Version No. 001

Returned Sailors and Soldiers Imperial League of Australia Act 1921

Act No. 3158/1921

Version as at 26 February 2003

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An Act to confer certain powers on the Trustees for the time being under a Deed of Trust under which certain Land is held upon trust for the Members of a Body unincorporate known as the Victorian Branch of the Returned Sailors and Soldiers Imperial League of Australia.

Preamble

WHEREAS in a certain deed of trust bearing date the fourth day of February One thousand nine hundred and nineteen (a copy whereof is set out in the Schedule to this Act) it is recited in effect inter alia that certain moneys were raised by contributions and donations from the public for the benefit of the members of a certain body unincorporate known as the Victorian Branch of the Returned Sailors and Soldiers Imperial League of Australia (thereinafter designated and referred to as "the said Victorian Branch") and that further moneys may be thereafter raised for the benefit of the members of the said Victorian Branch by contributions and donations from the public or otherwise and that the objects and purposes for which the said moneys have been and may be raised included certain objects and purposes set out in the said deed of trust:

AND WHEREAS in the said deed of trust it is stated that certain persons therein named do for themselves and the survivor or survivors of them and the heirs executors and administrators of such survivors and other the trustees or trustee for the time being of those presents (thereinafter called
"the trustees") thereby admit acknowledge and declare that the trustees hold the said moneys and all moneys to be thereafter received by the trustees for the purposes of those presents and all property real and personal acquired by the trustees with the same or any part or parts thereof and all investments representing the same or any part or parts thereof and the income rents profits and produce thereof upon trust for the members for the time being of the said Victorian Branch and with and subject to the terms conditions stipulations and provisions thereinafter in the said deed of trust contained:

AND WHEREAS the said deed of trust in effect also provides inter alia that the trustees shall have full power to purchase certain freehold land and buildings therein referred to and for that purpose enter into a contract (including the taking over of a certain mortgage therein referred to on the said lands and buildings) as therein provided, and to make additions and alterations and effect improvements to the said land and buildings and to erect buildings upon all or any vacant land vested in or held by the trustees and if thought fit to pull down in whole or in part any buildings or other erections on any land vested in or held by the trustees and if thought fit to erect buildings or improvements on such land or any part thereof:

AND WHEREAS the said deed of trust further provides in effect for the appointment of a new trustee or new trustees on the happening of the events therein mentioned:

AND WHEREAS certain persons have been appointed as new trustees:

AND WHEREAS the said freehold land in the recitals to said deed of trust described as situated at number 151 Collins-street Melbourne and being Crown allotment eleven, section six, city of Melbourne, parish of North Melbourne, county of Bourke, and more particularly described in the certificate of title entered in the register book of
the Office of Titles, volume 4281, folium 856089, has been purchased by certain persons purporting to act as trustees under the said deed of trust who in the said certificate of title are registered as the proprietors of the said land:

AND WHEREAS certain additions alterations and improvements have been and may hereafter be made and certain buildings have been and may hereafter be erected on the said freehold land and the trustees for the time being desire to borrow and take up moneys at interest on the security of the said freehold land or the equity of redemption thereof for the purpose of the payment of the cost of making any such additions alterations and improvements and of erecting any such buildings:

AND WHEREAS it is expedient as hereinafter provided to authorize the said trustees for the time being to borrow and take up moneys at interest on the security of the said freehold land or the equity of redemption thereof for the said purpose and also for the purpose of effecting as and when it may be deemed advisable or expedient any renewal of the hereinbefore recited mortgage or any mortgage under this Act or any mortgage in substitution for any such mortgage as aforesaid:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. Short title

This Act may be cited as the Returned Sailors and Soldiers Imperial League of Australia Act 1921.
2. **Power to trustees for the time being to borrow by mortgage**

(1) For the purpose of the payment of the cost of making any additions alterations and improvements heretofore or hereafter made on the said recited freehold land and of erecting any buildings heretofore or hereafter erected thereon the trustees for the time being under the said deed of trust (hereinafter referred to as "the said trustees") are hereby authorized to borrow and take up moneys at interest on the security of the said recited freehold land or the equity of redemption thereof.

(2) The said trustees are hereby authorized to renew as and when it may be deemed advisable or expedient the hereinbefore recited mortgage or any mortgage under this Act or any mortgage in substitution for any such mortgage as aforesaid; and for the purpose of effecting any such renewal are hereby authorized to borrow and take up such moneys as may be necessary to give effect to such purpose at interest on the security of the said freehold land or the equity of redemption thereof.

(3) For the purpose of securing the repayment of any moneys borrowed by them under the powers conferred by this Act the said trustees may mortgage the said freehold land or the equity of redemption thereof to the person who lends such moneys as a security for the repayment of the moneys so borrowed together with interest for the same.

(4) The powers conferred by this Act shall be exercised subject to the like terms conditions stipulations and provisions as if the said powers had been included in the said recited deed of trust.
3. Lender not required to see to appropriation of or answerable for misappropriation of moneys advanced

No person lending any moneys to the said trustees under the provisions of this Act shall be bound to see to the appropriation or be answerable for the loss or misappropriation thereof.
Victorian Legislation and Parliamentary Documents

Act No. 3158/1921

SCHEDULE

RETURNED SAILORS AND SOLDIERS IMPERIAL LEAGUE OF AUSTRALIA (VICTORIAN BRANCH)

COPY OF DEED OF TRUST

To all to whom these presents shall come we John Keatly Forsyth of Lindocrescent Glenferrie George Robert Palmer of 120 Glen Lyon-road Brunswick Victoria Gilbert Joseph Cullen Dyett of Majestic Mansions Fitzroy-street Saint Kilda Duncan McDougall of Ash-grove East Malvern and Charles John Mullins of 237 Maribyrnong-road Ascot Vale send greeting:

WHEREAS certain moneys amounting to approximately the sum of Fifteen thousand pounds have been raised by contributions and donations from the public for the benefit of the members of the Victorian Branch of the Returned Sailors and Soldiers Imperial League of Australia an unincorporated body having its office situate at Alexander Buildings number 27 Swanston-street Melbourne and hereinafter designated and referred to as "the said Victorian Branch" the property and affairs of which are by its rules and by-laws under the management and control of the following office-bearers viz. a president five vice-presidents a treasurer (all of whom are ex officio members of the committee) and a committee of fifteen other members all of whom are hereinafter designated and referred to as "the committee" and whereas further moneys may be hereafter raised for the benefit of the members of the said Victorian Branch by contributions and donations from the public or otherwise and whereas the objects and purposes for which the said moneys have been and may be raised included—

(a) acquiring land in the city of Melbourne and building thereon a memorial hall and buildings suitable for being used as club rooms and if deemed expedient for offices shops or a warehouse or

(b) buying in the said city of Melbourne land and buildings capable of being altered or used for the purposes above set out or any of them or

(c) leasing any premises or portion of any premises for the purposes of supplying club rooms for the use of members of the said Victorian Branch and

(d) for providing furniture suitable or necessary for furnishing such club rooms or advancing the moneys necessary to obtain the same

(e) for purchasing or otherwise acquiring band and other musical instruments.

Preamble

Sch.
AND WHEREAS the committee of the said Victorian Branch has by resolution duly passed under and in conformity with the said rules and byelaws requested us to act as trustees of the said moneys so raised and to be raised as aforesaid and to receive and apply the same for or towards the carrying out of the said purposes and objects and for that purpose to enter into a contract with The City Property Limited a company duly incorporated and having its registered office situated at number 151 Collins-street Melbourne to purchase the freehold land and buildings situated at number 151 Collins-street Melbourne and certain personal estate consisting of bonds debentures furniture fittings liquors and other chattels and effects for the sum of Thirty-seven thousand pounds upon certain terms which include the taking over of a mortgage on the said freehold land and buildings to secure the sum of Sixteen thousand pounds and interest thereon and whereas we have agreed to accept the position of such trustees and to receive and apply the said moneys for the purposes aforesaid and to enter into the said contract and generally to act as such trustees upon the terms and conditions and with and subject to the powers authorities and provisions hereinafter contained and upon the committee of the said Victorian Branch passing a resolution or resolutions ratifying adopting and confirming all and singular the terms and provisions of these presents and this has accordingly been done prior to the execution of these presents now know ye that We the said John Keatly Forsyth George Robert Palmer Gilbert Joseph Cullen Dyett Duncan McDougall and Charles John Mullins do for ourselves and the survivor or survivors of us and the heirs executors and administrators of such survivors and other the trustees or trustee for the time being of these presents (hereinafter called "the trustees") hereby admit acknowledge and declare that the trustees hold the said approximate sum of Fifteen thousand pounds and all other moneys to be hereafter received by the trustees for the purposes of these presents and all property real and personal acquired by the trustees with the same or any part or parts thereof and all investments representing the same or any part or parts thereof (all of which are hereinafter included in the expression "the trust premises") and the income rents profits and produce thereof upon trust for the members for the time being of the said Victorian Branch and with and subject to the terms conditions stipulations and provisions hereinafter contained that is to say:

1. The trustees shall have full power to purchase the said freehold land and buildings personal estate and effects the property of the said City Property Limited for the sum of Thirty-seven thousand pounds or such other sum as the committee shall think fit and for that purpose to enter into such contract containing such terms and provisions including the taking over of the mortgage on the said freehold land and buildings to secure the said sum of Sixteen thousand pounds and interest thereon as the committee shall think proper and to do all acts and things necessary or proper to carry out such contract including the application of any moneys in their hands forming part of the trust premises for the purposes of the same.
2. The trustees shall have full power to make such additions and alterations and effect such improvements to the said freehold land and buildings personal estate effects or any portion or portions thereof as may be beneficial for the use and enjoyment thereof by the members of the Victorian Branch and also to expend such sums as may be necessary or proper for the maintenance and upkeep of the same with full power and authority at any time or from time to time to erect buildings upon all or any vacant land vested in or held by the trustees and if thought fit to pull down in whole or in part any buildings or other erections on any land vested in or held by the trustees and if thought fit to erect other buildings or improvements on such land or any part thereof with full power and authority at any time or from time to time to grant leases or enter into agreements for leases of such portions of the said land and buildings including any additions alterations and improvements thereto and any new buildings or other erections for such term or terms not exceeding five years and at such rentals and upon such terms and conditions as the committee may think proper with power to accept surrendering of leases or agreements for leases and make arrangements with tenants and occupiers with power and authority also to expend such moneys as may be thought fit in purchasing or otherwise acquiring band or other musical instruments.

3. The trustees shall have full power at any time or from time to time to sell all or any part or parts of the trust premises by public auction or private contract either together or in lots or parcels at such price or prices and upon such terms and generally as the committee shall think fit with power to vary any contract of sale and to buy in at auction and to rescind any contract of sale and to resell without being responsible for any loss and they shall also have full power to apply all or any part of the moneys received by them on any sale and also any other moneys forming part of the trust premises in the purchase or acquisition of other freehold or leasehold lands for the benefit of the members of the said Victorian Branch and shall hold the same upon the same trusts and with the like powers and with and subject to the like terms conditions and provisions as are herein contained with respect to the said freehold land and buildings and personal estate and effects to be acquired from The City Property Limited.

4. None of the powers and authorities conferred upon the trustees by clauses two and three hereof shall be exercised by them without the authority of a resolution carried by the majority of the committee of the said Victorian Branch present at a meeting of the said committee specially called for the purpose of which seven days' notice at least shall be given and provided that not less than fifteen members of the committee shall be present at the meeting at which such authority is given provided always that a certificate in writing under the hand of the secretary for the time being of the said Victorian Branch that a meeting has been held and that such resolution has been duly passed thereat.
shall as regards the trustees and all persons or corporations dealing with them be conclusive evidence of the facts therein stated.

5. All moneys forming part of the trust premises and not required for immediate investment or payment for the purposes of these presents shall with all convenient speed be paid to the credit of an account to be opened at the Commercial Bank of Australia Limited or such other bank as the trustees and the committee of the said Victorian Branch may from time to time decide upon to be called the "Returned Sailors and Soldiers Memorial Buildings Trust Account" and all future donations contributions and all other moneys including the income rents profits and produce of the trust premises or of any part or parts thereof shall be paid to the credit of this account as soon as practicable after the same have been received by the trustees.

6. All moneys forming part of the trust premises and available for investment including the income rents profits and produce thereof shall be invested by the trustees in such manner and upon such investments and securities as the committee of the said Victorian Branch shall from time to time by resolution passed in the manner and in accordance with the provisions and conditions set forth in clause four hereof and subject thereto upon the investments and securities which trustees are by law authorized to make.

7. No moneys in excess of Fifty pounds per calendar month shall be withdrawn from the aforesaid account except on a resolution of the committee of the said Victorian Branch and such resolutions shall be passed by a majority of those present at a meeting of the said committee at which fifteen members at least are present and the chairman of the meeting at which such resolution was passed shall certify to the trustees in writing to that effect and the trustees shall have full power and authority on the authority of such certificate without being responsible for any loss.

8. All cheques drawn on the Returned Sailors and Soldiers Memorial Buildings Trust Account shall be signed by at least two of the trustees and the treasurer for the time being of the said Victorian Branch and shall be countersigned by the secretary of the said Victorian Branch.

9. The receipt by any three of the trustees for any moneys received or to be received by them as part of the trust premises or for any other moneys shares securities or investments paid delivered or transferred to them by virtue of these presents or in the execution of the trusts or powers hereof shall effectually discharge the person or persons corporation or corporations paying delivering or transferring the same therefrom and from being bound to see to the application thereof or being answerable for the loss or misapplication thereof.
10. In addition to the ordinary indemnity given by law to trustees the trustees and each of them their and each of their estates and effects shall at all times hereafter be indemnified by and out of the trust premises and the income rents profits and produce thereof against all debts, liabilities, claims, demands, and accounts incurred or to be incurred by them in respect of the trust premises or by reason of the exercise by them of all or any of the powers and authorities conferred upon them by these presents or by reason of the execution by them of the trusts, powers, and provisions of these presents and they shall be entitled to be reimbursed in the fullest manner out of the trust premises and the income rents profits and produce thereof in respect of all costs, charges, and expenses incurred by them and him in relation thereto or on account thereof.

11. In the event of the unfitness or incapacity of any of the trustees hereby appointed or hereafter to be appointed such trustee may be removed by the central council of the Returned Sailors and Soldiers Imperial League of Australia in the manner and in accordance with the provisions (including the right to appeal) contained in the rules of that body with respect to the removal of trustees appointed by or under those rules but this power of removal shall not be exercised by such central council unless and until a resolution of the committee has been duly passed in accordance with the terms and provisions of clause four hereof requesting such central council to act in exercise of this.

12. Should all or any or either of the trustees hereby appointed or to be hereafter appointed die or become insolvent or bankrupt or be desirous of retiring from the trusteeship or be removed by the central council under the power given by the last preceding clause or should any vacancy arise in the office of trusteeship from any cause whatsoever a new trustee or new trustees may be appointed by the committee of the said Victorian Branch to fill such vacancy or vacancies at a meeting specially called for that purpose of which seven days' notice shall be given provided that no such new trustee or trustees shall be appointed unless at least fifteen of the members of the said committee are present at such meeting and his or their appointment is confirmed at a subsequent meeting of the committee at which fifteen at least of the members are present held within one month from the date of the first meeting hereinbefore referred to.

13. No person shall be eligible to be appointed as a trustee who is not a full effective member of the said Victorian Branch and who has not previously consented in writing to his appointment and has undertaken if appointed to be bound by the terms, conditions, and provisions of these presents.

14. The trustees shall present a full statement of accounts duly audited showing their receipts and expenditure for the previous year to each annual general meeting of the Victorian Branch.
15. In case the income, rents, profits and produce received by the trustees from the trust premises shall at any time or times be insufficient to meet the expenditure necessary for the upkeep and maintenance of the trust premises the amount of such deficiency shall be furnished to the trustees by the committee out of any moneys in its hands or under its control from time to time as occasion shall require.

In witness whereof the parties hereto have hereunto set their hands and seals this fourth day of February One thousand nine hundred and nineteen.

Signed sealed and delivered by the said John Keatly Forsyth in the presence of—
(Signed) GEO. PAGE

Signed sealed and delivered by the said George Robert Palmer in the presence of—
(Signed) REGINALD G. PEISLEY
(Signed) GEO. R. PALMER (L.S.)

Signed sealed and delivered by the said Gilbert Cullen Dyett in the presence of—
(Signed) ALBERT KEMP
(Signed) GILBERT JOSEPH CULLEN DYETT (L.S.)

Signed sealed and delivered by the said Duncan McDougall in the presence of—
(Signed) REGINALD G. PEISLEY
(Signed) ARTHUR S. WOOLCOTT,
Solicitor, Melbourne
(Signed) D. McDougall (L.S.)

Signed sealed and delivered by the said Charles John Mullins in the presence of—
(Signed) REGINALD G. PEISLEY
ARTHUR S. WOOLCOTT
(Signed) C. J. MULLINS (L.S.)
1. **General Information**

The Returned Sailors and Soldiers Imperial League of Australia Act 1921 was assented to on 21 December 1921 and came into operation on 21 December 1921.
2. Table of Amendments

There are no amendments made to the Returned Sailors and Soldiers Imperial League of Australia Act 1921 by Acts and subordinate instruments.
Returned Sailors and Soldiers Imperial League of Australia Act
1921

Act No. 3158/1921

3. Explanatory Details

No entries at date of publication.