

(b) by inserting after that subsection the following subsections:—

“(3A) Where a bet is made by post, or by telephone, or by other indirect communication, the bookmaker shall, within seventy-two hours after receiving it, deliver the ticket, or send it by post, to the bettor.

“(3B) A bookmaker who fails to comply with the provisions of subsection (3A) of this section is liable to a penalty of ten pounds for a first offence and fifty pounds for a subsequent offence.”

Offences by bookmakers.

8 Section seventy-seven of the Principal Act is amended by inserting in paragraph (a) of subsection (1) thereof, before the word “section”, the words “subsections (1), (2), (3), and (4) of”.

Regulations.

9 Section one hundred and nineteen of the Principal Act is amended by inserting after paragraph (c) of subsection (1) the following paragraph:—

“(ca) prescribe the conditions upon and subject to which a totalizator of any class prescribed under paragraph (d) of subsection (1) of section fifty-one may be used and the conditions and contingencies with reference to which dividends payable from such a totalizator shall be determined, and generally regulate the use of such a totalizator;”.

GIRL GUIDES' ASSOCIATION.

No. 99 of 1957.

AN ACT to incorporate the State Council of the Girl Guides' Association of Tasmania, 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. [23 December 1957.]

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 1922, which Charter has been confirmed and supplemented by a further Royal Charter dated the twenty-ninth day of September 1949:

And whereas the Association has under those Charters power, among other things, to form councils, committees, and local branches in all parts of Her Majesty's Dominions and elsewhere:

And whereas by the by-laws of the Association in force under and by virtue of those Charters the management of the business of the Association is vested in the Committee thereof with power, among other things, 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 Committee of the Association with or without powers of sub-delegation:

And whereas pursuant to the powers and authorities granted by those Charters there exists in this State a local branch or committee of the Association known as the Girl Guides' Association (Tasmania), with a constitution adopted pursuant to those Charters and the by-laws of the Association:

And whereas it is expedient to provide for the incorporation of that local branch by the name of the "Girl Guides' Association (Tasmania)" and for conferring and imposing upon the corporation the powers, duties, rights, and liabilities mentioned in this Act and for vesting in it certain property of the Association and to provide for the management of that property, and to make further provision as enacted in this Act:

BE it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Girl Guides' Association Act 1957*. Short title.

2—(1) In this Act, unless the contrary intention appears—

- "branch" means the Girl Guides' Association (Tasmania);
- "constitution" means the constitution of the branch for the time being adopted pursuant to the Royal Charters and by-laws mentioned in the preamble to this Act or any amendment thereof;
- "corporation" means the body that is incorporated by this Act;
- "council" means the State Council of the Association;
- "executive committee" means the executive committee of the council, being the executive committee for the time being appointed under the constitution;
- "Royal Charters" means the Royal Charters mentioned in the preamble to this Act;

Interpretation.
Cf., No. 57 of 1954, s. 2.

“sponsored group” means a group that is registered with the corporation as a sponsored group by any organization approved by the Association or the corporation;

“sponsoring authority” means the person or committee appointed by an organization to exercise its functions in respect of a group that is registered as a sponsored group.

(2) The constitution (so far as it relates to the constitution of the council) as existing immediately before the commencement of this Act shall, subject to this Act, be deemed to be the constitution of the corporation at the date of the commencement of this Act.

Incorporation of the State Council of the Association.
Ibid., s. 3.

3—(1) The persons who, at the commencement of this Act, are holding office as members of the council are, by force of this section, created a body corporate, and the members for the time being of the council holding office after the commencement of this Act continue to be a body corporate, by the name of the Girl Guides' Association (Tasmania).

(2) The corporation has perpetual succession and may have and use a common seal.

(3) The corporation—

- (a) may sue and be sued in its corporate name;
- (b) may, in its corporate name, purchase, take on lease, hold, mortgage, and exchange, and lease, sell, or otherwise dispose of, real property and personal property;
- (c) may invest, in investments authorized by law for the investment of trust funds, any moneys of the corporation;
- (d) may borrow money either upon security or otherwise, and issue debentures;
- (e) may lend any of the moneys of the corporation to such persons, for such purposes, and upon such terms and conditions, as it may think best calculated to promote the objects of the Association;
- (f) may erect, maintain, and improve such buildings, and purchase or hire such machinery, plant, and equipment, as it may think best calculated to promote the objects of the Association; and
- (g) may do and suffer all such other acts and things as bodies corporate may by law do and suffer.

4—(1) Within six months after the commencement of this Act the corporation shall cause to be deposited with the Registrar of Companies a copy, certified under the common seal of the corporation, of—

- (a) the Royal Charters; and
- (b) the constitution,

Copies of Royal Charters and constitution to be registered.
Ibid., s. 4.

and shall cause copies (certified under the seal of the corporation) of any new, amended, or supplementary Royal Charter granted to the Association or the corporation, and all amendments of the constitution made, or any new constitution adopted, after the commencement of this Act, to be so deposited, with as little delay as possible.

(2) Upon receipt of a document required by this section to be deposited with him, the Registrar of Companies shall register it as if it were the articles of association of a company, or an amendment of the articles of association of a company, as the case may be.

(3) The production of a copy of a document required by this section to be deposited with the Registrar of Companies, certified by the Registrar to be correct, shall be received as conclusive evidence of the contents of the document by all courts and persons having by law or consent of parties authority to hear and receive evidence.

5—(1) The corporation—

- (a) has the general control and management of the Girl Guide movement in this State; and
- (b) may do all such acts and things as it may consider necessary or desirable for providing and maintaining an efficient organization for the purposes of the Association in this State.

General powers of the corporation.
Ibid., s. 5.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the powers and functions of the corporation include the exercise of all such powers, and the performance of all such duties, as may be delegated to it by the Association under the provisions of the Royal Charters.

6—(1) A person—

- (a) who, at the commencement of this Act, holds;
- (b) who, at any time after the commencement of this Act, acquires; or
- (c) to whom is or has been given, devised, or bequeathed (whether before or after the commencement of this Act),

Transfer of property to corporation.
Ibid., s. 6.

any real property or personal property in this State upon trust for or on behalf of, or for the benefit of, the Association or any branch thereof or any local association, group, or other body formed under the policy organization and rules of the Association in this State shall, if so required by the corporation, by notice in writing, transfer, convey, or assign that real property or personal property to the corporation, at the cost of the corporation, but subject to any conditions or trusts upon which it is or was held, acquired, given, devised, or bequeathed.

(2) A notice under subsection (1) of this section—

- (a) shall be signed by the general secretary or other officer of the corporation authorized by the corporation in that behalf; and
- (b) shall be deemed to have been received by the person to whom it is addressed at the expiration of the period of three days after it has been forwarded to that person by registered post at his usual or last-known place of residence in this State or, if it is addressed to more persons than one, after it has been so forwarded to any one of those persons at his usual or last-known place of residence in this State.

(3) Notwithstanding the foregoing provisions of this section, any real property or personal property that is vested in, or held by or on behalf of, or that is given, devised, or bequeathed to, a sponsored group may, subject to any express trust affecting it, be held in trust for such purposes, and be disposed of in such manner, as the sponsoring authority of that group may determine; but if a sponsoring authority deals with any real property or personal property in a manner contrary to the conditions and trusts upon which it is held, the corporation may, by notice in writing in accordance with this section, require the organization by which the sponsoring authority is appointed, or that sponsoring authority, to transfer, convey, or assign that property to the corporation.

(4) Any person, organization, or sponsoring authority to whom or to which a notice under this section is given may apply by summons to a judge for an order that the transfer, conveyance, or assignment, of the property to which the notice relates shall be subject to such terms and conditions as the judge may determine, and the judge may make such order with respect to the terms and conditions to which the transfer, conveyance, or assignment shall be subject as the judge may think just and equitable, having regard to all the circumstances of the case.

(5) If—

- (a) after the giving of a notice under this section any person, organization, or sponsoring authority to whom or to which the notice is given fails to execute a transfer or conveyance, or an assignment, to the corporation, of the property to which the notice relates; or
- (b) a person holds any real property or personal property in this State upon trust for or on behalf of, or for the benefit of, the Association or any branch thereof, or any local association, group, or other body formed under the policy organization and rules of the Association in this State, and the whereabouts of that person are unknown,

the corporation may apply by summons to a judge for an order directing the Principal Registrar of the Supreme Court to execute for or on behalf of that person, organization, or sponsoring authority a transfer or conveyance, or an assignment, of that property to the corporation.

(6) Where a summons is taken out by the corporation pursuant to subsection (5) of this section, the judge by whom the summons is heard may, upon proof to his satisfaction that—

- (a) the property to which the summons relates is held by any person, organization, or sponsoring authority for or on behalf of, or for the benefit of, the Association or any branch thereof, or any local association, group, or body formed under the policy organization and rules of the Association in this State;
- (b) notice under this section requiring that person, organization, or sponsoring authority to transfer, convey, or assign that property has been given to that person, organization, or sponsoring authority by the corporation; and
- (c) that person, organization, or sponsoring authority has failed to execute a transfer or conveyance, or an assignment, of the property to the corporation, or, as the case may be, that the whereabouts of that person are unknown,

the judge may, by order, direct the Principal Registrar to execute for or on behalf of that person, organization, or sponsoring authority a transfer or conveyance, or an assignment, of that property to the corporation, and the Principal Registrar shall thereupon do all such acts and things, and execute all such instruments, as may be necessary to transfer, convey, or assign the property to the corporation, but subject, in the case of real property, to any charge, mortgage, lease, or easement affecting it and to any trust upon which it was held by that person, organization, or sponsoring authority.

(7) A person who, in this State, has at any time acquired any property by using the name of the Association, or of any branch thereof, or of any local organization, group, or body formed under the policy organization and rules of the Association in this State shall, for the purposes of this section, be deemed to be a person who holds that property for or on behalf of, or for the benefit of, the Association or of that branch, local association, group, or sponsoring authority.

(8) Any liabilities in respect of real property or personal property that, by virtue only of the operation of this subsection, become vested in the corporation, may be enforced against the corporation.

(9) Any rights that have accrued or hereafter accrue to a person in this State on behalf of the Association are, by virtue only of the operation of this subsection, vested in the corporation, and may be enforced by or in favour of the corporation accordingly.

Manner of dealing with property by the corporation.

Ibid., s. 7.

7 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, namely:—

- (a) A 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, the proposed lease, mortgage, or sale 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, is conclusive evidence in favour of any person claiming by, through, or under the lease, mortgage, or sale that the resolution has been duly passed in compliance with the provisions of this Act and of the constitution; and
- (d) A lessee, purchaser, or mortgagee is not bound to see to the application of any moneys paid by him.

Vesting of certain gifts, &c., in the corporation.

Ibid., s. 8.

8—(1) A devise or bequest made by or under a will or codicil (whether the will or codicil is executed or proved before or after the commencement of this Act) and a gift made otherwise than by testamentary disposition (whether the gift is made before or after the commencement of this Act) to, or on behalf or for the benefit of, the Association or any branch thereof or any local association, group, or body formed under the policy organization and rules of the Association (whether the devise, bequest, or gift is expressed to vest or pass directly or after the death of some person or the fulfilment of some condition) shall, unless the contrary intention appears in the will, codicil, or other instrument effecting the devise, bequest, or gift, be deemed, by force only of this section and without further authority, to be a devise, bequest, or gift to, or on behalf or for the benefit of, the corporation and the devise, bequest, or gift, or the beneficial enjoyment thereof, as the case may be, shall be deemed to vest in the corporation accordingly.

(2) Nothing in this section prejudices or affects the operation of section six.

9—(1) The State Secretary of the corporation has the custody of the corporation's common seal. Custody and use of the seal of the corporation. *Ibid.*, s. 10.

(2) The common seal of the corporation shall not be affixed to a document except in pursuance of a resolution of the executive committee and, when so affixed, shall be attested by the signatures of three members of the executive committee, including the State Commissioner.

(3) Notwithstanding anything in this section, it is not necessary for the appointment by the corporation of a barrister or solicitor in or for the prosecution or defence of any action, suit, or other proceeding to be under the common seal of the corporation.

10 Notice to, or service on, the State Secretary or of the corporation or any officer for the time being performing the duties of the State Secretary shall be deemed to be notice to, or service on, the corporation. Service of notices. *Ibid.*, s. 11.

11 A receipt, release, or discharge that is signed, given, or executed— Receipts, &c. *Ibid.*, s. 10.

(a) if not under seal, by—

- (i) the State Secretary or State Treasurer of the corporation; or
- (ii) any two members of the executive committee; or

(b) if under seal, by any three members of the executive committee,

shall be deemed, for all purposes, to be a complete acquittance by the corporation, to the person to whom it is given, for or in respect of the matters to which it relates.

12—(1) The Governor may, by order-in-council made on the application of the corporation, protect— Power of Governor to make orders-in-council protecting badges, uniforms, &c.

(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 this State;

(c) any uniform with distinctive markings or badges used by the Association, corporation, or branch and specified in the order-in-council;

(d) any badge to be worn without uniform used by the Association, corporation, or branch and specified in the order-in-council; and

(e) any guide standards or guide flags customarily used or displayed by the Association, corporation, or branch for the members thereof.

(2) The corporation shall, when making application for the protection of a uniform, forward with the application a sample of the material to be used in the uniform, and a detailed description thereof in respect of both form and colour so as to clearly indicate the precise extent and limits of the protection sought in the application.

(3) The corporation shall cause notice of an application under this section to be given in such manner, and containing such particulars, as the Minister may direct.

(4) A person who is affected, or who is likely to be or capable of being affected, by the subject-matter of an application under this section may, within the time specified in that behalf in the notice of the application, forward an objection, in writing, to the Minister for his consideration.

(5) The Minister shall cause each order-in-council under this section to be laid on the table of each House of Parliament within the first seven sitting days of the House after the order has been made.

(6) If either House of Parliament passes a resolution, within seven sitting days after an order-in-council is laid before it, declaring that the order should be annulled, the Governor may annul the order, and thereupon the order shall be void, except as regards anything done thereunder before the making of the order.

(7) An order-in-council under this section may be amended or revoked by a subsequent order-in-council.

(8) Where the use of any name, designation, uniform, badge, standard, or flag has been protected by an order-in-council under this section, no person shall, without the authority of the corporation, use that name, designation, uniform, badge, standard, or flag or any name, designation, uniform, badge, standard, or flag so closely resembling the name, designation, uniform, badge, standard, or flag the use of which is protected under the order-in-council as to lead to the belief that it is that name, designation, uniform, badge, standard, or flag.

Penalty: Ten pounds.

(9) Nothing in subsection (8) of this section prevents a person from wearing or using any uniform or badge or other distinctive marking in the course of, or for, the performance of a stage play or representation, music-hall or circus performance, pageant, or production of a cinematograph film if the uniform, badge, or distinctive marking is not worn or used in such a manner or in such circumstances as to bring it into contempt.

(10) Nothing in this section or in an order-in-council under this section deprives an organization of the right to use a designation, uniform, or badge which, at the time when this Act came into force, was used regularly and in good faith by that organization.