

## AUSTRALIA WESTERN AUSTRALIA CHARITABLE TRUST ACT

### §7 Property may be disposed of for other charitable purposes

(1) Subject to the provisions of subsection (3), where any property or income is given or held upon trust, or is to be applied, for any charitable purpose, and <sup>3</sup>/<sub>4</sub>

(a) it is impossible, impracticable or inexpedient to carry out that purpose; or

(b) the amount available is inadequate to carry out that purpose; or

(c) that purpose has been effected already; or

(d) that purpose is illegal or useless or uncertain,

then (whether or not there is any general charitable intention) the property and income, or any part or residue thereof, or the proceeds of sale thereof, shall be disposed of for some other charitable purpose, or a combination of such purposes, in accordance with a scheme approved under this Part.

(2) Subject to the provisions of subsection (3), where any property or income is given or held upon trust, or is to be applied, for any charitable purpose, and the property or income that has accrued or will accrue is more than is necessary for the purpose, then (whether or not there is any general charitable intention) any excess property or income or proceeds of sale may be disposed of for some other charitable purpose, or a combination of such purposes, in accordance with a scheme approved under this Part.

(3) This section shall not operate to cause any property or income to be disposed of as provided in subsection (1) or (2) <sup>3</sup>/<sub>4</sub>

(a) if, in accordance with any rule of law, the intended gift thereof would otherwise lapse or fail and the property or income would not be applicable for any other charitable purpose; or

(b) if, and so far as, the property or income can be disposed of under section 16 of the Charitable Collections Act 1946.

(4) This section extends to cases where the charitable purpose affecting any property or income is defined by a scheme approved by the Court or the Attorney General under this Part or otherwise, and in any such case the original purpose or purposes may be restored, with or without modification.

(5) The provisions of this section apply with respect to trusts created, and to schemes approved, before or after the commencement of this Act.

[Section 7 amended by No. 7 of 1998 s. 4.]

