

Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39

[1935-39]



New South Wales

Status Information

Currency of version

Historical version for 7 July 1999 to 14 November 2010 (accessed 25 June 2024 at 15:57)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Returned Sailors and Soldiers' Imperial League of Australia (New South Wales Branch) Incorporation Act 1935
- **Does not include amendments by**
[Anzac Memorial \(Building\) Amendment Act 2010 No 32](#) (not commenced)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39



New South Wales

An Act to provide for the incorporation of the Returned and Services League of Australia (New South Wales Branch).

1 Name of Act

This Act may be cited as the *Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935*.

2 Definitions

(1) In this Act unless the context or subject-matter otherwise indicates or requires:

Constitution means the constitution for the time being of the Returned and Services League of Australia (New South Wales Branch).

Corporation means the body incorporated by this Act.

League means the Returned and Services League of Australia (New South Wales Branch).

State Council means the State Council for the time being appointed under the constitution.

Secretary means secretary for the time being of the League.

(2) The constitution, rules, and by-laws of the League as existing immediately before the commencement of this Act, shall, subject to this Act, be the constitution of the corporation at such commencement.

3 Incorporation of League

The members for the time being of the League shall be a body corporate under the name of "The Returned and Services League of Australia (New South Wales Branch)" and by that name shall have perpetual succession and a common seal and may sue and be sued, and

shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

3A, 3B (Repealed)

4 Rights, liabilities, property and other provisions relating to League

Schedule 1 has effect.

4A The Cenotaph

- (1) The League is to be taken to be the guardian of the Cenotaph in Martin Place in the City of Sydney.
- (2) The Sydney City Council is required to appoint, as custodian of the Cenotaph, a person nominated by the League.
- (3) An information or complaint in respect of any offence concerning the Cenotaph may be laid or made by the custodian of the Cenotaph.

5 (Repealed)

Schedule 1 The Returned and Services League of Australia (New South Wales Branch)

Section 4

Part 1 Rights, liabilities and property

- 1** All real and personal property and all right and interest therein and all management and control of any land or thing which is vested in the trustees of the League in trust for the League shall vest in and belong to the corporation.
- 2** All moneys liquidated and unliquidated claims which immediately before the commencement of this Act are payable to or recoverable by the League or any person for or on behalf of the League shall be moneys, liquidated and unliquidated claims payable to or recoverable by the corporation.
- 3** All suits, actions and proceedings pending at the suit of the League or any person for or on behalf of the League in relation to any matter or claim whatsoever shall be suits, actions, and proceedings pending at the suit of the corporation.
- 4** All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by any person for or on behalf of the League and in force at the commencement of this Act shall be contracts, agreements, and undertakings entered into with and securities given to or by the corporation.
- 5** The corporation may pursue the same remedies for the recovery of any such moneys and claims, and for the prosecution of such suits, actions, and proceedings as the League or any person for or

on behalf of the League might have done but for this Act.

- 6 The corporation may enforce and realise any security or charge existing at the commencement of this Act in favour of the League or any person for or on behalf of the League in respect of any such moneys and claims as if such security or charge were existing in favour of the corporation.
- 7 All debts due and moneys payable by, and all claims, liquidated and unliquidated, recoverable against the league or any person for or on behalf of the League shall be debts due and moneys payable by and claims recoverable against the corporation.

Part 2 Common seal

- 8 It shall be lawful for the State Council at any time to design and to change or alter the common seal of the corporation.
- 9 The common seal shall be kept in the custody of the secretary and shall not be affixed to any instrument except in pursuance of a resolution of the State Council.

Any instrument executed in pursuance of any such resolution shall be attested by the signature of any two members of the State Council.
- 10 All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the corporation affixed to any deed or instrument, and shall, where the instrument purports to have been executed in accordance with clause 9, presume that such seal was properly affixed thereto.

Part 3 Notices

- 11 Any notice, summons, writ or other proceeding required to be served upon the trust may be served by being left at the office of the corporation.
- 12 Every notice, order, summons or other like document requiring authentication by the corporation may be sufficiently authenticated without the seal of the corporation if signed by the secretary.

Part 4 Constitution and amendments to be registered

- 13 As soon as practicable after the commencement of this Act an instrument certified under the seal of the corporation to be a copy of the constitution, and an instrument certified under the said seal to be a copy of the constitution of the Returned Sailors and Soldiers' Imperial League of Australia, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the *Conveyancing Act 1919-1932*; and upon any alteration in either of the said constitutions there shall be registered in the said office in like manner an instrument certified under the said seal setting forth the terms of the said alteration.

The production of a copy of any instrument so registered, certified by the Registrar-General or a deputy registrar-general, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona-fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of

the corporation unless such person shall have notice to the contrary.

Part 5 Office

- 14** As soon as practicable after the commencement of this Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the *Conveyancing Act 1919-1932* shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.
- 15** It shall be the duty of the secretary to take all necessary steps to comply with the provisions of clauses 13 and 14.

Part 6 Savings

- 16** The persons who, immediately before the commencement of this Act, hold office as members of the State Council or State Executive shall continue to hold such office until their successors are elected or appointed in accordance with the constitution.
- 17** The secretary and other officers and employees of the League holding office immediately before the commencement of this Act shall continue to hold their respective offices until the same are terminated in accordance with the constitution.
- 18** The sub-branches and subsections of the League in existence immediately before the commencement of this Act, shall, subject to the constitution, be sub-branches and subsections of the corporation; and all persons who, immediately before the commencement of this Act, hold office in any such sub-branch or subsection shall continue to hold such office until their successors are elected or appointed in accordance with the constitution.