



Western Australia

## **Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932**

Compare between:

[28 Jun 2010, 02-b0-01] and [11 Sep 2010, 02-c0-01]



## **Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932**

### **An Act to establish the Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund.**

*[Long title amended by No. 24 of 1958 s. 2.]*

#### **1. Short title and commencement**

This Act may be cited as the *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932*<sup>1</sup>, and shall come into operation on 1 January 1933.

*[Section 1 amended by No. 24 of 1958 s. 1.]*

#### **2. Terms used in this Act**

In this Act —

***the annual Poppy Day appeal*** means an annual appeal of a kind similar to the appeal heretofore known as “the Poppy Day appeal”, and heretofore conducted annually by or under the authority of the League since the Great War, 1914-1918, on Armistice Day;

***the League*** means the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, W.A. Branch, Incorporated;

***the State secretary*** means the State secretary to the League.

*[Section 2 amended by No. 10 of 1934 s. 2; No. 24 of 1958 s. 3.]*

s. 3

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**3. The Fund**

(1) The Fund inaugurated by the League and known as the Western Australian Aged Sailors and Soldiers' Relief Fund is hereby established.

~~(2)(a2A)~~ The League shall, on the commencement of this Act, remit to the Trust all moneys held by the League in an account known as "W.A. Aged Sailors and Soldiers' Relief Fund"; ~~and~~.

~~(b2B)~~ Each sub-branch of the League shall, on the commencement of this Act, and on or before 1 December 1933, and in every subsequent year remit to the State secretary one-half of the net proceeds of the annual Poppy Day appeal, and the moneys so received by the State secretary shall be paid by him to the Trust hereby established.

~~(e2C)~~ From the commencement of the *Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment Act 1958*<sup>1</sup>, the account constituted by ~~paragraph (a)~~ ~~subsection (2A)~~ shall be known as the "Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund".

(3) The Fund shall consist of —

- (a) one-half of the net proceeds of the annual Poppy Day appeal received by the Trust under ~~the last preceding subsection;~~ ~~(2B)~~;
- (b) such other moneys as may be set aside for the purposes of this Act by the annual State Congress of the League;
- (c) donations or bequests.

*[Section 3 amended by No. 24 of 1958 s. 44; No. 19 of 2010 s. 51.]*

**4. The Trust**

(1) The Fund is hereby vested in and shall be administered by a Trust.

- (2) The Trust shall consist of 3 members, to be appointed from time to time by the Governor. One of the members shall be nominated by the State Executive of the League.
- (3) The Trust, by the name of the Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Trust, shall be a body corporate, with perpetual succession and a common seal.

*[Section 4 amended by No. 24 of 1958 s. 5.]*

#### **5. Investment and application of the Fund**

- (1) All moneys to the credit of the Fund shall be invested by the Trust, under and subject to the *Trustees Act 1900*<sup>2</sup>, and shall accumulate with interest until 1 December 1940.
- (2) Thereafter such moneys shall, subject to the regulations, be applied by the Trust in its discretion for the benefit of aged and/or invalid sailors, soldiers, airmen and nurses eligible for membership of the League, and for any person who, immediately before the death of any such sailor, soldier, airman or nurse, was the spouse or de facto partner of that person.

~~Provided always that the person for whom the~~

- (3) A benefit is under subsection (2) shall be applied only for a person who is domiciled in the State of Western Australia.

*[Section 5 amended by No. 24 of 1958 s. 6<sup>3</sup>; No. 28 of 2003 s. 206; [No. 19 of 2010 s. 51.](#)]*

#### **6. Expenses of Trust pending accumulation of the Fund**

The League may defray from its general fund the expense incurred by the Trust in administering this Act, pending the accumulation of the Fund under the provisions of section 5.

#### **7. Regulations**

The Governor may make such regulations as are necessary or convenient to be made for the effective administration of this Act, or to facilitate the carrying out of the objects thereof.

s. 8

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**8. Authority to conduct the annual Poppy Day appeal**

- (1) From and after the commencement of this section it shall be lawful for the League, but for no other body or person, to hold, manage, and conduct in Western Australia the annual Poppy Day appeal.
- (2) The annual Poppy Day appeal shall be conducted in accordance with the regulations.
- (3) Any person who, in contravention of this section, conducts, or attempts to conduct, or permits or suffers to be conducted, or who aids in, abets, takes part in, or whether with or without personal reward or remuneration as a servant or agent, or otherwise engages in the conduct of the annual Poppy Day appeal, will be guilty of an offence.  
Penalty: \$200.
- (4) Where any annual Poppy Day appeal is conducted in contravention of this section, any moneys collected by such appeal shall be held by the person collecting or having such moneys in his possession in trust for the League, and such person, on demand, shall pay such moneys to the League, and until such moneys are so paid to the League the amount thereof shall be a debt owing to the League from the person for the time being holding the same, and shall be recoverable by the League from such person in any court of competent jurisdiction.

*[Section 8 inserted by No. 10 of 1934 s. 3; amended by No. 113 of 1965 s. 8(1).]*

## Notes

- <sup>1</sup> This is a compilation of the *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Aged Sailors and Soldiers' Relief Fund Act 1932</i> <sup>4</sup>	39 of 1932 (23 Geo. V No. 39)	30 Dec 1932	1 Jan 1933 (see s. 1)
<i>Western Australian Aged Sailors and Soldiers' Relief Fund Amendment Act 1934</i>	10 of 1934 (25 Geo. V No. 9)	9 Nov 1934	9 Nov 1934
<i>Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment Act 1958</i>	24 of 1958 (7 Eliz. II No. 24)	11 Nov 1958	11 Nov 1958
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))

**Reprint of the *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932* as at 7 Feb 1989** (includes amendments listed above)

<i>Acts Amendment (Equality of Status) Act 2003</i> Pt. 60	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
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**Reprint 2: The *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932* as at 1 Jun 2007** (includes amendments listed above)

<sup>1a</sup> ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

### Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Standardisation of Formatting Act 2010</i> s. 51 <sup>5</sup>	19 of 2010	28 Jun 2010	<del>To be proclaimed</del> <a href="#">11 Sep 2010</a> (see s. 2(b)) and <i>Gazette</i> <a href="#">10 Sep 2010 p. 4341</a>

<sup>2</sup> Repealed by the *Trustees Act 1962*.

<sup>3</sup> An amendment was made to this section by the *Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment Act 1958* s. 6(b) which reads as follows:

“

- (b) by substituting for the passage, “soldiers or sailors,” in lines eight and nine, the passage, “sailors, soldiers and airmen,”;

”

This amendment is inconsistent with the amendment made by the *Western Australian Aged Sailors and Soldiers' Relief Fund Act Amendment Act 1958* s. 6(c) and the latter has been incorporated in this reprint.

<sup>4</sup> Now known as the *Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932*; short title changed (see note under s. 1).

<sup>5</sup> ~~On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 51 had not come into operation. It reads as follows:~~

**~~51. — Various written laws amended~~**

~~(1) This section amends the written laws listed in the Table.~~

~~(2) Amend the provisions listed in the Table as set out in the Table.~~

**~~96. — Western Australian Aged Sailors, Soldiers and Airmen's Relief Fund Act 1932~~**

<del>s. 3(2)</del>	<del>(2)(a) The League Fund<sup>2</sup>; and (b) Each (c) From paragraph (a)</del>	<del>(2A) The League Fund<sup>2</sup>. (2B) Each (2C) From subsection (2A)</del>
<del>s. 3(3)</del>	<del>the last preceding subsection;</del>	<del>subsection (2B);</del>
<del>s. 5</del>	<del>All moneys Thereafter person. Provided always</del>	<del>(1) All moneys (2) Thereafter person.</del>



	<del>that the person for whom the benefit is applied is</del>	<del>(3) — A benefit under subsection (2) shall be applied only for a person who is</del>
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