

## An Act to incorporate the Sydney Infirmary and Dispensary. [15th November, 1881.]

Preamble.

WHEREAS a Society or Institution was in the year one thousand eight hundred and twenty-six established known as the "Sydney Dispensary" having for its object to afford medical and surgical relief to poor and destitute persons and others requiring such aid And whereas by the Act of Council seventh Victoria number twenty-three the members of the said Sydney Dispensary were enabled to sue and be sued in the name of their Treasurer for the time being and in the same name to acquire and hold land by purchase or lease and provision was also made in case the said Society should establish a General Hospital that the said Act should be applicable to such Hospital as well as to the said Dispensary And whereas the Hospital so contemplated was established in the year eighteen hundred and forty-six and the Society thereupon became and has since been designated and known as the "Sydney Infirmary and Dispensary" and has under such designation continued to occupy the lands buildings and premises in Macquarie-street originally occupied by the said Sydney Dispensary and a grant thereof has been issued to the said Society upon certain

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certain trusts in favour of the said Infirmary and Dispensary and subject to certain conditions qualifications and provisions as therein expressed And whereas the moneys now possessed by or held in trust for the said Sydney Infirmary and Dispensary have been given bequeathed or subscribed by persons of various religious denominations and it is therefore deemed expedient that the said Institution shall be entirely unsectarian in character And whereas it is expedient for the purpose of more effectually carrying out the purposes for which such moneys are held viz. the erection of a suitable building or buildings the maintenance thereof and to ensure the good government and management thereof that the subscribers for the time being to the erection and support of the said Hospital should be incorporated with and subject to the powers privileges conditions and provisions hereinafter expressed and that the land comprised in the grant hereinbefore referred to should be vested and held in manner hereinafter mentioned And whereas attendance by medical students in the Sydney Infirmary and Dispensary is recognized by the British Medical Schools as a valid attendance for the purpose of obtaining a degree or diploma in medicine or surgery in Great Britain and it is expedient to make provision for facilitating and regulating such attendance Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Sydney Hospital Act of Title of Act.  
1881."

2. From and after the passing of this Act the Act seventh Repeal of 7 Vic.  
No. 23. Victoria number twenty-three intituled "*An Act to enable the Members of a certain Institution in the Colony of New South Wales denominated 'The Sydney Dispensary' to sue and be sued in the name of the Treasurer for the time being and for other purposes therein mentioned*" shall be repealed but without prejudice to anything lawfully done or commenced thereunder.

3. All persons who at the time of the passing of this Act shall Subscribers to  
Institution to be a  
corporation. be entitled to vote at the meetings of the Sydney Infirmary and Dispensary And all persons who shall hereafter contribute to the support of the Sydney Hospital a sum of not less than one pound annually so long as they continue so to contribute And all persons who shall contribute to the building fund of the Hospital or the general support of the Institution a sum of not less than fifty pounds in one sum shall be a body corporate by the name of the Sydney Hospital and shall have perpetual succession and a common seal and under that name may sue and be sued prosecute and defend and take all other proceedings in all Courts civil and criminal within the said Colony.

4. All real and personal estate now or hereafter vested in and All trust property  
vested in body  
corporate. held by any person or persons in trust for the said Sydney Dispensary or Sydney Infirmary and Dispensary are and shall be hereby transferred to and vested in the said body corporate subject to any trusts affecting the same.

5. It shall be lawful for the said body corporate to take Power to hold and  
deal with lands. purchase hold and enjoy not only such lands buildings and hereditaments as may from time to time be required for the purposes of the Institution but also any other lands and hereditaments whatsoever or wheresoever situate and also to take purchase receive hold and enjoy any chattels and personal property and also to sell grant convey demise or otherwise dispose of either absolutely or by way of mortgage any of the property real or personal belonging to the said body corporate Provided that it shall not be lawful for the said body corporate so to sell grant convey demise mortgage or dispose of any land now or hereafter granted by the Crown.

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Institution and property to be managed by Directors.

6. The Institution and the property of the said body corporate shall be governed managed and disposed of by the Board of Directors of the Institution for the time being subject to the by-laws for the time being of the said Institution and six Directors shall form a quorum of such Board for the doing any act or performing or transacting any business which may under the provisions of this Act or the by-laws of the said body corporate be done performed or transacted by such Board.

Board of Directors.

7. The Board shall for all purposes connected with the said Institution be the representatives of the said body corporate and shall consist of a President two Vice-Presidents a Treasurer and twenty Directors together with two representative Directors to be annually elected by the Honorary Medical and Surgical Officers of the said Institution And of the twenty Directors aforesaid ten shall be nominated by the Governor with the advice of the Executive Council and shall hold office during the pleasure of the said Governor and Council.

First Board of Directors.

8. A general meeting of the subscribers shall be held within two months after the passing of this Act for the purpose of electing a President two Vice-Presidents a Treasurer and ten Directors who together with two representative Directors elected as aforesaid and ten Directors nominated by the Governor shall collectively form the first Board under this Act and until the said elections and nominations shall have taken place the existing Board of Directors shall continue to manage the said Hospital.

Election of President Vice-Presidents and Treasurer.

9. The President Vice-Presidents and Treasurer shall be elected annually at a meeting of the subscribers to be held in the month of January or February the first of such annual meetings to take place in the month of February next and of the ten Directors elected by the subscribers as aforesaid four shall retire annually the retiring Directors being those whose attendance at the meetings of the Board shall have been the least numerous And where any doubt shall exist as to the Directors to retire under this provision the Board shall determine the matter by lot but the retiring Directors shall in every year be eligible for re-election.

Power to make by-laws.

10. Subject to the provisions of this Act it shall be lawful for the Board to make repeal and alter by-laws for regulating the times and mode of meetings and of transacting business for fixing the number of votes of contributors in proportion to the amount of their contributions for determining the qualification disqualification change retirement election and appointment of Directors medical officers auditors executive and other officers and nursing staff and sub-committees of the Institution and generally for the support management and government of the Institution and of all officers servants and patients thereof And such by-laws shall on approval by the Governor with the advice aforesaid and upon publication in the *Gazette* have the full force of law and shall be laid before Parliament within fourteen days after such approval if Parliament be then sitting and if not then within fourteen days after the commencement of the next ensuing Session thereof.

Evidence of copy of by-laws.

11. A copy of the *Gazette* containing any such by-laws purporting to be certified by the Secretary for the time being of the Institution as being correct shall be received in any Court as conclusive evidence of such by-laws having been duly made in pursuance of the provisions of this Act.

Power of Directors to invest funds.

12. It shall be lawful for the Board from time to time to invest any funds of the said body corporate which are not in the opinion of such Board required to defray the current expenses of the Institution and any moneys given or bequeathed to or arising from any donation of real or personal property to the Institution at the discretion of such Board in any Government funds or debentures of any

any Australian Colony or in any debentures or debenture stock of any Municipal Corporation in the said Colonies or of any Bank or incorporated company carrying on business there in or by way of purchase of or mortgage upon any freehold estate there as well as in Bank or deposit receipts for fixed periods or otherwise with power from time to time and at any time to vary and transfer any such investment for or into any other investment authorized by this Act Provided always that it shall be lawful for the said Board in their absolute discretion at any time to resort to any such investments and to sell the same for the purpose of applying the moneys to arise from such sale for the purposes of the Institution.

13. The Board may from time to time elect and appoint from their own body a house committee and such and so many sub-committees as they may think fit for transacting the affairs and business of the Institution with and subject to such powers privileges provisions and conditions as shall be expressed and declared by the by-laws.

Directors to appoint sub-committees.

14. It shall be lawful for the Board from time to time to make provision for the instruction of medical students and for the establishment and support of a nursing and training staff for the Institution And for regulating the attendance of such medical students and the fees to be paid by them.

Power to appoint medical and nursing staff.

15. No irregularity informality or illegality in the election or appointment of any Director or officer of the Institution shall render illegal or invalid any act deed matter or thing done or executed or suffered to be done or executed by such Director or officer in pursuance of such election or appointment but any such election or appointment may in such way as may be provided for in the said by-laws be determined by resolution to be good or bad and if bad the vacancy may be supplied in such way as may be provided for in such by-laws the provisions whereof as to the validity of any such election or appointment and the acts deeds and things done by any Director or officer in pursuance of any such election or appointment shall have the force and effect of law.

Informality of election of Director or officer not to invalidate acts &c.

16. It shall be lawful for the Treasurer to institute and prosecute in the name and on behalf of the said body corporate proceedings in any Court against any person who may have received medical or surgical treatment in the Institution or against the executors or administrators or the Curator of the estate of any such person for the recovery of fees and remuneration for such care and attention and any amount recovered in any such proceeding shall be applied in such way as may be provided in the by-laws.

Proceedings may be instituted for recovering remuneration for treatment in the Institution.

17. All unclaimed moneys of patients who shall die in the Institution shall be the property of the said body corporate and shall form a distinct and separate fund to be called the "Samaritan Fund" which fund shall be managed and disposed of in such manner as shall be provided by the by-laws for the benefit of necessitous outgoing patients.

Unclaimed moneys of deceased patients to form "Samaritan Fund."