

**BOY SCOUTS ASSOCIATION (AMENDMENT) ACT 1986 No.
148**

NEW SOUTH WALES



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**BOY SCOUTS ASSOCIATION (AMENDMENT) ACT 1986 No.
148**

NEW SOUTH WALES



Act No. 148, 1986

An Act to amend the Boy Scouts Association—New South Wales Branch Incorporation Act 1928 to change the name of the corporation constituted by that Act; and for other purposes. [Assented to, 17 December 1986]

Boy Scouts Association (Amendment) 1986

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 "Boy Scouts Association (Amendment) Act 1986".

Amendment of Act No. 26, 1928

2. The Boy Scouts Association—New South Wales Branch Incorporation Act 1928 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928

(1) Section 1—

Omit the section, insert instead:

Short title

1. This Act may be cited as the "Scout Association of Australia (New South Wales Branch) Incorporation Act 1928".

(2) Section 2 (**Interpretation**)—

(a) Definition of "The Association"—

Omit the definition, insert instead:

"The Association" means—

- (a) the Boy Scouts Association incorporated in the United Kingdom by Royal Charter dated 4 January 1912; or
- (b) from the commencement of the Boy Scouts Association (Amendment) Act 1986—The Scout Association of Australia (previously styled The Australian Boy Scouts Association) incorporated by Royal Charter dated 17 October 1967.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(b) Definition of “The Constitution” —

After “instrument”, insert “, as amended and in force from time to time,”.

(3) Section 4B—

After section 4A, insert:

Further change of name

4B. (1) From the commencement of the Boy Scouts Association (Amendment) Act 1986, the name of the Corporation shall be The Scout Association of Australia, New South Wales Branch.

(2) From that commencement, a reference in any other Act or statutory instrument, or in any other instrument, or in any contract or agreement to the Corporation under either of its former names shall be read as a reference to The Scout Association of Australia, New South Wales Branch.

(3) The Corporation’s former names are The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

(4) The Scout Association of Australia, New South Wales Branch, is a continuation of, and the same legal entity as, The Boy Scouts Association, New South Wales Branch, and The Australian Boy Scouts Association, New South Wales Branch.

(4) Section 5 (**Powers**)—

Omit “Boy Scout”, insert instead “Scout”.

(5) Section 6 (**Unauthorised use of name**)—

(a) Omit “ ‘The Boy Scouts Association’ or ‘Boy Scout’ ”, insert instead “Boy Scouts Association, Australian Boy Scouts Association, Scout Association of Australia, Boy Scout, Scout, Cub Scout, Venturer Scout or Rover Scout”.

(b) Omit “ten dollars”, insert instead “\$200”.

*Boy Scouts Association (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*(6) Section 7 (**Unauthorised use or sale of uniform, etc.**)—

(a) Section 7 (1)—

Omit “ten dollars”, insert instead “\$200”.

(b) Section 7 (2)—

Omit “boy scout’s”, insert instead “scout’s”.

(7) Section 8 (**Property vested in Corporation**)—

(a) Omit “All real”, insert instead “(1) All real”.

(b) Omit “or any branch or any District Association, troop, pack or committee”, insert instead “or any Branch, Area Council, District Association, Group, Section or Committee”.

(c) Section 8 (2), (3)—

Omit the proviso to section 8, insert instead:

(2) Property vested in, held by or on behalf of, or given, devised or bequeathed to, any Sponsored Group, Section or Committee shall, subject to any express trust affecting the property, be held by the Corporation in trust for such purposes and be disposed of in such manner as the Sponsoring Authority may from time to time direct in writing.

(3) The Sponsoring Authority is the Sponsoring Authority of the relevant Group, Section or Committee, as defined in the document published by the Association and styled the Policy Organisation and Rules of the Association.

(d) Omit “All rights”, insert instead “(4) All rights”.

(e) Omit “Boy Scouts’ Association” where secondly occurring, insert instead “Association”.

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

(8) Section 10—

Omit the section, insert instead:

Dealings with property

10. (1) The Corporation shall deal with or dispose of the real and personal property of the Corporation, subject to any express trust affecting the property, in such manner as the Executive Committee appointed under the Constitution thinks fit.

(2) A proposed mortgage or sale of real property shall be submitted to an ordinary meeting of the Executive Committee.

(3) Notice of that meeting shall specially mention the proposal.

(4) If the proposal is approved by resolution passed by a majority comprising not less than two-thirds of the members present when the motion is put, the Executive Committee may give effect to the proposal.

(5) A copy of the resolution, sealed by the Corporation, is conclusive evidence in favour of a person claiming by, through or under the mortgage or sale that the resolution was duly passed in compliance with this Act and the Constitution.

(6) A purchaser or mortgagor is not bound to see to the application of money paid or advanced.

(9) Section 12—

Omit the section, insert instead:

Documents to be lodged with Corporate Affairs Commission

12. (1) Within 1 month after the commencement of the Boy Scouts Association (Amendment) Act 1986, the Corporation shall lodge with the Corporate Affairs Commission—

(a) a copy, sealed by the Corporation, of the Royal Charter dated 17 October 1967 incorporating the Association;

(b) a copy, sealed by the Corporation, of any by-laws made under that Royal Charter;

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

- (c) a copy, sealed by the Corporation, of the Constitution; and
- (d) a notice in a form approved by the Commission of the address of the office of the Corporation.

(2) The Corporation shall also lodge with the Corporate Affairs Commission—

- (a) a copy, sealed by the Corporation, of any Royal Charter which subsequently affects the Association;
- (b) a copy, sealed by the Corporation, of any instrument which subsequently changes the Constitution; and
- (c) a notice in a form approved by the Commission of any change in the address of the office of the Corporation,

within 1 month after the Royal Charter or instrument becomes available to the Corporation or the change occurs.

(3) Documents shall be lodged in the form and manner, and be accompanied by the fee, required by the Commission.

(4) A copy of a document lodged with the Commission under this section and certified by the Commission to be a true copy is evidence (except of the address of the Corporation) in any proceedings, in the absence of evidence to the contrary, of the contents of the original of the document.

Penalty: \$100.

(10) Section 13 (**Common seal**)—

Omit “general secretary”, insert instead “chief executive”.

(11) Section 14—

Omit the section, insert instead:

Service on or notice to the Corporation

14. (1) A document may be served on the Corporation—

- (a) by delivering a copy of the document personally to the chief executive or acting chief executive; or

Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

- (b) by leaving it at, or by sending it by post to, the office of the Corporation.
- (2) For that purpose, the address of the office of the Corporation shall be deemed to be the address most recently notified to the Corporate Affairs Commission under section 12.
- (3) A certificate of the Commission as to the address most recently notified is in any proceedings conclusive evidence of the address of the Corporation.
- (4) Notice given to the chief executive or acting chief executive of the Corporation shall be deemed to have been given to the Corporation.
- (12) Section 15—
- Omit the section, insert instead:
- Proceedings for offences**
15. Proceedings for an offence against this Act may be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.
- (13) Section 16 and Schedule 1—
- After section 15, insert:
- Savings and transitional provisions**
16. Schedule 1 has effect.
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Boy Scouts Association (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE BOY SCOUTS ASSOCIATION—NEW
SOUTH WALES BRANCH INCORPORATION ACT 1928—*continued*

SCHEDULE 1

(Sec. 16)

SAVINGS AND TRANSITIONAL PROVISIONS

Boy Scouts Association (Amendment) Act 1986

Gifts, etc., of property

1. After the commencement of the Boy Scouts Association (Amendment) Act 1986, a reference to a troop or pack in a gift, devise or bequest to, or to any person for or on behalf of, the troop or pack shall be read as a reference to a group or section specified by the Corporation for the purpose.

Prior lodgment of documents with C.A.C.

2. A copy of a document lodged by the Corporation with the Corporate Affairs Commission before the commencement of the Boy Scouts Association (Amendment) Act 1986 shall be deemed to have been lodged under section 12.
