

South Australia

St. John (Discharge of Trusts) Act 1997

An Act to provide a means of discharging or replacing charitable trusts affecting property held by or for the purposes of the St. John Ambulance; to provide for the disposition of property; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *St. John (Discharge of Trusts) Act 1997*.

2—Interpretation

- (1) In this Act—

land includes an estate or interest in land;

St. John association means—

- (a) the Priory in Australia of the Grand Priory of the Most Venerable Order of the Hospital of St. John of Jerusalem; or
 - (b) St. John Ambulance Australia—South Australia Incorporated; or
 - (c) St. John Nominees (SA) Pty Ltd.
- (2) If land is dedicated under the *Crown Lands Act 1929*, or another Act providing for the dedication of land, for use by a St. John association for a particular purpose specified in the instrument of dedication, the St. John association is taken for the purposes of this Act to be a trustee holding the land for the specified purpose.

3—Preparation of scheme

- (1) A St. John association may prepare and submit to the Attorney-General a Scheme covering any land in the State that is, or may be, subject to a charitable trust of which a St. John association is the trustee.

- (2) If the Minister makes a written request to a St. John association to prepare and submit a Scheme under subsection (1) in relation to land to which that subsection applies, the association must comply with the request within a reasonable time allowed in the request.
- (3) A Scheme—
 - (a) must indicate in relation to land to which the Scheme applies whether there is to be a transfer of ownership under the Scheme; and
 - (b) if the land, or a part of the land, is to be subject to a charitable trust after the Scheme takes effect—must set out the terms of the trust and state whether the trust is to affect the whole or a part of the land and, if it is to affect part only of the land, specify the part of the land to which it is to apply.
- (4) The Attorney-General, after consulting with any persons who, in the Attorney-General's opinion, have a proper interest in the matter—
 - (a) may approve the Scheme without amendment; or
 - (b) may, with the association's agreement, amend the Scheme and approve the amended Scheme.
- (5) On approval of the Scheme, notice of the approval, setting out the terms of the Scheme, must be published in the Gazette.
- (6) No liability attaches to—
 - (a) St. John; or
 - (b) the Attorney-General; or
 - (c) a person to whom St. John or the Attorney-General assigns responsibilities related to the preparation, investigation, evaluation or approval of a Scheme,for an act or omission in good faith in anticipation of, or related to, the preparation, investigation, evaluation or approval of a Scheme.

4—Effect of Scheme

- (1) On publication of notice of approval of a Scheme in the Gazette—
 - (a) the land subject to the Scheme is discharged from all charitable trusts to which it was formerly subject; and
 - (b) if the Scheme indicates that the land, or a specified part of the land, is to be subject to a charitable trust—a charitable trust arises on the terms stated in the Scheme; and
 - (c) if the Scheme indicates that specified land is to be transferred to a specified person, the Scheme operates as a conveyance of the land to the nominated transferee.
- (2) If a person to whom land is transferred under a Scheme—
 - (a) applies for registration of the transfer in a form approved by the Registrar-General; and
 - (b) submits with the application—

- (i) the Scheme (or a copy of the Scheme) duly stamped as a conveyance; and
 - (ii) any duplicate certificate of title or other document that the Registrar-General may reasonably require; and
- (c) pays the appropriate fee,
- the Registrar-General must register the transfer of the land under the *Real Property Act 1886* or the *Registration of Deeds Act 1935*.

5—Costs

- (1) When a Scheme is submitted for the Attorney-General's approval, the Attorney-General may, before investigating the Scheme, require from a person who may benefit from the Scheme an undertaking to pay, in whole or in part, the costs of investigating and evaluating the Scheme.
- (2) Costs payable under such an undertaking may be recovered as a debt due to the Crown.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1997	19	<i>St. John (Discharge of Trusts) Act 1997</i>	27.3.1997	27.3.1997
2016	29	<i>Real Property (Electronic Conveyancing) Amendment Act 2016</i>	16.6.2016	Sch 2—4.7.2016 (<i>Gazette 30.6.2016 p2761</i>)