

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE

No. 38 of 1977

An Act to amend The Religious, Educational, and Charitable Institutions Act of 1861 Amendment Act of 1895, The Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch, Act of 1956 and The Returned Servicemen's Badges Acts, 1956 to 1958 each in certain particulars

[ASSENTED TO 23RD SEPTEMBER, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Religious Educational and Charitable Institutions Act and Other Acts Amendment Act 1977*.

2. Commencement. (1) Save where the contrary intention appears with respect to particular provisions, this Act shall commence on a day to be fixed by Proclamation.

(2) Notwithstanding subsection (1), different days may be fixed by Proclamation as days upon which different provisions of this Act shall respectively commence and, in that event, any such provision shall commence on the day fixed by Proclamation in relation to it.

3. Arrangement of Act. This Act is arranged as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE RELIGIOUS, EDUCATIONAL, AND CHARITABLE INSTITUTIONS ACT OF 1861 AMENDMENT ACT OF 1895;

PART III—AMENDMENTS OF THE RETURNED SAILORS', SOLDIERS' AND AIRMEN'S IMPERIAL LEAGUE OF AUSTRALIA, QUEENSLAND BRANCH, ACT OF 1956;

PART IV—AMENDMENTS OF THE RETURNED SERVICEMEN'S BADGES ACTS, 1956 TO 1958.

PART II—AMENDMENTS OF THE RELIGIOUS, EDUCATIONAL, AND CHARITABLE INSTITUTIONS ACT OF 1861 AMENDMENT ACT OF 1895

4. Citation. (1) In this Part, *The Religious, Educational, and Charitable Institutions Act of 1861 Amendment Act of 1895* as subsequently amended is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Religious Educational and Charitable Institutions Act Amendment Act 1895-1977*.

5. Citation of Act 25 Vic. No. 19. *The Religious Educational and Charitable Institutions Act of 1861* as amended by *The Statute Law Revision Act of 1908*, by *The Religious Educational and Charitable Institutions Acts Amendment Act of 1959* and by *The Religious Educational and Charitable Institutions Acts Amendment Act of 1967* may be cited as the *Religious Educational and Charitable Institutions Act 1861-1967*.

6. New ss. 6A, 6B. The Principal Act is amended by inserting after section 6 the following sections:—

“ 6A. Change of name of corporations. Upon receipt of a request in that regard from a corporation incorporated by Letters Patent issued pursuant to the Principal Act, the Governor in Council by Letters Patent issued under the provisions of the Principal Act may declare that on and from the date of the issuing of the Letters Patent or on and from a later date specified therein (which date of such issuing or, as the case may be, such later date is in this Act referred to as the operative date) the name and style given to the corporation by the firstmentioned Letters Patent shall cease to be the name and style of the corporation and that the name and style of the corporation shall be that which is given to the corporation by the secondmentioned Letters Patent.

6B. Effect of Letters Patent changing name of corporation.

(1) Where, pursuant to section 6A, the Governor in Council has by Letters Patent declared the name and style of a corporation, then—

- (a) on and from the operative date, the name and style of the corporation shall be the name and style so declared;
- (b) where property, which immediately prior to the operative date is vested in the corporation, consists of an estate, right, title or interest that is recorded in the registers kept by the Registrar of Titles or the Registrar of Dealings or in any other registers, the registrar or other person charged with keeping such registers is hereby authorized, upon production to him of such instruments or other writings as are necessary and compliance with any other requirements he considers proper and, without requiring payment of any fee, to cause all necessary entries to be made in the appropriate registers to record the change of name declared in such Letters Patent;
- (c) on and from the operative date, a reference to the corporation in the ceased name or style of the corporation occurring in any will, codicil, court order, grant of any kind, instrument (including an instrument evidencing title to an estate or interest in land), document

or other writing shall be read and construed as a reference to the corporation in the name and style given to the corporation by those Letters Patent.

(2) Stamp duty shall not be payable on any instrument or other writing used pursuant to subsection (1) (b).

(3) The provisions of subsection (1) (c) apply according to their tenor whether the will, codicil, court order, grant, instrument, document or writing concerned was made before or is made after the operative date but those provisions do not apply so as to re-open any matter or transaction that was concluded before the operative date."

PART III—AMENDMENTS OF THE RETURNED SAILORS', SOLDIERS' AND AIRMEN'S IMPERIAL LEAGUE OF AUSTRALIA, QUEENSLAND BRANCH, ACT OF 1956

7. Citation. (1) In this Part, *The Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch, Act of 1956* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be referred to as the *Returned Services League of Australia (Queensland Branch) Act 1956-1977*.

8. Amendment of Long Title. The Principal Act is amended in the long title appearing before the preamble thereto by inserting after the words "Sub-Branches of" the words "the corporation named the Returned Services League of Australia (Queensland Branch) and formerly named".

9. Amendment of preamble. The Principal Act is amended in the first paragraph of the preamble by inserting after the words "Sub-Branches of the" the words "corporation named the Returned Services League of Australia (Queensland Branch) and formerly named The".

10. Amendment of s. 2. Section 2 of the Principal Act is amended in the definition "State Branch" by inserting after the word "means" the words "the corporation named the Returned Services League of Australia (Queensland Branch) and formerly named".

11. Amendment of s. 3. Section 3 of the Principal Act is amended by—

(a) omitting from subsection (1) the words "The Trustees of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch," and substituting the words "The Trustees of the Returned Services League of Australia (Queensland Branch)";

(b) inserting after subsection (2) the following subsection:—

"(3) Where, on behalf of a District Branch or Sub-Branch, prior to the commencement of Part III of the *Religious Educational and Charitable Institutions Act and Other Acts Amendment Act 1977*, lands, estate, moneys, securities for money, personal property or R.S.L. lands are vested in trustees in the official name prescribed in section (3) (1) of *The Returned Sailors', Soldiers' and Airmen's Imperial League of Australia, Queensland Branch, Act of 1956*, then upon the commencement of that Part—

(a) the official name of the trustees shall be the official name prescribed in subsection (1) of this Act; and

- (b) where such official name is recorded in the registers kept by the Registrar of Titles or the Registrar of Dealings or in any other registers, the registrar or other person charged with keeping such registers is hereby authorized, upon production to him of such instruments or other writings as are necessary and compliance with any other requirements he considers proper and, without requiring payment of any fee, to cause all necessary entries to be made in the appropriate registers to record the change of name pursuant to this subsection.

Stamp duty shall not be payable on any instrument or other writing used pursuant to this subsection.”.

12. Amendment of s. 7. Section 7 of the Principal Act is amended by:—

(a) omitting from the first paragraph the words “The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch,” and substituting the words “the Returned Services League of Australia (Queensland Branch)”;

(b) inserting after the first paragraph the following paragraph:—

“The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch, Register of Trustees for Queensland kept under *The Returned Sailors’, Soldiers’ and Airmen’s Imperial League of Australia, Queensland Branch, Act of 1956* shall continue and shall be and remain the Returned Services League of Australia (Queensland Branch) Register of Trustees for Queensland for the purposes of this Act.”.

13. Amendment of Schedule. The Principal Act is amended in the Schedule thereto by omitting the words “THE RETURNED SAILORS’, SOLDIERS’ AND AIRMEN’S IMPERIAL LEAGUE OF AUSTRALIA, QUEENSLAND BRANCH:” and substituting the words “RETURNED SERVICES LEAGUE OF AUSTRALIA (QUEENSLAND BRANCH)”.

PART IV—AMENDMENTS OF THE RETURNED SERVICEMEN’S BADGES ACTS, 1956 TO 1958

14. Citation. (1) In this Part, *The Returned Servicemen’s Badges Act of 1956* as amended from time to time is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Returned Servicemen’s Badges Act 1956–1977*.

15. Amendment of Long Title. The Principal Act is amended in the long title by inserting after the words “Membership Badges issued by” the words “the corporation named the Returned Services League of Australia (Queensland Branch) and formerly named”.

16. Amendment of s. 2. Section 2 of the Principal Act is amended in the definition “The League” by inserting after the word “means” the words “the corporation named the Returned Services League of Australia (Queensland Branch) and formerly named”.