

Version No. 001
Girl Guides Association Act 1952
Act No. 5654/1952

Version incorporating amendments as at 2 March 1998

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1. Short title	2
2. Definitions	2
3. Incorporation of the Girl Guides Association of Victoria	3
4. Copies of Royal Charters and of the Constitution to be registered	4
5. Transfer etc. of property to the Corporation	4
6. Dealing with property by the Corporation	8
7. Custody and use of the seal	9
8. Notice to and service on the Corporation	9
9. Protection of names, uniforms, badges etc. used by the Corporation and members of its organizations	9

ENDNOTES	12
1. General Information	12
2. Table of Amendments	13
3. Explanatory Details	14

Version No. 001
Girl Guides Association Act 1952
Act No. 5654/1952

Version incorporating amendments as at 2 March 1998

An Act to incorporate the State Council of the Girl Guides Association, Victoria, Australia, to confer and impose upon that Body certain Powers Duties Rights and Liabilities, to provide for the vesting in that Body of certain Property, and for other purposes.

Preamble

WHEREAS the Girl Guides Association (in this Act referred to as "the Association") was duly incorporated in the United Kingdom by Royal Charter dated the fourteenth day of December One thousand nine hundred and twenty-two which Charter has been confirmed and supplemented by a further Royal Charter dated the twenty-ninth day of September One thousand nine hundred and forty-nine:

AND WHEREAS the Association has under the said Royal Charters power (inter alia) to form councils committees and local branches in all parts of Her Majesty's Dominions and elsewhere:

AND WHEREAS by the bye-laws of the Association in force under and by virtue of the said Royal Charters the management of the business of the Association is vested in the Committee thereof with power (inter alia) to appoint and establish such councils committees and local branches for the management of the Association's affairs in any particular part of the United Kingdom or of the overseas dominions or elsewhere as might be thought fit and to delegate to any such council committee or branch all or any of the powers of the

*Girl Guides Association Act 1952**Act No. 5654/1952*

Committee of the Association with or without powers of sub-delegation:

AND WHEREAS pursuant to the powers and authorities granted by the said Royal Charters there exists in Victoria a council of the Association known as the State Council of the Girl Guides Association, Victoria, Australia, with a constitution adopted pursuant to the said Royal Charters and bye-laws of the Association:

AND WHEREAS it is expedient to provide for the incorporation of the said State Council by the name of the "Girl Guides Association of Victoria" and for conferring and imposing upon such corporation the powers duties rights and liabilities hereinafter provided and for vesting in it certain property of the Association and for the management of such property and to make further provision as hereinafter enacted:

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):

1. Short title

This Act may be cited as the **Girl Guides Association Act 1952**.

2. Definitions

(1) In this Act unless inconsistent with the context or subject-matter—

"Association" means the hereinbefore recited Girl Guides Association;

"Branch" means the Girl Guides Association, Victoria, Australia;

"Constitution" means the Constitution of the Branch for the time being adopted pursuant to the hereinbefore recited Royal Charters and bye-laws or any amendment thereof;

"controlled group" means a group registered with the Corporation as a controlled group by any organization approved by the Association or the Corporation;

"controlling authority" means the person or committee appointed by the body concerned to exercise its functions in respect of a group registered as a controlled group;

"Corporation" means the body incorporated by this Act;

"Council" means the State Council of the Girl Guides Association, Victoria, Australia;

"executive committee" means the executive committee, for the time being appointed under the Constitution, of the Council.

- (2) The Constitution (so far as relates to the constitution of the Council) as existing immediately before the commencement of this Act shall subject to this Act be the Constitution of the Corporation at such commencement.

Comp. N.S.W.
No. 45 of 1951
s. 2(2).

3. Incorporation of the Girl Guides Association of Victoria

Comp. No.
4092 s. 3.

Without further or other authority than this Act, the members at the commencement of this Act of the Council shall upon the commencement of this Act become and the members for the time being of the Council shall thereafter be and continue a body corporate by the name of the "Girl Guides Association of Victoria" with perpetual succession and a common seal (with power to break alter and change the seal from time to time) and shall by that name be capable in law of suing and being

sued and subject to this Act of purchasing taking holding selling mortgaging leasing taking on lease exchanging and disposing of real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

lb. s. 4.

4. Copies of Royal Charters and of the Constitution to be registered

- (1) As soon as practicable after the commencement of this Act a copy of the hereinbefore recited Royal Charters and a copy of the Constitution each certified under the seal of the Corporation shall be registered in the office of the Registrar-General.
- (2) Any further Royal Charter or Constitution or any amendment thereof shall be as soon as practicable be certified and registered in like manner.
- (3) The production of a copy certified as correct by the Registrar-General of any instrument registered under this section shall be received as conclusive evidence of the contents of the instrument by all courts and persons having by law or consent of parties authority to hear receive and examine evidence.

Comp. No.
4092 s. 6.

5. Transfer etc. of property to the Corporation

- (1) Any person—
 - (a) who at the commencement of this Act holds;
or
 - (b) who hereafter acquires—
any real or personal property upon trust for or on behalf of or for the benefit of the Corporation Council or Branch or of any other council committee or local branch of the Association in Victoria shall (if and when required by notice in writing from the Corporation so to do) transfer convey and assign unto the Corporation at the cost

of the Corporation such real or personal property as aforesaid but subject to any conditions or trusts upon which such property is held or acquired:

Provided that property so held or acquired by or on behalf of any controlled group may subject to any express trust affecting the property be held in trust for such purposes and be disposed of in such manner as the controlling authority of such group from time to time determines; but in the event of any such property being dealt with in a manner contrary to the conditions and trusts upon which it is held the Corporation may by notice in writing require such property to be transferred conveyed and assigned to the Corporation.

- (2) Any notice requiring the transfer conveyance or assignment of any such real or personal property—
 - (a) shall be signed by the general secretary or other authorized officer of the Corporation;
 - (b) shall be deemed to have been properly served upon and received by the person organization or controlling authority to whom or which it is addressed at the expiration of three days after it has been forwarded by registered post addressed to such person organization or controlling authority or to any person who is a member thereof or in the case of joint holders then to one of such joint holders at his or its usual or last known place of residence or postal address.
- (3) Upon service of any such notice the person organization or controlling authority holding as aforesaid the real or personal property in respect of which such notice has been given shall immediately take all necessary action to vest such

property in the Corporation but subject to any conditions and trusts upon which it is held.

- (4) Any person organization or controlling authority served with any such notice may apply by summons to a judge of the Supreme Court for an order that any such transfer conveyance or assignment of any such real or personal property shall not be made or if made shall be subject to such terms and conditions as the judge may determine are just and equitable having regard to all the circumstances of the case.
- (5) If any person organization or controlling authority on whom or which any such notice is served or deemed to be served refuses or neglects to execute a transfer conveyance or assignment to the Corporation of any real or personal property in respect of which such notice has been given or cannot be found—
 - (a) the Corporation may apply to a judge of the Supreme Court for an order directing the Master of the Supreme Court to execute for and on behalf of such person organization or controlling authority a transfer conveyance or assignment of such property to the Corporation;
 - (b) upon proof to the satisfaction of such judge—
 - (i) that such property is held by such person organization or controlling authority upon trust for or on behalf of or for the benefit of the Branch or of any other council committee or local branch of the Association in Victoria; and

-
- (ii) that notice as aforesaid requiring such person organization or controlling authority to transfer convey or assign such real or personal property has been given in manner herein provided; and
 - (iii) that such person organization or controlling authority refuses or neglects to execute such transfer conveyance or assignment as aforesaid or cannot be found—

the judge may make such order and the said Master shall thereupon do and perform all such acts and things as may be necessary to transfer convey or assign such property to the Corporation but subject to any charge mortgage lease easement or other encumbrance then affecting the same and to the trusts on which it was held by such person organization or controlling authority, and any such act or thing so performed by the said Master shall be of the like force and effect as if done or performed by such person organization or controlling authority.

- (6) Any person who has at any time acquired real or personal property by using the name of the Corporation Council or Branch or of any other council committee or local branch of the Association in Victoria and who is in possession of or otherwise holds such real or personal property shall be deemed to be a person holding such real or personal property upon trust for or on behalf of or for the benefit of the Corporation Council or Branch or (as the case may be) of such other council committee or local branch of the Association in Victoria.

- (7) Any rights or liabilities in respect of any real or personal property which hereafter become vested in the Corporation pursuant to this section may thereupon be enforced by or against the Corporation.

Comp. No.
4092 s. 7.

6. Dealing with property by the Corporation

The Corporation shall deal with or dispose of the real or personal property vested in the Corporation in such manner, subject to any special trust affecting the property, as the executive committee thinks fit, but subject in the case of a lease mortgage or sale of real property to the following conditions—

- (a) any proposed lease mortgage or sale of real property shall be submitted in the first instance to an ordinary meeting of the executive committee and shall be specially mentioned in the notice convening the meeting;
 - (b) at the next ordinary meeting of the executive committee of which seven days' notice has been given such proposed lease mortgage or sale of such real property, if approved by the previous meeting, shall be submitted to the meeting, and if approved by not less than two-thirds of those present when the motion is put may be carried into effect by the executive committee;
 - (c) a copy of the resolution of the executive committee directing the lease mortgage or sale if sealed with the common seal of the Corporation shall be conclusive evidence in favour of any person claiming by through or under such lease mortgage or sale that such resolution has been duly passed in compliance with the provisions of this Act and of the Constitution;
-

- (d) no lessee purchaser or mortgagee shall be bound to see to the application of any moneys paid by him.

7. Custody and use of the seal

Comp. No.
4092 s. 9.

- (1) The common seal of the Corporation shall be in the custody of the general secretary and shall not be affixed to any document except pursuant to a resolution of the executive committee.
- (2) The affixing of the common seal to any document shall not be complete without the signature of three members of the executive committee:

Provided that it shall not be necessary to require the common seal to be affixed as evidence of the appointment by the Corporation of a legal practitioner in or for the prosecution or defence of any action suit or other proceeding.

S. 7(2)
Proviso
amended by
No. 35/1996
s. 453(Sch. 1
item 36).

8. Notice to and service on the Corporation

lb. s. 10.

Notice to or service upon the general secretary or acting general secretary of the Corporation shall be deemed to be a notice to or service upon the Corporation.

9. Protection of names, uniforms, badges etc. used by the Corporation and members of its organizations

Comp. No.
4092 s. 11.

- (1) The Governor in Council may by Order in Council made on the application of the Corporation protect—
- (a) the name of the Association Corporation or Branch;
- (b) any special name or designation specified in the Order and used by the Association Corporation or Branch for the members thereof, or for the members of any other council committee or local branch of the Association in Victoria;

- (c) any uniform with distinctive markings or badges used by the Association Corporation or Branch and described in the Order;
- (d) any badge to be worn without uniform used by the Association Corporation or Branch and described in the Order:

Provided that nothing in any such Order or in this section shall deprive any bona fide organization of the right to use any designation uniform or badge which at the time of the passing of this Act is in regular use by that organization.

- (2) An Order in Council under this section—
 - (a) shall not be made unless notice of the application for an Order has been given in such manner and accompanied by such particulars as the Minister directs; and the Minister shall consider any objections to an Order which are made by or on behalf of any persons or societies affected or likely to be affected by the Order;
 - (b) shall be laid as soon as may be after it is made before both Houses of Parliament; and if a resolution is passed by either House of Parliament within the next subsequent seven days on which that House has sat after any such Order is laid before it declaring that such Order should be annulled, the Governor in Council may annul the Order and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder;
 - (c) may be amended or revoked by a subsequent Order in Council.
 - (3) Where the use of any name designation uniform or badge has been so protected, a person shall not without the authority of the Corporation use the
-

name designation uniform or badge the use of which is so protected or any name designation uniform or badge so closely resembling the name designation uniform or badge the use of which is protected hereunder as to lead to the belief that it is that name designation uniform or badge.

- (4) ¹If any person acts in contravention of the last preceding sub-section he shall be liable in respect of each offence to a penalty of not more than \$20:

Provided that this section shall not prevent any person from wearing or using any uniform or badge or distinctive marking in the course of or for the performance of a stage play or representation or music-hall or circus performance or pageant or production of a cinematograph film if the uniform badge or distinctive mark is not worn or used in such a manner or under such circumstances as to bring it into contempt.

- (5) The Corporation when making application for the protection of a uniform shall together with the application furnish an exact and detailed description of the uniform, in respect of both form and colour, such as may clearly indicate what are the precise extent and limits of the protection to be granted.

ENDNOTES

1. General Information

The **Girl Guides Association Act 1952** was assented to on 31 October 1952 and came into operation on 31 October 1952.

Girl Guides Association Act 1952

Act No. 5654/1952

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Girl Guides Association Act 1952** by Acts and subordinate instruments.

Legal Practice Act 1996, No. 35/1996

Assent Date: 6.11.96

Commencement Date: S. 453(Sch. 1 item 36) on 1.1.97: s. 2(3)

Current State: This information relates only to the provision/s amending the **Girl Guides Association Act 1952**

3. Explanatory Details

¹ S. 9(4): Refer to section 5 of the **Decimal Currency Act 1965**, No. 7315/1965.