

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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**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 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

- 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](http://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
<b>2016</b>	<b>29</b>	<b><i>Real Property (Electronic Conveyancing) Amendment Act 2016</i></b>	<b>16.6.2016</b>	<b>Sch 2—4.7.2016 (Gazette 30.6.2016 p2761)</b>

### Provisions amended

New entries appear in bold.

Provision	How varied	Commencement
<b>s 4</b>		
s 4(2)	<b>amended by 29/2016 Sch 2</b>	<b>4.7.2016</b>