

ROYAL AUSTRALIAN AIR FORCE VETERANS' RESIDENCES.

No. 92 of 1953.

An Act to provide for the application of the share of the proceeds of Prize captured during the State of War that commenced on the third day of September, One thousand nine hundred and thirty-nine, that is available for the benefit of members of the Royal Australian Air Force.

[Assented to 12th December, 1953.]

[Date of commencement, 9th January, 1954.]

WHEREAS, out of the proceeds of prize captured during the state of war that commenced on the third day of September, One thousand nine hundred and thirty-nine, the sum of Two hundred and twenty-nine thousand pounds is available for application for the benefit of members of the Royal Australian Air Force who served during that state of war : Preamble.

No. 92. *Royal Australian Air Force Veterans' Residences.* 1953.

AND WHEREAS it is impracticable to distribute the moneys so available to individual members of the Royal Australian Air Force who so served :

AND WHEREAS it is, for that reason, desirable that other provision be made for the application of those moneys :

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.	1. This Act may be cited as the <i>Royal Australian Air Force Veterans' Residences Act</i> 1953.
Definitions.	2. In this Act, unless the contrary intention appears— “ the Fund ” means the Royal Australian Air Force Veterans' Residences Trust Fund established under this Act ; “ the Trust ” means the Royal Australian Air Force Veterans' Residences Trust established under this Act.
Establishment of Fund.	3.—(1.) For the purposes of this Act, there shall be a fund to be known as the Royal Australian Air Force Veterans' Residences Trust Fund. (2.) The Fund shall be vested in the Trust. (3.) Out of the moneys standing to the credit of the Prize Money Trust Account established under section sixty-two A of the <i>Audit Act</i> 1901–1953, the sum of Two hundred and twenty-nine thousand pounds shall be paid to the Trust for the purposes of the Fund. (4.) The Fund shall consist of the moneys payable to the Trust under the last preceding sub-section and of all other moneys or property acquired or received by the Trust, including moneys or property given, devised or bequeathed to the Trust.
Purpose of Fund.	4. The purpose of the Fund is the provision of a residence or residences in which former male members of the Royal Australian Air Force who are in necessitous circumstances and, if the Trust so approves, the wives of those members, may be accommodated or supported.
Constitution of Trust.	5.—(1.) For the purposes of this Act, there shall be a Royal Australian Air Force Veterans' Residences Trust. (2.) The Trust shall consist of three persons appointed by the Governor-General to be members of the Trust. (3.) One member shall be a person who is or has been an officer of the Royal Australian Air Force. (4.) One member shall be a person who holds or has held office in the Air Force Association. (5.) One member shall be a person who has had substantial business and financial experience and is, at the date of his appointment, a member of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia.

(6.) The members of the Trust hold office during the pleasure of the Governor-General.

6.—(1.) The Governor-General may appoint a person to be the deputy of a member of the Trust during the pleasure of the Governor-General. Deputies of members.

(2.) The deputy of the member referred to in sub-section (3.) of the last preceding section shall be a person who is or has been an officer of the Royal Australian Air Force.

(3.) The deputy of the member referred to in sub-section (4.) of the last preceding section shall be a person who holds or has held office in the Air Force Association.

(4.) The deputy of the member referred to in sub-section (5.) of the last preceding section shall be a person who has had substantial business and financial experience and is, at the date of his appointment, a member of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia.

(5.) A person appointed under this section is, in the event of the absence from a meeting of the Trust of the member of whom he is the deputy, entitled to attend that meeting and, when so attending, shall be deemed to be a member of the Trust.

7.—(1.) The Trust is a body corporate with perpetual succession and a common seal and is capable of acquiring, holding and disposing of real and personal property and of suing and being sued in its corporate name. Incorporation of Trust.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Trust and shall presume that it was duly affixed.

(3.) The performance or exercise of the functions, powers, rights, authorities, duties or obligations of the Trust is not affected by reason only of there being a vacancy in the office of a member of the Trust.

8.—(1.) The Trust may, at such time and in such manner as, in its discretion, it determines, apply moneys or property forming part of the Fund for the purpose of the Fund, and do all other things necessary or convenient for, or incidental to, the carrying out of that purpose. Powers of Trust.

(2.) Without limiting the generality of the last preceding sub-section, the Trust may—

- (a) acquire and dispose of land, including land upon which buildings are erected ;
- (b) erect, alter, enlarge or rebuild buildings on land vested in the Trust ;
- (c) improve, decorate, furnish and equip land or buildings vested in the Trust ;

- (d) determine the conditions under which former male members of the Royal Australian Air Force and the wives of those members are eligible to receive accommodation or support at residences maintained by the Trust, and the charges (if any) to be paid by a person receiving such accommodation or support ;
- (e) employ such persons as are necessary for the purposes of the Trust on such terms and conditions as it determines ;
- (f) open and maintain such bank accounts as it thinks necessary ; and
- (g) do all things necessary for maintaining the property and managing the affairs of the Trust.

(3.) The Trust shall, in the provision of accommodation under this Act, give preference to former male members of the Royal Australian Air Force who served in the war that commenced on the third day of September, One thousand nine hundred and thirty-nine, and the wives of those members.

(4.) The Trust may, in its discretion, determine that, where accommodation, or accommodation and support, was provided in a residence for a husband and wife jointly, the wife shall, on the death of her husband, continue to be eligible to receive accommodation, or accommodation and support.

Investment of moneys.

9. The Trust may—

- (a) invest moneys forming part of the Fund in securities of the Commonwealth, on deposit with a bank or in any other manner for the time being allowed by an Act or State Act for the investment of trust funds ; and
- (b) realize and convert into money the investments so made and any other property of the Fund.

Accounts and audit.

10.—(1.) The Trust shall keep books and accounts in such form as the Treasurer directs.

(2.) All books and accounts kept by the Trust shall be audited, at least once in each year, by the Auditor-General for the Commonwealth.

(3.) A report on those audits shall be made, at least once in each year, by the Auditor-General to the Treasurer, who shall cause a copy of the report to be laid before each House of the Parliament.

Taxation.

11. The property and income of the Trust is not subject to taxation under a law of the Commonwealth or to taxation under a law of a State to which the Commonwealth is not subject.

Members of Trust not entitled to remuneration.

12.—(1.) A member of the Trust is not entitled to receive remuneration for his services as a member or employee of the Trust.

(2.) A member of the Trust is entitled to be paid out of the Fund such expenses as are reasonably incurred by him in the performance of his duties as a member.

13. The Governor-General may make regulations, not inconsistent **Regulations.** with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular making provision in relation to the convening of, and proceedings at, meetings of the Trust, including provision with respect to a quorum, voting and the decision of questions arising, at those meetings.
