



ANNO UNDECIMO

## ELIZABETHAE II REGINAE

A.D. 1962

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### No. 50 of 1962

An Act to amend the Poppy Day Trust Deed of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated.

[Assented to 15th November, 1962.]

WHEREAS by a Deed (hereinafter called "the Poppy Day Trust Deed") made on the Fifth day of May, one thousand nine hundred and forty-eight between Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated of the one part and Arthur Seaforth Blackburn, Eric William John Millhouse, Samuel Richard Symonds and Ina Jane Davies respectively therein described of the other part after reciting (*inter alia*) that certain moneys had been raised by public subscription and otherwise with the object of establishing a fund to be known as "The Poppy Day Trust Fund" for relieving in necessitous cases the persons therein more particularly referred to and that the parties thereto of the second part had consented to act as Trustees for the purposes of the Poppy Day Trust Deed and that the parties to the said Deed were desirous of providing for the application of the said Fund and all additions which might thereafter be made thereto and that the League had paid the sum of one thousand two hundred and twenty-six pounds twelve shillings and eightpence to the parties thereto of the second part and intended to pay to them from time to time or to other Trustees for the time being of the said Deed the net amount of all future moneys received by the League for the said Fund : AND by clause 1 of the said Deed it was declared that the parties thereto of the second part so long as they should respectively remain Trustees of the said Deed and all persons thereafter becoming Trustees in succession to them should hold the said sum so paid to them as aforesaid

Preamble.

and all other moneys at any time thereafter paid, given or bequeathed to them for the purposes of the Deed upon the trusts hereinafter contained: AND by clause 2 of the said Deed it was declared that the Trustees should stand possessed of the Fund upon trust to invest the same and all or part of any income produced by any investments at any time forming part of the Fund as the Trustees should from time to time deem fit in any investments authorized by law for the investment of trust funds as the Trustees should think fit and from time to time to vary such investments for others of a like nature and to sell, alter or vary any such investments and to permit the proceeds of every such sale and any moneys whether income or capital forming part of the Fund to be applied in relieving necessitous cases of distress amongst all persons more particularly described in the said clause 2: AND by clause 3 thereof it was declared that such assistance should be either by way of loan or by way of a free gift to be decided in the manner hereinafter provided: AND WHEREAS the present Trustees under the said Deed are Thomas Charles Eastick, Arthur James Lee, Robert Richard Wilson and Jean Cooper: AND WHEREAS the Trust Fund now amounts to approximately sixty-three thousand pounds: AND WHEREAS one of the primary objects of the League has been and is the relief of distress and provision of comfort to veterans and their dependants and the League is desirous of providing out of the Fund homes for aged ex-service-men and their wives: AND WHEREAS there being no power in the Trustees to invest any part of the Fund in the purchase of land or the erection of houses thereon or the letting of the same and it is desirable to authorize such alterations to the Deed as are hereinafter set out:

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short title.**

1. This Act may be cited as "The Poppy Day Trust Deed Act, 1962".

**Interpretation.**

2. In this Act—

"Trust Deed" means the Deed described in the preamble to this Act:

"the League" means Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian Branch) Incorporated:

"the Trustees" means the Trustees for the time being under the Trust Deed.

3. Clause 2 of the Trust Deed is amended by deleting all the words therein from the beginning thereof to the words "and who" immediately before paragraph (a) thereof and inserting in lieu thereof the following :—

Amendment of  
clause 2 of  
Trust Deed.

The Trustees shall stand possessed of the general fund and all or such part (if any) of any income produced by any investment at any time forming part of the general fund as the Trustees shall from time to time deem fit in the names of the Trustees upon and subject to the following trusts :—

- (i) To invest all or such part (if any) of the general fund and all or such part (if any) of any income produced by any investments as the Trustees shall from time to time deem fit at any time forming part of the general fund in—

(1) any investments authorized by law for the investment of trust funds ; or

(2) the purchase of real estate in the State of South Australia and any improvements thereon.

- (ii) To sell alter or vary all or any of the investments at any time representing the general fund and to permit the proceeds of any such sale and any moneys whether income or capital then forming part of the general fund to be applied in—

(1) the erection decoration furnishing and fitting of cottages houses or flats (hereinafter called the ex-servicemen's homes) or in altering improving or enlarging the same or any of them or in effecting structural repairs to the same or any of them and in laying out or at any time altering the arrangement or laying out of yards grounds and gardens or any of them and in defraying the cost of all ordinary repairs required for the purpose of maintaining the ex-servicemen's homes and the yards grounds and gardens thereof or any of them in good and habitable condition and of insuring the same against fire and all other charges and outgoings which may become payable in respect thereof and all costs charges and expenses of and incidental to the maintenance and management of the ex-servicemen's homes and the yards, grounds and gardens thereof or any of them and in paying salaries and wages of all caretakers and other officials and servants who shall be employed in or about the ex-servicemen's homes and in doing all such works

and things as may in the opinion of the Trustees be from time to time necessary or desirable for the purposes aforesaid or any of them and in executing the trusts and powers herein contained.

(2) the relief of necessitous cases of distress amongst all persons who are eligible for assistance as hereinafter provided in paragraph (vii) of this clause.

- (iii) The Trustees shall hold the ex-servicemen's homes upon trust to permit the same to be used and occupied as residences for such persons appointed by the Trustees (hereinafter called residents) who are eligible for assistance as hereinafter provided in paragraph (vii) of this clause and their spouses (if any).
- (iv) The appointment management control and expulsion of a resident shall be vested in the Trustees as well as the allotment of an ex-servicemen's home to a resident and the Trustees may at any time or times remove any resident or residents from one ex-servicemen's home to another. Every application for appointment as a resident shall be made to the Trustees in writing in such form as they shall prescribe.
- (v) The amount of rent payable by any resident for the use and occupation of an ex-servicemen's home shall be fixed by the Trustees. The Trustees in fixing the amount of rent payable by a resident shall take into consideration the means of such resident and his or her spouse (if any) provided however that nothing herein contained shall compel the Trustees to charge any resident rent if they see fit not to do so.
- (vi) All rents received by the Trustees from the residents of the ex-servicemen's homes shall form part of and be included in the general fund.
- (vii) The persons eligible for assistance hereunder are those persons who have resided in that part of Australia which at the time of the execution of the Trust Deed is known as "the Fourth Military District" for not less than two years immediately preceding the applications by such persons respectively either for assistance from the general fund or for an ex-servicemen's home and who".

4. Clause 3 of the Trust Deed is amended by striking out the words "such assistance as aforesaid" at the beginning thereof and inserting in lieu thereof "the relief of necessitous cases of distress among all persons who are eligible for assistance in accordance with paragraph (vii) of clause 2 of this Deed".

Amendment of  
clause 3 of  
Trust Deed.

In the name and on behalf of Her Majesty, I hereby  
assent to this Bill.

EDRIC BASTYAN, Governor.