



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 5 of 1964

An Act to vary the trusts of the Semaphore and Port Adelaide R.S.S. and A.I.L.A. and Citizens' World War II Memorial Community Centre Trust Deed.

[Assented to 5th March, 1964.]

Preamble.

WHEREAS by a Deed (hereinafter called "the Trust Deed") made on the first day of September, One thousand nine hundred and fifty-eight between the Corporation of the City of Port Adelaide of the one part and Percy William Whicker, Harold Leslie Tapping, Henry Charles Moore, Max Francis Fendler, and Donald Tulloch Bampton respectively therein described of the other part (hereinafter called "the Trustees") it is recited (*inter alia*) that the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia Semaphore and Port Adelaide Sub-branch Incorporated (of which Henry Charles Moore is the President and Max Francis Fendler is the Secretary) is the proprietor firstly of an estate in fee simple in the whole of the land comprised in partially cancelled Land Grant Register Book Volume 2301 Folio 126 and secondly of certain Commonwealth Treasury Bonds of the face value of Three thousand pounds (hereinafter together with all additions and accretions thereto referred to as "the memorial fund"):

AND WHEREAS by clause 3 of the Trust Deed it is declared that the objects of the Trust are (*inter alia*) to establish and maintain a Citizens' Community Centre on land referred to therein :

AND WHEREAS the memorial fund is insufficient for the establishment and maintenance of the Citizens' Community Centre :

AND WHEREAS the Trustees have no power to apply the memorial fund except as hereinbefore mentioned :

AND WHEREAS it is desirable to authorize such alterations to the Trust 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 :

1. This Act may be cited as "The Semaphore Community Centre Trust Deed Act, 1964". Short title.

2. In this Act, "the Trust Deed" means the Deed described in the preamble to this Act. Interpretation.

3. The Trust Deed is amended by inserting therein after clause 3 thereof the following clauses :— Insertion of new clauses in Trust Deed.
 - 3a. Notwithstanding anything in this Deed contained the Trustees shall—
 - (a) transfer the said land to the trustees for the time being of The Poppy Day Trust Fund to be held by those lastmentioned trustees upon the trusts set out in a 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 Symonds and Ina Jane Davies respectively therein described of the other part, as amended by The Poppy Day Trust Deed Act, 1962 ;
 - (b) sell call in and convert into money so much of the memorial fund as does not consist of money and out of moneys arising from such sale calling in and conversion and all other moneys arising from or forming part of the memorial fund the Trustees shall pay the costs and expenses of and incidental to the amendment of this Deed by the insertion of this clause and to the transfer referred to in paragraph (a) of this clause and shall apply so much of the balance of those moneys as the Trustees in their discretion think fit in erecting or causing to be erected a building suitable for use as a youth club on the land comprised in Land Grant Register Book Volume 432 Folio 77 ; and

(c) after the completion of the erection of the building referred to in paragraph (b) of clause 3a of this Deed, pay any portion of the memorial fund then remaining to the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia Semaphore and Port Adelaide Sub-branch Incorporated to its own use.

3b. The Trustees are hereby empowered to execute all such documents and do all such things as may be necessary or desirable to give effect to the provisions of clause 3a of this Deed.

3c. Upon compliance by the Trustees with all the provisions of clause 3a of this Deed, this Deed and the trusts created hereby shall forthwith terminate.

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

EDRIC BASTYAN, Governor.