

Western Australia

**The Salvation Army (Western Australia)  
Property Trust Act 1931**

---

As at 01 Jan 2007

Version 02-c0-06

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## **The Salvation Army (Western Australia) Property Trust Act 1931**

---

### CONTENTS

---

1.	Short title and commencement	8
2.	Interpretation	8
3.	Salvation Army (Western Australia) Property Trust incorporated	8
4.	Number and appointment of trustees	9
5.	Custody of common seal and quorum of trustees	9
6.	Use of common seal and making of contracts	9
7.	Certain property vested in Property Trust	11
8.	Trustees' powers	12
9.	Trust property, how it is to be dealt with	12
10.	Power to mortgage	13
11.	Power to sell	14
12.	Protection of mortgagees and purchasers	14
13.	Proceeds of sale of real or personal property held for the Social Work	15
14.	Meetings of trustees, minutes, etc.	15
15.	Removal of trustees	15
16.	Trustees may act despite vacancies	15
17.	Appointment of officers, evidence of resolutions	16
18.	Construction of wills, etc.	16
19.	Property given to Salvation Army to vest in body corporate	17
20.	Saving of rights enforceable against the General	18
21.	The General's rights vested in body corporate	18
22.	Vesting of estates in land in body corporate	18
23.	Delegation of powers by the General	19

Contents

---

**Notes**

Compilation table

20

## **The Salvation Army (Western Australia) Property Trust Act 1931**

**An Act to provide for the temporal affairs of The Salvation Army in the State of Western Australia.**

### **Preamble**

Whereas by a Deed Poll (hereinafter called the “Deed of Constitution”) dated 7 August 1878, and under the hand and seal of William Booth, and afterwards enrolled in the Chancery Division of the High Court of Justice, England, on 13 August 1878, the origin and doctrines of the religious society or organisation therein referred to, then known as the Christian Mission, were recited and stated and it was by the said Deed of Constitution amongst other things provided that the said Christian Mission was and should be always thereafter under the oversight, direction, and control of some one person, who should be the General Superintendent thereof, whose duty it should be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission, and to conserve the same to and for the objects and purposes for which it was first originated, and that the General Superintendent should have the powers therein mentioned, that the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission, unless he should resign such office, that the said William Booth and every General Superintendent who should succeed him should have power to appoint his successor to the office of General Superintendent, and all the rights, powers, and authorities of the office should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him, or at such other period as might be named in the document appointing him, and that it should be the duty of every General Superintendent to make in writing, as soon as conveniently might be after his appointment, a statement as to his successor, or as to

**Preamble 1**

---

the means which were to be taken for the appointment of a successor at the decease of the General Superintendent, or upon his ceasing to perform the duties of the office such statement, to be signed by the General Superintendent and delivered in a sealed envelope to the solicitor for the time being of the said Christian Mission, but such statement might be altered at will by the General Superintendent at any time during his continuance in office upon a new statement being signed by him and delivered as before-mentioned to such solicitor as aforesaid: and whereas by the said Deed of Constitution it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission, or for any of the special objects or operations thereof, but he should annually publish a balance-sheet (duly audited) of all such receipts and expenditure, and that the General Superintendent should have power to acquire by gift, purchase, or otherwise any hall or meeting-house, school-room, vestry, land, building, and appurtenances and any seats, fittings, furniture, or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission, and to build upon such land, or alter or pull down any such buildings, and to hire on lease or otherwise any land or buildings, and to lend, give away, let, sell, or otherwise dispose of any such property, land, or buildings as he might deem necessary in the interests of the said Christian Mission, wherein all trustees should render him every assistance, and that he might in all such cases as he should deem it expedient so to do nominate and appoint trustees or a trustee of any part or parts respectively of such property, and direct the conveyance or transfer thereof to such trustees or trustee, with power for the General Superintendent to declare the trusts thereof, and from time to time, if it should seem expedient to him so to do, to revoke any such trusts or the appointment of such trustees or trustee, and upon such revocation the same property should be conveyed or transferred to such persons or person, and upon such trusts as he might direct, but only for the benefit of the said Christian Mission: and whereas on or about 1 January 1879, the name of the said religious society or organisation was changed from "The Christian Mission" to "The Salvation Army," as appears by a Memorandum under the hand of the said William Booth dated 24 June 1880, and enrolled in the Supreme Court of Judicature, England, on

20 April 1906: and whereas by a further Deed Poll under the hand and seal of the said William Booth bearing date 26 July 1904, and enrolled in the Supreme Court of Judicature, England, on 27 July 1904, after reciting the change of name as aforesaid, and that the said society or organisation had since been and was then known and designated as The Salvation Army, and that the title of the “General Superintendent” thereof had been altered into that of “General,” and that the said William Booth was then known and designated, and it was intended that every successor of his should thereafter be known and designated as the “General” of The Salvation Army, and it was also recited that in order to minimise the possibility of doubt, dispute, or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for the time being should cease to perform the duties of his office, and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of the office, and that the said William Booth had accordingly determined to execute the said Deed Poll: and whereas by the last-mentioned Deed Poll, after setting forth more fully such events, it was declared (*inter alia*) that every General for the time being of The Salvation Army should be deemed to cease to perform the duties of his office within the meaning of clause 6 of the Deed of Constitution, and to vacate such office upon the happening of any of the events therein referred to, that is to say (*inter alia*), if the Commissioners of The Salvation Army, or a majority of such Commissioners amounting to at least 4 in 5, should declare by writing under their hands that they are satisfied that the General is (*inter alia*) permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his office, or if a resolution adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army thereafter referred to: and whereas the said William Booth died on 20 August 1912, having by Deed Poll under his hand and seal dated 21 August 1890, in exercise of the power in that behalf vested in him by the Deed of Constitution as aforesaid, appointed William Bramwell Booth to be his successor, and to succeed him as from the time of his decease in the office of General Superintendent and Commanding Officer of The Salvation Army: and

**Preamble 1**

---

whereas the said William Bramwell Booth by Deed Poll under his hand and seal dated 23 August 1912, duly accepted the said office: and whereas by Deed Poll under the hand and seal of the said William Bramwell Booth bearing date 1 June 1920, it was (*inter alia*) recited that in connection with and as the outcome of the work, teaching, and experience of The Salvation Army in the United Kingdom and in Australia and in other countries of the world, the said William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social, moral, and temporal welfare and improvement of the poorer and more needy classes of society, and of persons who were destitute, vicious, or feeble-minded, or suffering from injury or sickness, or ill-health, or orphans, or other children needing care in orphanages or reformatories, and for other charitable purposes which operations were then and are now generally known and described as the Social Work of The Salvation Army, and which in relation to the Commonwealth of Australia (thereinafter called “the said Commonwealth”) were thereafter sometimes referred to as the Social Work, and that in connection with the carrying on of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his successor in office had acquired certain real and personal property, particularised in the schedule thereto, and other real and personal property would thereafter be acquired for the purposes of the Social Work, and that it was right and desirable that the same respectively should be kept distinct from the other or proper real and personal property of The Salvation Army, and be used and devoted exclusively in and to the Social Work in or connected with the said Commonwealth, and that the Social Work should be defined and regulated, and the trusts of the said real and personal property already acquired and thereafter to be acquired for or in connection therewith declared as thereafter appearing: and it was thereby witnessed that the said William Bramwell Booth declared that the real and personal property particularised in the said schedule, and all property real and personal which might thereafter be acquired by gift, grant, purchase, or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth, and all real and personal property for the time being representing the same or any part thereof respectively, and all which were sometimes thereafter collectively



referred to “as the trust property,” should at all times thereafter be held upon trust to use and apply the same and the income thereof for the social, moral, and temporal welfare and improvement of the poorer and more needy classes of society, and of persons who are destitute or vicious or feeble-minded, or suffering from injury or sickness or ill-health, or orphans or other children needing care in orphanages or reformatories in the said Commonwealth, and for other charitable purposes in or in connection with the said Commonwealth, in such ways and by such means as the said William Bramwell Booth or other the Director (as hereinafter defined) for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained: and that the Social Work should at all times thereafter be under the oversight, direction, and control of the person who should be for the time being General of The Salvation Army, and he should be called in relation to the Social Work the Director of the Social Work (hereinafter referred to as “the Director”), and that it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work, and to conserve the same, and the trust property for the purposes of the trusts thereby declared: and it was provided that for the purpose of identifying and ear-marking the trust property and the income thereof, and keeping the same distinct from all property of The Salvation Army, full accounts of all moneys contributed, collected, or received for the Social Work, and of the application thereof, should be kept in such manner as to keep the same always distinct and separate from the property of The Salvation Army, and that all conveyances, leases, transfers, assignments, and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director, and should thereupon become subject to the trusts of the Deed Poll now in recital, and that whenever any property, real or personal, acquired for the purposes of the Social Work should be conveyed, leased, transferred, assigned, or assured, to any trustees or trustee other than the Director for the time being, such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property conveyed, leased, transferred, assigned, or assured to be sufficiently identified or ear-marked as being property devoted to the purposes of the Social Work: and whereas the said recited Deed Poll of 1 June 1920, set forth the powers which the

**Preamble 1**

---

Director should have over and on and concerning the said trust property: and whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in England on 8 January and on 13 February 1929, the High Council of The Salvation Army referred to in the said recited Deed Poll of 26 July 1904, duly and in accordance with such Deed Poll by resolution, a copy of which (*inter alia*) was enrolled in the Supreme Court of Judicature, England, on 20 February 1929, adjudicated the said William Bramwell Booth unfit for office as General of The Salvation Army and removed him therefrom, and by way of record declared that the said adjudication was based upon the state of health of the said William Bramwell Booth, and the said High Council, in pursuance of the power vested in it by the said Deed Poll of 26 July 1904, elected and appointed Edward John Higgins, of 101 Queen Victoria Street, London, England, to be the General of The Salvation Army: and whereas by Deed Poll under his hand and seal dated 13 February 1929, and enrolled in the Supreme Court of Judicature, England, on 20 February 1929, the said Edward John Higgins duly accepted the said office upon and subject to the terms not only of the said recited Deed Poll of 7 August 1878, but also of the said recited Deed Poll of 26 July 1904: and whereas the said William Bramwell Booth died on 16 June 1929: and whereas it is expedient to provide that the whole of the property, real and personal, of The Salvation Army in Western Australia which was at the time of his death held by and now stands in the name of the said William Bramwell Booth, upon the trusts of the hereinbefore recited Deeds Poll of 7 August 1878, and 26 July 1904, and 1 June 1920, respectively and of or to which The Salvation Army in Western Australia is otherwise entitled, whether held by and standing in the name of the said William Bramwell Booth at the time of his death, or now standing in the name or names of any other person or persons, and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to have vested in him upon the trusts of the said recited Deeds Poll, according to the nature of the same, and all choses in action and other property subject to the hereinbefore recited trusts or any of them, or any interest in respect thereof, except property held by and shares in The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall vest in a

**Preamble**

---

body of trustees and the said body of trustees shall be a body corporate, with the powers and authorities hereinafter set forth:

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows (that is to say): —

**1. Short title and commencement**

This Act may be cited as *The Salvation Army (Western Australia) Property Trust Act 1931*, and shall come into force on the publication in the *Government Gazette* of the names of the first trustees<sup>1</sup>.

**2. Interpretation**

In this Act, unless inconsistent with the context or subject matter —

***Body corporate*** means “The Salvation Army (Western Australia) Property Trust,” as incorporated by this Act.

***Deed of Constitution*** means the hereinbefore recited Deed Poll of 7 August 1878.

***General*** means the General (formerly called General Superintendent) for the time being of The Salvation Army under its Constitution.

***Salvation Army*** means the religious society or organisation referred to in the hereinbefore recited Deeds Poll of 7 August 1878, 26 July 1904 and 1 June 1920.

***Said recited Deeds Poll*** means the Deed of Constitution and the hereinbefore recited Deeds Poll of 26 July 1904 and 1 June 1920.

***Trustees*** means the persons for the time being constituting the body corporate.

***Will*** includes codicil and every other testamentary disposition.

**3. Salvation Army (Western Australia) Property Trust incorporated**

The trustees for the time being shall be a body corporate by the name of “The Salvation Army (Western Australia) Property Trust,” and shall have perpetual succession and a common seal, and shall be capable of purchasing or otherwise acquiring, holding, managing, controlling, and subject to this Act,

granting, transferring, mortgaging, demising, selling, disposing of, creating or reserving easements over or otherwise dealing with any property, real or personal, and of suing and being sued by and in the aforesaid name, and doing and suffering all such other acts and things as bodies corporate may by law do or suffer.

**4. Number and appointment of trustees**

- (1) The number of the trustees shall be not less than 5 and not more than 7, and shall consist of persons appointed by the General in writing from time to time, whether before or after the passing of this Act.
- (2) The names of the first trustees shall be published in the *Government Gazette* as soon as may be after the passing of this Act.

**5. Custody of common seal and quorum of trustees**

- (1) The trustees for the time being shall have the custody of the common seal of the body corporate, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the trustees.
- (2) The trustees, or any 3 of them acting in pursuance of a resolution of the trustees, may exercise any power conferred by this Act on the trustees or the body corporate.
- (3) At a meeting of the trustees 3 shall form a quorum.

**6. Use of common seal and making of contracts**

- (1) The common seal of the body corporate shall not be affixed to any document, except by the authority of a resolution of the trustees, and the affixing of the seal shall be attested by at least 2 trustees, or in such other way as the trustees may from time to time appoint, and such attestation shall be sufficient evidence of the authority to affix the seal.

- (2) Contracts on behalf of the body corporate may be made as follows: —
- (a) Any contract which, if made between private persons would be by law required to be in writing under seal, may be made on behalf of the body corporate in writing under its common seal, affixed as provided in subsection (1), and may in the same manner be varied or discharged;
  - (b) Any contract which, if made between private persons would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the body corporate in writing signed by any person acting under the authority of the trustees and may in the same manner be varied or discharged;
  - (c) Any contract which, if made between private persons would by law be valid although made by parol only and not reduced to writing, may be made by parol on behalf of the body corporate by any person acting under the authority of the trustees, and may in the same manner be varied or discharged.
- (3) All contracts made according to subsection (2) shall be effectual in law, and shall bind the body corporate and its successors and all other parties thereto, their heirs, executors, or administrators (as the case may be).
- (4) The production of a document which purports to be executed in accordance with the requirements of subsection (1) shall be *prima facie* evidence and in favour of the Crown, the Registrar of Deeds, the Registrar of Titles, the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997*, and every person who deals for value with the trustees, be conclusive evidence that such document was executed in accordance with the requirements of the said subsection (1).

*[Section 6 amended by No. 60 of 2006 s. 162(2).]*

**7. Certain property vested in Property Trust**

All lands, tenements, and hereditaments (including chattels real) situate in the State of Western Australia, together with all rights, easements, and appurtenances relating thereto, and all personal property situate as aforesaid, which were at the time of his death held by and immediately before the commencement of this Act stood in the name of the said William Bramwell Booth as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said recited Deeds Poll or any of them, or which were at the time of his death held by and immediately before the commencement of this Act stood in the name of the said William Bramwell Booth, or are held by and stand in the name or names of any other person or persons in trust for The Salvation Army, or for any of its funds or any department of its work, or any branch, corps, auxiliary, or institution of The Salvation Army or to which The Salvation Army is otherwise entitled, and all choses in action and other property in Western Australia subject to the hereinbefore recited trusts, or any trusts declared pursuant to the said recited Deeds Poll or any or them and all other property, real and personal, which immediately before the commencement of this Act was held in trust for The Salvation Army in Western Australia, or for any of its funds or any department of its work, or any branch, corps, auxiliary, or institution thereof or to which immediately before the commencement of this Act The Salvation Army in Western Australia was entitled (save and except any property held by and any shares in The Salvation Army Auxiliary Company of Australia Proprietary, Limited) shall (subject to the provisions of sections 19 and 22) vest in the body corporate upon the trusts, and with the powers, authorities, and discretions, and subject to the terms, provisions, and conditions of this Act and of the Deed of Constitution, and the said Deed Poll of William Booth bearing date 26 July 1904, or of the said Deed Poll of William Bramwell Booth bearing date 1 June 1920, according to the particular trusts in each case upon which the same were held immediately before the commencement of this Act, but subject and without prejudice to

**s. 8**

---

the special trusts if any upon which the same were so held, and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively, and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army, and upon and subject to no other trusts or provisions whatsoever.

**8. Trustees' powers**

The trustees shall be entitled at all times after the commencement of this Act to exercise all the powers relating to the lands, tenements, and hereditaments (including chattels real), rights, easements, and appurtenances, and personal property and choses in action hereby vested in the body corporate, or which may hereafter be acquired by the body corporate, or which may become vested in the body corporate under this Act or otherwise, which were immediately before the commencement of this Act exercisable by the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deed of Constitution and Deed Poll of 26 July 1904, and under the said recited Deed Poll of 1 June 1920, according as the trustees hold the same upon the trusts of such Deed of Constitution and first-mentioned Deed Poll, or of such second-mentioned Deed Poll (as the case may be), and may exercise all or any of such powers and of the powers by this Act conferred upon them, notwithstanding there is for the time being any vacancy in the office of General of The Salvation Army, or the office of Director of the Social Work of The Salvation Army: provided that such trusts shall not be enlarged, modified, varied, or altered save as provided in the next succeeding section.

**9. Trust property, how it is to be dealt with**

- (1) All property from time to time vested in the body corporate shall, so far as the same is not subject to any express trust other



than the said recited Deeds Poll, be held and dealt with as follows: —

- (a) Property so held for the general purposes of The Salvation Army shall be held and dealt with in accordance with and subject to such of the trusts, powers, and provisions of the Deed of Constitution and the Deed Poll of 26 July 1904, as are applicable to such general purposes;
- (b) Property so held for the Social Work of The Salvation Army shall be held and dealt with in accordance with and subject to the said recited Deed Poll of 1 June 1920:

Provided that no person dealing with the trustees shall be bound to inquire into the propriety or necessity of any such dealing.

- (2) (a) The trustees may from time to time, with the consent of the General, enlarge, modify, vary, or alter the trusts upon which for the time being any of the said property is held:

Provided that all such property shall subject to any such enlargement, modification, variation, or alteration from time to time, be held upon either one or other of the trusts mentioned in the last preceding subsection.

- (b) This subsection shall apply to property the subject of any express trust other than the said recited Deeds Poll only to the extent (if any) and subject to the conditions (if any) in accordance with which such trust could have been altered if this Act had not been passed.

#### **10. Power to mortgage**

The body corporate may from time to time borrow money with or without security, or secure the payment of any sum or sums of money, and for any such purpose may mortgage or charge all or any real or personal property for the time being vested in it:

Provided that no debt incurred for the general purposes of The Salvation Army shall be secured upon any property which is for

**s. 11**

---

the time being held upon trust for the Social Work of The Salvation Army, and that any moneys raised on any property which is for the time being held upon trust for the Social Work of the Salvation Army shall only be used for the purposes of the said Social Work.

**11. Power to sell**

The body corporate may from time to time sell any real or personal property for the time being vested in it, by public auction or private contract, as the trustees may deem expedient, at such price and upon such terms as to payment of purchase money, and on such conditions and generally in such manner as they think fit, and may convey, transfer, or assign the same or any part thereof to the purchaser or purchasers thereof, or as he or they may direct, and the property so conveyed, transferred, or assigned shall thereupon be absolutely freed and discharged from the trusts affecting the same.

**12. Protection of mortgagees and purchasers**

- (1) The receipt in writing of the trustees or of the body corporate, or of any person or persons authorised by them or it in writing to receive the same for the moneys borrowed, or the mortgage moneys raised on any property mortgaged by the body corporate, or for the purchase money of any property sold under this Act, or for any other moneys payable to the trustees or the body corporate, shall exonerate the lender, the mortgagee, the purchaser, and any other person paying such moneys as aforesaid from seeing to the application of the same, and from all liability as to the mis-application or non-application thereof, and from inquiring into the propriety, regularity, or necessity of any borrowing, mortgage, or sale, lease, or other dealing whatsoever.
- (2) This section shall be read in aid of and not in derogation from any other protection afforded to any such lender, mortgagee, purchaser or person by any other Act now or hereafter in force.

**13. Proceeds of sale of real or personal property held for the Social Work**

The proceeds of the sale of any property, real or personal, held for the purpose of the said Social Work shall be devoted to the purposes of the said Social Work, and the body corporate may for such purposes purchase or otherwise acquire therewith any property, real or personal.

**14. Meetings of trustees, minutes, etc.**

- (1) The trustees may regulate the time and place of their meetings and the procedure to be followed there at.
- (2) The trustees shall hold regular meetings, and shall cause to be kept minutes of their proceedings and their resolutions, which shall at all times be open for inspection by the General or any person appointed by him.
- (3) The trustees shall keep a register of all lands vested in the body corporate, and shall indicate in such register which lands are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army.

**15. Removal of trustees**

The General may from time to time by writing remove any person from the office of trustee and appoint another person to be a trustee in the place of any person so removed, or whose office has for any other reason become vacant, and if the number of trustees is less than 7 may appoint additional trustees so that the total number of trustees does not exceed 7.

**16. Trustees may act despite vacancies**

The continuing trustees, provided there are not less than 3 trustees, may act notwithstanding any vacancy in the number of trustees either by death, resignation, or removal, but each vacancy shall be filled as soon as practicable after such vacancy occurs.

**17. Appointment of officers, evidence of resolutions**

- (1) The trustees may appoint officers of the body corporate, and a certificate under the seal of the body corporate of the appointment of a secretary or other officer shall be *prima facie* evidence and in favour of the Crown, the Registrar of Deeds, the Registrar of Titles, the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997*, and every person who deals for value with the trustees conclusive evidence of his or their due appointment.
- (2) A certificate signed by the secretary for the time being of the body corporate as to who are the persons for the time being constituting the body corporate, and a certificate of such secretary certifying to any resolutions of the trustees shall be *prima facie* evidence and in favour of the Crown, the Registrar of Deeds, and the Registrar of Titles, the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997*, and every person who deals for value with the trustees, conclusive evidence as to who are the trustees for the time being, and of any such resolution (as the case may be), and judicial notice shall be taken of the signature of the secretary for the time being appearing on every such certificate.

*[Section 17 amended by No. 60 of 2006 s. 162(3).]*

**18. Construction of wills, etc.**

Whenever by any will, deed, or other instrument, or by any gift or disposition of property, any property, real or personal, has been or is devised, bequeathed, given, granted, released, conveyed, transferred, assigned, or appointed to or has been or is declared or directed to be held upon trust for the benefit of The Salvation Army in Western Australia, or of any of its funds, or any department of its work, or of any branch, corps, auxiliary, or institution thereof, or shall be or become receivable by or payable to or for the benefit of The Salvation Army in

Western Australia, or by, to, or for the benefit of any such fund, department, branch, corps, auxiliary, or institution —

- (a) such will, deed, or other instrument, gift, or disposition shall be construed and operate and take effect as though the body corporate were named therein;
- (b) the acknowledgment or receipt of the trustees, or of any person or persons authorised in writing by the trustees for any such property, shall be a sufficient discharge therefor; and
- (c) all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, transferred, assigned, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, gift or disposition, and subject to any direction to the contrary therein contained or declared thereby so far as the same are capable of taking effect, be under the direction and control of the trustees, and they may call for the transfer, conveyance, assignment, or delivery thereof to the body corporate.

**19. Property given to Salvation Army to vest in body corporate**

Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the commencement of this Act, or by any will, deed, or other instrument, or by any gift or other disposition of property made after the commencement of this Act, any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army in Western Australia, or to or for the benefit of any of its funds, or of any department of its work, or of any branch, corps, auxiliary, or institution thereof (other than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army, or for any such fund, department, branch, corps, auxiliary, or institution thereof), all such real and personal property shall vest in the body corporate.

**20. Saving of rights enforceable against the General**

Nothing contained in or done under this Act shall be deemed to affect prejudicially or to deprive any person of any right whatsoever which if this Act had not been passed might have been enforceable against the General or his predecessors in office; and such right, so far as it relates to any property vested in the body corporate pursuant to this Act may be enforced against the body corporate.

**21. The General's rights vested in body corporate**

Any rights, however arising, relating in any wise to the real and personal property held in trust for or pursuant to this Act vested in the body corporate which were at the time of his death in the said William Bramwell Booth, or immediately before the commencement of this Act were in the General, are hereby vested in the body corporate, and may be enforced by it in the same manner as the said William Bramwell Booth, if he were still living, or the General (as the case may be) might have enforced the same if this Act had not been passed.

**22. Vesting of estates in land in body corporate**

Where any property which but for this section would be vested in the body corporate under or by virtue of this Act consists of any mortgage of or charge upon or estate in land under the *Transfer of Land Act 1893*, or the *Land Administration Act 1997*, or the amendments thereof respectively, then such mortgage, charge, or estate shall be held on trust for or on behalf of the body corporate, and on application in that behalf by the trustees to the Registrar of Titles or the chief executive officer of the department principally assisting in the administration of the *Land Administration Act 1997* respectively, and on proof to his satisfaction of the facts relating thereto and payment of such fees as would be payable if the application were a transfer, he shall make the proper entry in the register kept under the provisions of such Acts respectively, and thereupon, without any formal transfer of such mortgage, charge, or estate the

whole mortgage, charge, or estate shall vest in the body corporate.

*[Section 22 amended by No. 81 of 1996 s. 153(1); No. 59 of 2000 s. 51; No. 60 of 2006 s. 162(4).]*

**23. Delegation of powers by the General**

The General may from time to time delegate to any person or persons the exercise of all or any of the powers conferred upon him by this Act, and may from time to time revoke any such delegation, and for the purposes aforesaid may execute such powers of attorney and other instruments as he may think fit.

**Notes**

- <sup>1</sup> This is a compilation of the *The Salvation Army (Western Australia) Property Trust Act 1931* and includes the amendments made by the other written laws referred to in the following table. This table also contains information about any previous reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>The Salvation Army (Western Australia) Property Trust Act 1931</i>	34 of 1931	28 Nov 1931	11 Dec 1931 (see s. 1 and <i>Gazette</i> 11 Dec 1931 p. 2579)
<b>Reprint of <i>The Salvation Army (Western Australia) Property Trust Act 1931</i> authorised 20 Oct 1972</b>			
<i>Transfer of Land Amendment Act 1996</i> s. 153(1)	81 of 1996	14 Nov 1996	14 Nov 1996 (see s. 2(1))
<i>Land Administration Amendment Act 2000</i> s. 51	59 of 2000	7 Dec 2000	10 Apr 2001 (see s. 2(2) and <i>Gazette</i> 10 Apr 2001 p. 2073)
<i>Land Information Authority Act 2006</i> s. 162	60 of 2006	16 Nov 2006	1 Jan 2007 (see s. 2(1) and <i>Gazette</i> 8 Dec 2006 p. 5369)