

1972

VICTORIA.



ANNO VICESIMO PRIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8350

An Act to establish a Body Corporate under the Name of the Victoria Conservation Trust and for other purposes.

[12th December, 1972]

Preamble.

WHEREAS it is desirable that there be established an organization to be called the Victoria Conservation Trust to acquire preserve and maintain areas within the State which are ecologically significant or of natural interest or beauty or scientific interest and to encourage and assist in the preservation of wild life and native plants for public scientific and public educational purposes :

And whereas it is expedient to incorporate such an organization:

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the *Victoria Conservation Trust Act 1972*.

2. (1) There

2. (1) There shall be established a body corporate by the name "Victoria Conservation Trust" which shall have perpetual succession and a common seal and shall be capable in law of suing and being sued and of doing and suffering all acts matters and things which bodies corporate may by law do or suffer.

Victoria
Conservation
Trust.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to a document and until the contrary is proved shall presume that it was duly affixed.

3. (1) The Trust shall for public scientific and public educational purposes encourage and assist in—

Objects of
Trust.

(a) the preservation of areas which are—

(i) ecologically significant ;

(ii) of natural interest or beauty ; or

(iii) of historical interest ;

(b) the preservation of wild life and native plants ; and

(c) the preservation and creation of areas for scientific study relating to any of the matters referred to in paragraphs (a) and (b).

(2) The Trust shall have the power to do all things that are necessary or convenient to be done for or in connexion with the carrying out of the objects referred to in sub-section (1) and in particular shall have power—

(a) to accept gifts devises and bequests made to the Trust whether on trust or otherwise and to act as trustee of moneys or other property vested in the Trust on trust ;

(b) to purchase hold demise sell transfer convey mortgage and otherwise acquire and dispose of real and personal property ;

(c) to surrender land vested in the Trust (whether on trust or otherwise) to the Crown to be used for a purpose or purposes specified by the Trust ;

(d) to invest and deal with moneys of the Trust not immediately required for any of its objects upon such security or otherwise in such manner as may from time to time be determined by the Trust and to consolidate divide or in any way alter such investments ; and

(e) to

- (e) to reimburse members in respect of reasonable travelling and other expenses incurred in attending meetings of the Trust or otherwise in connexion with carrying out its business.

Upon
surrender,
land to be
permanently
reserved.

(3) Upon the registration in the Office of the Registrar-General or in the Office of Titles of a conveyance or a transfer and surrender to Her Majesty of any land vested in the Trust—

- (a) the land shall be deemed to be unalienated land of the Crown freed and discharged from all trusts and shall be deemed to be permanently reserved pursuant to section 14 of the *Land Act* 1958 for the purpose or purposes specified by the Trust ; and
- (b) the Trust shall be freed and discharged from all further duties and liabilities in respect thereof.

Constitution of
Trust.

4. The Trust shall consist of five members appointed by the Governor in Council.

Members of the
Trust.

5. (1) A member shall hold office for a period of five years after his appointment takes effect unless he resigns or the appointment is terminated and he shall be eligible for re-appointment.

- (2) The office of a member shall become vacant if the member—
- (a) resigns his office by writing under his hand delivered to the chairman or deputy chairman ;
- (b) is removed from office by the Governor in Council ;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for the benefit of his creditors ;
- (d) becomes of unsound mind ; or
- (e) is absent from three consecutive meetings of the Trust without the consent of the Trust.

(3) An act or decision of the Trust shall not be invalid by reason only of a vacancy in the office of a member or a defect or irregularity in the appointment of a member.

Chairman and
deputy
chairman of the
Trust.

6. (1) There shall be a chairman and a deputy chairman of the Trust both of whom shall be elected by the members from amongst their number.

(2) The chairman and deputy chairman shall each hold office for such term as the members from time to time determine.

(3) The chairman or deputy chairman shall cease to hold office upon ceasing to be a member.

(4) A person

(4) A person appointed under sub-section (1) may resign his office as chairman or deputy chairman by writing under his hand delivered to at least two members.

(5) The chairman and deputy chairman shall be eligible for re-election.

7. (1) Meetings of the Trust shall be held at such times and places as the Trust from time to time determines or as the chairman or deputy chairman may direct. Meetings of the Trust.

(2) At a meeting of the Trust three persons shall constitute a quorum.

(3) The chairman or in his absence the deputy chairman shall preside at meetings of the Trust and in the absence of both the chairman and the deputy chairman the members present shall elect one of the members present to preside.

(4) All questions coming before a meeting of the Trust shall be decided by a majority of votes of the members present at the meeting and in the event of an equality of votes the member presiding at the meeting shall have an additional vote.

(5) Subject to this Act the Trust shall govern its own procedure.

8. (1) The Trust may appoint a secretary and such other officers as it requires upon such terms and conditions and for such remuneration as it determines from time to time. Secretary and other officers.

(2) The Trust may at any time remove any person appointed under sub-section (1).

9. (1) The Trust shall cause to be kept proper accounts and records of the transactions and affairs of the Trust. Accounts and records.

(2) The Trust shall cause the accounts to be audited once in each year by a registered company auditor.

(3) The Trust shall as soon as practicable after the end of each financial year submit to the Treasurer such audited income and expenditure accounts, balance sheets and reports as properly record the affairs of the Trust.

10. After paragraph (a) of sub-section (3) of section 21 of the *Probate Duty Act 1962* there shall be inserted the following paragraph :— Amendment of No. 6890 s. 21.

“(aa) The Victoria Conservation Trust ;”.