



ANNO DECIMO TERTIO

# GEORGII V REGIS.

A.D. 1922.

\*\*\*\*\*

## No. 1538.

An Act to enable the Supreme Court to Hear and Summarily Decide on Petition Matters relating to the Administration and Management of Trusts created for Charitable Purposes.

[Assented to, December 21st, 1922.]

**B**E it 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 "Charitable Trusts Procedure Act, 1922." Short title.

2. In every case of a breach of any trust or supposed breach of any trust created for charitable purposes, or whenever the direction or order of the Supreme Court shall be deemed necessary for the administration or management or to the advantage or benefit of any trust created for charitable purposes, it shall be lawful for—

In cases of breach of trust, &c., petition may be presented to Supreme Court.  
Cf. 52 Geo. 3, c. 101.

- (a) any two or more natural persons who are objects of such trust ; or
- (b) the trustees appointed by or in pursuance of the instrument or of the Act of Parliament creating the trust ; or
- (c) the Attorney-General :

to present a petition to the Supreme Court, stating such breach or supposed breach, or the grounds upon which such direction or order is necessary, as the case may be, and praying such relief as the nature of the case may require.

3. Every

*Charitable Trusts Procedure Act.—1922.*

Petition to be accompanied by affidavit.

**3.** Every petition shall be accompanied by an affidavit made by one of the persons presenting the petition or any other person who can swear positively to the facts, verifying the petition and the grounds on which the proposed relief is sought.

Petition to be heard in open Court.

**4.** Every petition shall be heard in open Court.

Evidence may be brought by affidavit or otherwise.

**5.** (1) Any petitioner or other person appearing at the hearing of the petition may bring before the Court evidence by affidavit, or, if the Court so directs, oral evidence, and the Court may call upon any petitioner or other person appearing at the hearing of the petition to prove before it, by affidavit or otherwise, as the Court directs, such matters as the Court thinks fit.

(2) The attendance of any witness or the production of any document for the purposes of this section may be enforced by *subpœna* issued at the instance of the person requiring such attendance or production.

Service of petition and copy of affidavit.

**6.** The petition, together with a copy of the accompanying affidavit, shall be served upon the Attorney-General where the petition is presented by some person other than the Attorney-General, and upon such other persons as the Court may direct.

Attorney-General may address Court at hearing.

**7.** The Attorney-General may appear and address the Court, either personally or by counsel, at the hearing of the petition.

With Judge's consent any person may address Court.

**8.** With the leave of the Court, any person interested who has not been served with the petition may appear and address the Court on the hearing of the petition, but shall not be allowed costs out of the trust funds unless the Court so directs.

Powers of Court in dealing with petition.

**9.** The Court may make such order upon the petition as to it seems just, or may refuse to make any order, or may direct that the right to the relief sought be determined in an action to be brought for that purpose.

Court may order costs.

**10.** The Court may make such order as to costs as to the Court may seem just, and may order any petitioner to pay the taxed costs of any person appearing at the hearing in pursuance of section 8.

Powers of Supreme Court may be exercised by a single Judge.

**11.** The authority and jurisdiction by this Act vested in the Supreme Court may, subject to any rules or orders of such Court in relation thereto, be exercised by a single Judge of such Court.

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

TOM BRIDGES, Governor.