on behalf of, or given, devised or bequeathed to, any Sponsored Group, Section or Committee shall, subject to any express trust affecting the property, be held by the Corporation in trust for such purposes and be disposed of in such manner as the Sponsoring Authority may from time to time direct in writing.

20 (3) The Sponsoring Authority is the Sponsoring Authority of the relevant Group, Section or Committee, as defined in the document published by the Association and styled the Policy Organisation and Rules of the Association.

(d) Omit “All rights”, insert instead “(4) All rights”.

25 (e) Omit “Boy Scouts’ Association” where secondly occurring, insert instead “Association”.

SCHEDULE 1—*continued*AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(8) Section 10—

Omit the section, insert instead:

Dealings with property

5 10. (1) The Corporation shall deal with or dispose of the real and personal property of the Corporation, subject to any express trust affecting the property, in such manner as the Executive Committee appointed under the Constitution thinks fit.

(2) A proposed mortgage or sale of real property shall be submitted to an ordinary meeting of the Executive Committee.

10 (3) Notice of that meeting shall specially mention the proposal.

(4) If the proposal is approved by resolution passed by a majority comprising not less than two-thirds of the members present when the motion is put, the Executive Committee may give effect to the proposal.

15 (5) A copy of the resolution, sealed by the Corporation, is conclusive evidence in favour of a person claiming by, through or under the mortgage or sale that the resolution was duly passed in compliance with this Act and the Constitution.

20 (6) A purchaser or mortgagor is not bound to see to the application of money paid or advanced.

(9) Section 12—

Omit the section, insert instead:

Documents to be lodged with Corporate Affairs Commission

25 12. (1) Within 1 month after the commencement of the Boy Scouts Association (Amendment) Act 1986, the Corporation shall lodge with the Corporate Affairs Commission—

(a) a copy, sealed by the Corporation, of the Royal Charter dated 17 October 1967 incorporating the Association;

30 (b) a copy, sealed by the Corporation, of any by-laws made under that Royal Charter;

*Boy Scouts Association (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(c) a copy, sealed by the Corporation, of the Constitution; and

(d) a notice in a form approved by the Commission of the address of the office of the Corporation.

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(2) The Corporation shall also lodge with the Corporate Affairs Commission—

(a) a copy, sealed by the Corporation, of any Royal Charter which subsequently affects the Association;

(b) a copy, sealed by the Corporation, of any instrument which subsequently changes the Constitution; and

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(c) a notice in a form approved by the Commission of any change in the address of the office of the Corporation,

within 1 month after the Royal Charter or instrument becomes available to the Corporation or the change occurs.

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(3) Documents shall be lodged in the form and manner, and be accompanied by the fee, required by the Commission.

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(4) A copy of a document lodged with the Commission under this section and certified by the Commission to be a true copy is evidence (except of the address of the Corporation) in any proceedings, in the absence of evidence to the contrary, of the contents of the original of the document.

Penalty: \$100.

(10) Section 13 (**Common seal**)—

Omit “general secretary”, insert instead “chief executive”.

(11) Section 14—

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Omit the section, insert instead:

Service on or notice to the Corporation

14. (1) A document may be served on the Corporation—

(a) by delivering a copy of the document personally to the chief executive or acting chief executive; or

*Boy Scouts Association (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(b) by leaving it at, or by sending it by post to, the office of the Corporation.

5 (2) For that purpose, the address of the office of the Corporation shall be deemed to be the address most recently notified to the Corporate Affairs Commission under section 12.

(3) A certificate of the Commission as to the address most recently notified is in any proceedings conclusive evidence of the address of the Corporation.

10 (4) Notice given to the chief executive or acting chief executive of the Corporation shall be deemed to have been given to the Corporation.

(12) Section 15—

Omit the section, insert instead:

Proceedings for offences

15 15. Proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(13) Section 16 and Schedule 1—

After section 15, insert:

20 **Savings and transitional provisions**

16. Schedule 1 has effect.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

SCHEDULE 1

(Sec. 16)

SAVINGS AND TRANSITIONAL PROVISIONS

Boy Scouts Association (Amendment) Act 1986

5 **Gifts, etc., of property**

1. After the commencement of the Boy Scouts Association (Amendment) Act 1986, a reference to a troop or pack in a gift, devise or bequest to, or to any person for or on behalf of, the troop or pack shall be read as a reference to a group or section specified by the Corporation for the purpose.

10 **Prior lodgment of documents with C.A.C.**

2. A copy of a document lodged by the Corporation with the Corporate Affairs Commission before the commencement of the Boy Scouts Association (Amendment) Act 1986 shall be deemed to have been lodged under section 12.

**BOY SCOUTS ASSOCIATION (AMENDMENT) ACT 1986 No.
148**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 26, 1928

SCHEDULE 1—AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928

**BOY SCOUTS ASSOCIATION (AMENDMENT) ACT 1986 No.
148**

NEW SOUTH WALES



Act No. 148, 1986

An Act to amend the Boy Scouts Association—New South Wales Branch Incorporation Act 1928 to change the name of the corporation constituted by that Act; and for other purposes. [Assented to, 17 December 1986]

Boy Scouts Association (Amendment) 1986

BE it enacted by the Queen'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 "Boy Scouts Association (Amendment) Act 1986".

Amendment of Act No. 26, 1928

2. The Boy Scouts Association—New South Wales Branch Incorporation Act 1928 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928

(1) Section 1—

Omit the section, insert instead:

Short title

1. This Act may be cited as the "Scout Association of Australia (New South Wales Branch) Incorporation Act 1928".

(2) Section 2 (**Interpretation**)—

(a) Definition of "The Association"—

Omit the definition, insert instead:

"The Association" means—

- (a) the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated 4 January 1912; or
- (b) from the commencement of the Boy Scouts Association (Amendment) Act 1986—The Scout Association of Australia (previously styled The Australian Boy Scouts Association) incorporated by Royal Charter dated 17 October 1967.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(b) Definition of “The Constitution” —

After “instrument”, insert “, as amended and in force from time to time.”.

(3) Section 4B—

After section 4A, insert:

Further change of name

4B. (1) From the commencement of the Boy Scouts Association (Amendment) Act 1986, the name of the Corporation shall be The Scout Association of Australia, New South Wales Branch.

(2) From that commencement, a reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Corporation under either of its former names shall be read as a reference to The Scout Association of Australia, New South Wales Branch.

(3) The Corporation’s former names are The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

(4) The Scout Association of Australia, New South Wales Branch, is a continuation of, and the same legal entity as, The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

(4) Section 5 (**Powers**)—

Omit “Boy Scout”, insert instead “Scout”.

(5) Section 6 (**Unauthorised use of name**)—

(a) Omit “ ‘The Boy Scouts Association’ or ‘Boy Scout’ ”, insert instead “Boy Scouts Association, Australian Boy Scouts Association, Scout Association of Australia, Boy Scout, Scout, Cub Scout, Venturer Scout or Rover Scout”.

(b) Omit “ten dollars”, insert instead “\$200”.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(6) Section 7 (**Unauthorised use or sale of uniform, etc.**)—

(a) Section 7 (1)—

Omit “ten dollars”, insert instead “\$200”.

(b) Section 7 (2)—

Omit “boy scout’s”, insert instead “scout’s”.

(7) Section 8 (**Property vested in Corporation**)—

(a) Omit “All real”, insert instead “(1) All real”.

(b) Omit “or any branch or any District Association, troop, pack or committee”, insert instead “or any Branch, Area Council, District Association, Group, Section or Committee”.

(c) Section 8 (2), (3)—

Omit the proviso to section 8, insert instead:

(2) Property vested in, held by or on behalf of, or given, devised or bequeathed to, any Sponsored Group, Section or Committee shall, subject to any express trust affecting the property, be held by the Corporation in trust for such purposes and be disposed of in such manner as the Sponsoring Authority may from time to time direct in writing.

(3) The Sponsoring Authority is the Sponsoring Authority of the relevant Group, Section or Committee, as defined in the document published by the Association and styled the Policy Organisation and Rules of the Association.

(d) Omit “All rights”, insert instead “(4) All rights”.

(e) Omit “Boy Scouts’ Association” where secondly occurring, insert instead “Association”.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(8) Section 10—

Omit the section, insert instead:

Dealings with property

10. (1) The Corporation shall deal with or dispose of the real and personal property of the Corporation, subject to any express trust affecting the property, in such manner as the Executive Committee appointed under the Constitution thinks fit.

(2) A proposed mortgage or sale of real property shall be submitted to an ordinary meeting of the Executive Committee.

(3) Notice of that meeting shall specially mention the proposal.

(4) If the proposal is approved by resolution passed by a majority comprising not less than two-thirds of the members present when the motion is put, the Executive Committee may give effect to the proposal.

(5) A copy of the resolution, sealed by the Corporation, is conclusive evidence in favour of a person claiming by, through or under the mortgage or sale that the resolution was duly passed in compliance with this Act and the Constitution.

(6) A purchaser or mortgagor is not bound to see to the application of money paid or advanced.

(9) Section 12—

Omit the section, insert instead:

Documents to be lodged with Corporate Affairs Commission

12. (1) Within 1 month after the commencement of the Boy Scouts Association (Amendment) Act 1986, the Corporation shall lodge with the Corporate Affairs Commission—

- (a) a copy, sealed by the Corporation, of the Royal Charter dated 17 October 1967 incorporating the Association;
- (b) a copy, sealed by the Corporation, of any by-laws made under that Royal Charter;

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

- (c) a copy, sealed by the Corporation, of the Constitution; and
 - (d) a notice in a form approved by the Commission of the address of the office of the Corporation.
- (2) The Corporation shall also lodge with the Corporate Affairs Commission—
- (a) a copy, sealed by the Corporation, of any Royal Charter which subsequently affects the Association;
 - (b) a copy, sealed by the Corporation, of any instrument which subsequently changes the Constitution; and
 - (c) a notice in a form approved by the Commission of any change in the address of the office of the Corporation,
- within 1 month after the Royal Charter or instrument becomes available to the Corporation or the change occurs.
- (3) Documents shall be lodged in the form and manner, and be accompanied by the fee, required by the Commission.
- (4) A copy of a document lodged with the Commission under this section and certified by the Commission to be a true copy is evidence (except of the address of the Corporation) in any proceedings, in the absence of evidence to the contrary, of the contents of the original of the document.

Penalty: \$100.

(10) Section 13 (**Common seal**)—

Omit “general secretary”, insert instead “chief executive”.

(11) Section 14—

Omit the section, insert instead:

Service on or notice to the Corporation

14. (1) A document may be served on the Corporation—
- (a) by delivering a copy of the document personally to the chief executive or acting chief executive; or

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(b) by leaving it at, or by sending it by post to, the office of the Corporation.

(2) For that purpose, the address of the office of the Corporation shall be deemed to be the address most recently notified to the Corporate Affairs Commission under section 12.

(3) A certificate of the Commission as to the address most recently notified is in any proceedings conclusive evidence of the address of the Corporation.

(4) Notice given to the chief executive or acting chief executive of the Corporation shall be deemed to have been given to the Corporation.

(12) Section 15—

Omit the section, insert instead:

Proceedings for offences

15. Proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

(13) Section 16 and Schedule 1—

After section 15, insert:

Savings and transitional provisions

16. Schedule 1 has effect.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

SCHEDULE 1

(Sec. 16)

SAVINGS AND TRANSITIONAL PROVISIONS

Boy Scouts Association (Amendment) Act 1986

Gifts, etc., of property

1. After the commencement of the Boy Scouts Association (Amendment) Act 1986, a reference to a troop or pack in a gift, devise or bequest to, or to any person for or on behalf of, the troop or pack shall be read as a reference to a group or section specified by the Corporation for the purpose.

Prior lodgment of documents with C.A.C.

2. A copy of a document lodged by the Corporation with the Corporate Affairs Commission before the commencement of the Boy Scouts Association (Amendment) Act 1986 shall be deemed to have been lodged under section 12.

