

**NATIONAL RELIEF FUND (REPEAL) ACT,
1978, No. 17**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 17, 1978.

An Act to repeal the National Relief Fund Act, 1914, and to provide for the disposal of the assets comprising the National Relief Fund of New South Wales established under that Act. [Assented to, 16th March, 1978.]

National Relief Fund (Repeal).

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "National Relief Fund (Repeal) Act, 1978".

Interpre- **2.** (1) In this Act, except in so far as the context or
tation. subject-matter otherwise indicates or requires—

 "asset" means a right or property (in each case, of any kind) or an interest in property;

 "Board" means the National Relief Board of New South Wales constituted by section 2 of the repealed Act;

 "Fund" means the National Relief Fund of New South Wales established under section 4 of the repealed Act;

 "repealed Act" means the National Relief Fund Act, 1914.

 (2) For the purposes of exercising or performing any of his powers, authorities, duties or functions under this Act, the Public Trustee is authorised to act under the Public Trustee Act, 1913.

Repeal of **3.** The National Relief Fund Act, 1914, is repealed.
Act No. 19,
1914.

Vesting of **4.** All assets that, immediately before the commencement
assets of of this Act, were vested in the trustee of the Fund in his
Fund in capacity as trustee of the Fund are hereby vested in the
Public Public Trustee for the purposes of this Act freed and dis-
Trustee. charged from any trusts or other interests affecting them
 immediately before that commencement.

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5. (1) The Public Trustee shall—

Duties of
Public
Trustee.

- (a) as soon as practicable after the commencement of this Act, convert into money all assets vested in him under section 4 which are not in the form of money; and
- (b) after complying with paragraph (a), forthwith serve on the Minister an instrument in writing—
 - (i) certifying that he has complied with paragraph (a) and as to the total amount of money vested in him under this Act at the date of certification;
 - (ii) stating the name of any person who was, immediately before the commencement of this Act, in receipt of periodic payments from the Fund or who was entitled to be paid money by resolution of the Board and had not been paid that money before that commencement; and
 - (iii) recommending, for the purposes of section 6 and in respect of any person named under subparagraph (ii), the payment of a specific amount of money.

(2) Where there is no person who was, immediately before the commencement of this Act, in receipt of periodic payments from the Fund or entitled to be paid money by resolution of the Board and had not been paid that money before that commencement, the Public Trustee shall, after he has complied with subsection (1), forthwith—

- (a) deduct any expenses properly incurred by him in connection with the execution of this Act from the amount of money he certified to under subsection (1) (b) (i);

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- (b) divide the residue of that amount into 3 equal parts;
and
- (c) pay one part to each of the Australian Red Cross Society, Sydney Legacy Appeals Fund and The War Veterans' Home.

Payment
to persons
entitled.

6. (1) Where he is served with an instrument under section 5 (1) (b) that states the name of a person and recommends the payment of a specific amount in respect of that person, the Minister shall direct the Public Trustee to make a payment of that amount, or of such other amount as the Minister may determine, to that person.

(2) Where the Public Trustee receives a direction from the Minister under subsection (1), he shall—

- (a) use all due diligence to comply with that direction;
and
- (b) when he has complied with the direction or 3 months have elapsed from the date of his receipt of the direction, whichever first occurs, forthwith—
 - (i) deduct any expenses properly incurred by him in connection with the execution of this Act from the amount of money that is then vested in him under this Act;
 - (ii) divide the residue of that amount, if any, into 3 equal parts; and
 - (iii) pay one part to each of the Australian Red Cross Society, Sydney Legacy Appeals Fund and The War Veterans' Home.

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(3) Nothing done by the Minister under this section shall, if it was done bona fide and with reasonable care in connection with the execution of this Act, subject him personally to any action or liability whatsoever.

7. (1) The Public Trustee shall, as soon as practicable **Accounts.** after complying with section 5 (2) or 6 (2) (b), as the case may be, prepare and forward to the Minister—

(a) a statement—

- (i) of all transactions by the trustee of the Fund in respect of the Fund from the last date up to which the immediately preceding account of the Fund was prepared until the commencement of this Act and of the assets comprising the Fund immediately prior to that commencement; and
- (ii) of all transactions carried out by him under this Act in respect of the assets vested in him under this Act; and

(b) a statement that he has complied with section 5 (2) or 6 (2) (b).

(2) The Minister shall—

- (a) when he receives the statement referred to in subsection (1) (a), have it audited by the Auditor-General; and
- (b) lay, or cause to be laid, the audited statement before each House of Parliament.

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Repeal.

8. On a day appointed for the purposes of this section by the Governor and notified by proclamation published in the Gazette, this Act is amended by omitting sections 2 to 7.
