

DISTRESSED PERSONS RELIEF TRUST.

No. 5 of 1973.

AN ACT to constitute the Distressed Persons Relief Trust, and for incidental and other purposes.

[Assented to 21st May, 1973.]

BE it enacted by the Queen'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:—

1. This Act may be cited as the *Distressed Persons Relief Trust Act, 1973.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

Interpreta-
tion.

3. In this Act unless the context requires otherwise—

“Trust” means the body corporate constituted under this Act;

“Trustee” means a person occupying the office of a Trustee of the Trust including the office of Chairman.

Distressed
Persons
Relief Trust
constituted.

4. (1) For the purpose of this Act a Trust is constituted under the name of the Distressed Persons Relief Trust.

(2) The Trust shall consist of four Trustees to be appointed from time to time by the Governor, one of whom shall be the Public Trustee for the time being or his nominee, who shall be Chairman.

(3) At any meeting of the Trust, the Chairman of the Trust and two other Trustees shall constitute a quorum; and in the event of an equality of votes being cast on any question, the question shall be resolved in the negative.

Trust to be
a body
corporate.

5. The Trust is a body corporate with perpetual succession and a common seal, and is capable of suing and being sued in its corporate name, and of acquiring, holding and disposing of real and personal property, and of doing and permitting all acts and things required by this Act to be done by the Trust or which are necessary or convenient to be done by the Trust for the purpose of carrying out its powers and functions under this Act.

Eligibility of
Trustees.

6. A person is not eligible for appointment and shall not be appointed to or hold office as a Trustee—

(a) if he is bankrupt or has been bankrupt within the preceding six years;

(b) if within the preceding six years he has as a debtor taken advantage of protection or relief under the laws relating to bankruptcy;

- (c) if through mental or physical infirmity, or illness he would, if appointed, be unable satisfactorily to carry out the duties of office; or
- (d) if he has been convicted of an indictable offence, or other offence which in the opinion of the Governor is of so serious a nature as to render him unsuitable for appointment or to remain in office, as the case may be.

7. (1) Subject to this Act, every Trustee shall hold office for a period of three years from the date of his appointment, unless he dies, resigns or is removed from office, in any of which events a successor shall be appointed by the Governor for the unexpired period of the term of office of the Trustee who has died, resigned or been removed from office.

Tenure of
office of
Trustees.

(2) A Trustee who retires by effluxion of time shall be eligible for re-appointment.

(3) The Governor may at any time accept the resignation of any Trustee, and may remove from office any Trustee who becomes bankrupt or as a debtor takes advantage of protection or relief under the laws relating to bankruptcy or commits an indictable offence or has, in the opinion of the Governor, become unfit or unsuitable to continue as a Trustee because of mental or physical infirmity or illness, or of neglect of duty as a Trustee or of misbehaviour whether in his capacity as a Trustee or otherwise.

8. The funds of the Trust consist of—

Funds of
the Trust.

- (a) such moneys as are appropriated by Parliament from time to time;
- (b) gifts, devises, bequests, and donations made to the Trust, and if made subject to any conditions of trust shall be held and dealt with in accordance with those conditions;
- (c) investments made pursuant to section 9 of this Act, and the income and proceeds of those investments.

Investments.

9. Where any money belonging to the Trust is not immediately required by the Trust for distribution in accordance with section 10 of this Act, the Trust may, with the approval of the Treasurer of the State, invest it in any investments authorized by law as those in which trust funds may be invested.

How moneys
of the Trust
to be dealt
with.

10. (1) All moneys received by the Trust (whether under this Act or otherwise) shall be paid by the Trust to a bank account in its name.

(2) The moneys from time to time standing to the credit of the account shall be charged with the cost of administering the Trust, and, subject thereto and to section 9 of this Act, those moneys may be applied at the discretion of the Trust for the relief or assistance of persons who, in the opinion of the Trust, are—

- (a) in need of relief from personal hardship or distress; and
- (b) unable to obtain, or unlikely to be able to obtain, such relief from any other source.

(3) No trustee shall be paid any remuneration in respect of the exercise by him of his functions and duties under this Act.

Annual
Report, etc.

11. The Trust shall—

- (a) prepare an annual report of its proceedings and operations during the preceding year which report shall be laid by the Treasurer before both Houses of Parliament as soon as practicable in each year; and
- (b) when requested so to do by the Treasurer of the State, furnish to him particulars of any of its proceedings and operations.

12. (1) The Governor may make such regulations as he considers necessary, convenient or desirable in relation to the functions, duties and powers of the Trust under this Act.

Power to
make
regulations.

(2) Without limiting the generality of subsection (1) of this section, the Governor may make regulations—

- (a) for regulating the proceedings and providing for the carrying on of the functions of the Trust;
 - (b) for prescribing the accounts and other records to be kept by the Trust and the manner in which those accounts and other records shall be audited; and
 - (c) prescribing the form and custody of the common seal of the Trust and the manner in which the seal may be affixed to documents, and the manner in which documents issued by the Trust may be authenticated.
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