

Scout Association Act 1983

CLAUSE NOTES

Clause 1: This clause contains the usual citation and commencement provisions.

Clause 2: Sub-clause (1) provides for the change of name of both The Boy Scouts Association (incorporated by Royal Charter) Victorian Branch (Australia) and the governing body of that Association.

Sub-clauses (2) and (3) are consequential provisions to facilitate the change of names contained in sub-clause (1).

Sub-clause (4) provides for the change of name of the Executive Committee of the governing body of the Victorian Association.

Sub-clause (5) is a consequential provision to facilitate the change of name contained in sub-clause (4).

Sub-clauses (6) and (7) are necessary consequential provisions with respect to the changes of names effected in this clause.

Sub-clause (8) provides that the references to "appointed day" are references to the date on which the provisions of the Constitution have effect, such date to be fixed by order of the Governor in Council published in the *Government Gazette*.

Clause 3: This clause substitutes a new section 2 in the Principal Act and sets out the interpretation to be given to certain words and expressions contained in the Act.

Clause 4: This clause inserts sub-sections (2) and (3) into section 3 of the Principal Act and provides that a reference to The Boy Scouts Association (incorporated by Royal Charter) Victorian Branch shall be deemed to be a reference to the new name of the corporation and that the new corporation has the same capacity it had under its former name.

Clause 5: This clause substitutes a new section 4 in the Principal Act and inserts new sections 4A and 4B.

4. (1) This proposed sub-section provides for the validation of acts done by the Victorian Association and Corporation since the formation of The Australian Boy Scouts Association as a branch of the British Association on 15 December 1958 and done pursuant to the directions of the Australian Association, the National Council, the National Executive Committee or the provisions of the Royal Charter dated 23 August 1967 or provisions thereunder.

4. (2) The proposed sub-section provides that, apart from the provisions empowering the British Association to form local branches, the provisions of the Royal Charter of 4 January 1912 shall cease to apply to the Corporation and the Branch.

4. (3) The proposed sub-section provides that for the purpose of the Royal Charter referred to in sub-section (2) the Scout Association of Australia, Victorian Branch shall be regarded as a local branch.

4A. (1) The proposed sub-section provides the Branch Executive Committee with the power to change the name of the Corporation and the Branch.

4A. (2) The proposed sub-section provides that the Branch Executive Committee shall not resolve to change a name under sub-section (1) unless the proposal has been approved by the National Council.

4A. (3) and (4) These proposed sub-sections are consequential provisions to facilitate any change of name made pursuant to this section.

4B. (1) This proposed sub-section provides that the Corporation and the Branch are subject to the Royal Charter, which in 1967 incorporated The Australian Boy Scouts Association. It also provides that they are subject to any decision or ruling of the National Council or the National Executive made pursuant to the Royal Charter. Further that the bodies referred to are subject to the direction and control of the National Council and the National Executive Committee.

4B. (2) The proposed sub-section provides that in the event of an inconsistency between a provision or direction referred to in sub-section (1) and the Constitution, to that extent the Constitution will be inoperative.

4B. (3) The proposed sub-section provides that the Constitution of the Branch as set out in the Schedule shall have effect from a day to be fixed by Order of the Governor in Council published in the *Government Gazette*.

4B. (4) The proposed sub-section provides that the Corporation shall keep certified copies of specific documents and shall publish the location at which such documents are kept.

4B. (5) The proposed sub-section provides that the production of a certified copy of a document kept under section 4B (4) shall be conclusive evidence of the contents of the original document.

Clause 6: This clause amends section 5 of the Principal Act deleting reference to the 1912 Royal Charter and providing that the Corporation shall operate subject to the 1967 Charter which incorporated The Australian Boy Scouts Association and also subject to the direction and control of the National Council and the National Executive Committee of the Australian Association.

Clause 7: Sub-clause (1) amends section 6 (1) of the Principal Act and enables property held on trust for the British Association the Australian Association or branches thereof or property held on trust for any other group formed under either Association's rules to be transferred to the Corporation.

Sub-clause (2) inserts a new sub-section (1A) into section 6 of the Principal Act and provides that where property is transferred to the Corporation upon trust for the benefit of the British Association the Corporation may apply and use the property for the benefit of the Australian Association but otherwise in accordance with the trust.

Sub-clauses (3), (4), (5) and (6) make amendments to section 6 including the re-naming of certain groups in accordance with the new section 2 of the Principal Act and expanding the various references to Association contained in the section to include reference to both the British Association and the Australian Association.

Clause 8: This clause substitutes a new section 7 in the Principal Act setting out the powers of the Corporation and the Branch Executive Committee with respect to property dealings engaged in by the Corporation.

Clause 9: This clause amends section 8 of the Principal Act by requiring that the application of a gift received by the Corporation after the commencement of this Act shall in the absence of effective terms attached to it be subject to the direction, if any, of the Australian Association. It also makes provision for the application of gifts received but not applied prior to the commencement of this Act. The Corporation is also deemed from 15 December 1958 to have had power to receive and apply gifts made to the Australian Association.

Clause 10: This clause amends section 9 of the Principal Act primarily by requiring that the affixing of the common seal of the Corporation be attested to in the manner prescribed by the Constitution.

Clause 11: This clause amends section 11 of the Principal Act.

Paragraph (a) inserts the word Australian before the word Association where it appears in the section.

Paragraph (b) provides that no organization shall be deprived of the right to use names, uniforms and materials used by the Corporation and protected under the section if such material was in regular use by the organization at the time of the passing of this Act.

Paragraph (c) is a consequential provision to paragraph (b).

Paragraph (d) increases the penalty for unauthorized use of materials protected under the section. It also amends the proviso in sub-section 4 to include television in the range of entertainment to which the restriction on the unauthorized use of such materials shall not apply.

Clause 12: This clause inserts a new section 12 into the Principal Act which provides a method for the winding up of the Corporation.

Clause 13: This clause provides for the renaming of the short title of the Principal Act.

