



# **Services Trust Funds Act 1947**

**No. 23, 1947 as amended**

**Compilation start date:** 1 July 2014

**Includes amendments up to:** Act No. 62, 2014

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Services Trust Funds Act 1947* as in force on 1 July 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 17 July 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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**An Act to establish, from the profits and other assets of Canteens conducted within the Defence Force during the time of war which commenced on 3 September 1939 and from other sources, Trust Funds to be administered in the interests of servicemen, ex-servicemen and their dependants, and for other purposes**

**Part I—Preliminary**

**1 Short title**

This Act may be cited as the *Services Trust Funds Act 1947*.

**2 Commencement**

This Act shall come into operation on a date to be fixed by Proclamation.

**4 Interpretation**

In this Act, unless the contrary intention appears:

***dependant***, in relation to a member of the Defence Force, means any person who, in the opinion of the trustees of any fund, has or had such relationship to, or dependence upon, the member of the Defence Force as to justify the receipt by that person of benefit from that fund.

***fund*** means any fund established under this Act.

***member of the Defence Force*** means a person who is, or was, prior to his discharge or death:

- (a) a member of the Navy, Army or Air Force; or

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(b) a member of any nursing service or women's service attached or auxiliary to any branch of the Defence Force;  
and includes a member of the canteens staff of any ship of the Navy and any person duly accredited to any part of the Defence Force who has served in an official capacity on full-time paid duty.

*trustees*, in relation to any fund, means the trustees for the time being of that fund.

## **Part II—Trustees Generally**

### **5 Appointment of trustees**

- (1) The Minister must appoint, in respect of each fund, trustees of such number as he thinks fit and a chair of trustees.
- (2) The Minister may terminate the appointment of a trustee or a chair of trustees at any time.
- (3) Section 30 of the *Public Governance, Performance and Accountability Act 2013* (which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials) does not apply in relation to a trustee or a chair of trustees despite subsection 30(6) of that Act.

### **6 Trustees to be bodies corporate**

- (1) The trustees of each fund shall be a body corporate with perpetual succession and a common seal and may hold real and personal property and may sue or be sued in their corporate name.  

Note: The *Public Governance, Performance and Accountability Act 2013* applies to the trustees of each fund. That Act deals with matters relating to corporate Commonwealth entities, including reporting and the use and management of public resources.
- (2) The corporate name of the trustees of any fund shall be “The Trustees of the (specifying the name of the fund)”.
- (3) All courts, judges and persons acting judicially shall take notice of the seal of the trustees of each fund affixed to any document and shall presume that it was duly affixed.

### **7 Assets to be vested in trustees**

All assets from time to time forming part of any fund shall be vested in the trustees of that fund.

## 8 Powers of trustees

The trustees of each fund may, from time to time, do all such acts and things as appear to them necessary for the due administration of the fund and, without limiting the generality of the foregoing, shall have power:

- (a) to receive and consider applications for benefits from the fund and determine whether any person or group or class of persons is entitled to benefit from the fund and the extent of the benefit to which that person or the persons comprising that group or class is or are so entitled;
- (b) to invest any part of the fund in securities of the Commonwealth, on deposit with the Reserve Bank of Australia or in any other manner for the time being allowed by any Act or State Act for the investment of trust funds in Australia;
- (c) to realise and convert into money any property forming part of the fund;
- (d) to engage such clerical and other assistance in the management or administration of the fund as the trustees consider necessary;
- (e) to make payments or grant benefits from the fund, either directly or through the agency of any person or association of persons, to or on behalf of any beneficiary or group or class of beneficiaries in such manner as the trustees think fit; and
- (f) to appoint regional committees with such powers and functions, and upon such terms and conditions, as are prescribed.

## 9 Power of delegation

- (1) The trustees of each fund may, in relation to any matters or class of matters, or in relation to any particular region, by writing under the seal of the trustees, delegate to a regional committee appointed in pursuance of the last preceding section or to any person, such of their powers and functions as the trustees think fit (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate with respect to the matters or class of matters or the region specified in the instrument of delegation.



- (2) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the trustees making the delegation.
- (3) Where in this Act the exercise of any power or function by trustees is dependent upon the opinion, belief or state of mind of the trustees in relation to any matter, that power or function may be exercised by the committee or person to whom that power or function has been delegated by the trustees, upon the opinion, belief or state of mind of that committee or person in relation to that matter.

### **10 Benefits and expenses a charge on the fund**

All benefits granted by the trustees of a fund in accordance with this Act and all proper expenses of, and incidental to, the administration of the fund shall be a charge upon and payable out of that fund.

### **11 Offices to be honorary**

- (1) A trustee of any fund shall not, as such, be entitled to receive from the fund any remuneration for any work done by him in relation to the administration of that fund.
- (2) A trustee may be paid, out of the fund, an allowance at a rate approved by the Minister in respect of travelling and other expenses incurred by him in connexion with the exercise of his powers or functions under this Act.

### **12 Trustees not personally liable**

No person holding office as a trustee of a fund shall be personally liable for anything *bona fide* done or omitted to be done by him as holder of that office.

### **13 Trustees may be authorised to administer other property**

The Minister may, by instrument in writing published in the *Gazette*, authorize the trustees of any fund to administer and

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dispose of any property transferred to them, which does not form part of the fund, for purposes specified in the instrument and, upon publication of the instrument, the trustees shall administer and dispose of the property for those purposes.

**14 Trustees and their dependants not eligible to benefit**

A person who is a trustee or a dependant of a trustee of any fund shall not receive benefits from that fund.

## **Part IV—The Royal Australian Navy Relief Trust Fund**

### **24 R.A.N. Relief Trust Fund**

- (1) There shall be a fund to be known as the Royal Australian Navy Relief Trust Fund, which shall be administered by Trustees in accordance with this Act.
- (2) The Royal Australian Navy Relief Trust Fund shall consist of the assets transferred to the trustees of that fund in pursuance of this Act, together with all other property which is received in any manner by the trustees of that fund for the purposes of that fund.

### **26 Administration of the R.A.N. Relief Trust Fund**

The trustees of the Royal Australian Navy Relief Trust Fund shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Navy and to the dependants of such members.

## **Part V—The Australian Military Forces Relief Trust Fund**

### **27 A.M.F. Relief Trust Fund**

- (1) There shall be a fund to be known as the Australian Military Forces Relief Trust Fund, which shall be administered by trustees in accordance with the provisions of this Act.
- (2) The Australian Military Forces Relief Trust Fund shall consist of the assets transferred to the trustees of that fund in pursuance of this Act, together with all other property which is received in any manner by the trustees of that fund for the purposes of that fund.

### **29 Administration of the A.M.F. Relief Trust Fund**

The trustees of the Australian Military Forces Relief Trust Fund shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Army and to the dependants of such members.

## **Part VI—The Royal Australian Air Force Welfare Trust Fund**

### **30 R.A.A.F. Welfare Trust Fund**

- (1) There shall be a fund known as the Royal Australian Air Force Welfare Trust Fund, which shall be administered by trustees in accordance with this Act.
- (2) The Royal Australian Air Force Welfare Trust Fund shall consist of the assets transferred to the trustees of that fund in pursuance of this Act, together with all other property which is received in any manner by the trustees of that fund for the purposes of that fund.

### **32 Administration of the R.A.A.F. Welfare Trust Fund**

The trustees of the Royal Australian Air Force Welfare Trust Fund, shall, subject to and in accordance with the regulations, apply that Fund in providing benefits for members of the Defence Force who have served in, or in association with, the Air Force and to the dependants of such members.

## Part VII—General

### 34 Application of the *Public Governance, Performance and Accountability Act 2013*

Section 59 of the *Public Governance, Performance and Accountability Act 2013* (which deals with investment by corporate Commonwealth entities) does not apply to the trustees of each fund.

### 36 Regulations

The Governor-General may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular:

- (a) for regulating proceedings at meetings of trustees appointed under this Act;
- (b) for providing for the appointment of a person to act in the absence of the chair of any trustees so appointed; and
- (c) for prescribing the times at which meetings of any trustees so appointed shall be held.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

### Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

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## Endnotes

Endnote 1—About the endnotes

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### **Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

### **Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

### **Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.



**Endnote 2—Abbreviation key**

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnotes

### Endnote 3—Legislation history

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### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Services Trust Funds Act 1947	23, 1947	10 June 1947	20 June 1947 ( <i>see Gazette</i> 1947, p. 1609)	
Services Trust Funds Act 1950	67, 1950	14 Dec 1950	20 June 1947	—
Statute Law Revision Act 1973	216, 1973	19 Dec 1973	31 Dec 1973	ss. 9 (1) and 10
Defence Force Re-organization Act 1975	96, 1975	9 Sept 1975	ss. 123, 126, 127, 131, 133, 135 and 137: 28 Oct 1975 ( <i>see Gazette</i> 1975, No. G42) ( <i>a</i> ) ss. 124, 125, 128-130, 132, 134 and 136: 9 Feb 1976 ( <i>see Gazette</i> 1975, No. G42) ( <i>a</i> )	—
Administrative Changes (Consequential Provisions) Act 1978	36, 1978	12 June 1978	12 June 1978	s. 8
Statute Law Revision Act 1981	61, 1981	12 June 1981	s. 115: Royal Assent ( <i>b</i> )	—
Defence Legislation Amendment Act 1984	164, 1984	25 Oct 1984	Part XIII (ss. 113, 114): 22 Nov 1984 ( <i>c</i> )	—
Defence Legislation Amendment Act 1987	65, 1987	5 June 1987	Part IX (ss. 71-74): Royal Assent ( <i>d</i> )	—
Defence Legislation Amendment Act 1993	95, 1993	22 Dec 1993	22 Dec 1993	s. 29
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Schedule 2 (items 1195-1197): 1 Jan 1998 ( <i>see Gazette</i> 1997, No. GN49) ( <i>e</i> )	—

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 12 (items 116–119): 1 July 2014 ( <i>see</i> s 2(1) item 6)	—

- (a) The *Services Trust Funds Act 1947* was amended by sections 123–137 only of the *Defence Force Re-organization Act 1975*, section 2 of which provides as follows:
- 2 This Part shall come into operation on the day on which this Act receives the Royal Assent, and the remaining provisions of this Act shall come into operation on such date as is, or such respective dates as are, fixed by Proclamation.
- (b) The *Services Trust Funds Act 1947* was amended by section 115 only of the *Statute Law Revision Act 1981*, subsection 2 (1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (c) The *Services Trust Funds Act 1947* was amended by Part XIII (sections 113 and 114) only of the *Defence Legislation Amendment Act 1984*, subsection 2 (1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (d) The *Services Trust Funds Act 1947* was amended by Part IX (sections 71–74) only of the *Defence Legislation Amendment Act 1987*, subsection 2 (1) of which provides as follows:
- (1) Sections 1, 2, 3, 9 and 10, subsection 13 (1), sections 23, 24 and 25, subsection 26 (1), sections 27, 29, 31, 33, 34, 35, 36, 42, 43, 44, 45, 52, 53, 54, 55 and 58, subsection 61 (1), section 62, subsection 69 (1) and Parts IX and X shall come into operation on the day on which this Act receives the Royal Assent.
- (e) The *Services Trust Funds Act 1947* was amended by Schedule 2 (items 1195–1997) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
Title .....	am. No. 95, 1993
<b>Pt I</b>	
s. 3 .....	rep. No. 216, 1973
s. 4 .....	am. No. 67, 1950; No. 96, 1975; No. 65, 1987
<b>Pt II</b>	
s. 5 .....	am. No. 95, 1993; No. 152, 1997; No. 62, 2014
Note to s 6(1) .....	ad No 62, 2014
s. 8 .....	am. No. 216, 1973; No. 96, 1975; No. 95, 1993
s. 11 .....	am. No. 67, 1950
Part III .....	rep. No. 65, 1987
(ss. 15–23)	
s. 15 .....	am. No. 67, 1950; No. 96, 1975 rep. No. 65, 1987
s. 16 .....	rep. No. 65, 1987
s. 17 .....	am. No. 96, 1975; No. 36, 1978 rep. No. 65, 1987
s. 18 .....	am. No. 67, 1950; No. 96, 1975; No. 36, 1978 rep. No. 65, 1987
s. 18A.....	ad. No. 67, 1950 am. No. 96, 1975 rep. No. 65, 1987
ss. 19–22 .....	am. No. 96, 1975 rep. No. 65, 1987
s. 23 .....	am. No. 216, 1973; No. 96, 1975 rep. No. 65, 1987
<b>Pt IV</b>	
s. 25 .....	rep. No. 96, 1975
s. 26 .....	rs. No. 96, 1975
<b>Pt V</b>	
s. 28 .....	rep. No. 96, 1975

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s. 29 .....	rs. No. 96, 1975
<b>Pt VI</b>	
s. 31 .....	rep. No. 96, 1975
s. 32 .....	rs. No. 96, 1975
<b>Pt VII</b>	
s. 33 .....	rep. No. 65, 1987
s. 34 .....	am. No. 36, 1978; No. 61, 1981 rs. No. 164, 1984; No. 152, 1997; No 62, 2014
s. 35 .....	am. No. 96, 1975; No. 36, 1978; No. 61, 1981 rep. No. 164, 1984 ad. No. 152, 1997 rep No 62, 2014
s. 36 .....	am. No. 152, 1997

**Endnotes**

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**