

Act No. 97, 1902.

An Act to incorporate and otherwise promote
the objects of the Benevolent Society of
New South Wales. [12th December, 1902.]

BENEVOLENT
SOCIETY OF NEW
SOUTH WALES.

WHEREAS a society was in the year one thousand eight hundred and nineteen established, known as the Benevolent Society of New South Wales, having for its object the relieving of poor, aged, and distressed persons and others requiring such aid: And whereas subsequently district committees were established in Parramatta, Castlereagh, Liverpool, and Richmond in connection with the society, but were afterwards placed under other control: And whereas a suitable building, at the junction of Pitt and Devonshire streets, in the city of Sydney, for the purposes of the society, was erected under the advice of His Excellency Governor Macquarie, the first patron of the society, and grants of money for the maintenance of the society were made by the Imperial Government and subsequently by the Colonial Government of New South Wales: And whereas the operations of the society have been continuously carried on in the buildings and premises aforesaid till lately: And whereas the Government of the State of New South Wales has resumed the said buildings and land, the property of the society, and provided for monetary compensation for the same: And whereas the society is possessed of land and premises at Ultimo, Sydney, bounded by Thomas-street, Quay-street, and the railway-line; and also land and premises at Paddington, bounded by Glenmore-road and Young-street; and other land at Bankstown: And whereas the society has provided temporary premises and buildings as hospitals and asylums for the reception of poor and sick inmates on such lands: And whereas the society intends to erect permanent buildings for the same purpose on such lands: And whereas large sums of money have been bequeathed or given to the society for its maintenance by persons of all shades of religious opinion and belief, and it is deemed expedient that the said society shall be entirely unsectarian in character: And whereas the said society is possessed of money, the aforesaid lands, buildings, and other securities and property, and it is desirable that the said money, lands, buildings, securities, and property should be protected for the purposes of the said society: And whereas it is expedient for the purpose of more effectually carrying out the objects of the society, and for its good government and management, that legislative enactment should be provided: And whereas it is desirable that the contributors to the support and maintenance of the said society should be incorporated with and subject to the powers,

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privileges, restrictions, and provisions hereinafter mentioned: Be it therefore enacted by the King'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:—

Short title.

1. This Act may be cited as the "Benevolent Society of New South Wales Act of 1902."

Repeal of Acts.

2. From and after the passing of this Act, the several Acts hereinafter referred to shall be repealed, but without prejudice to anything lawfully done or commenced thereunder, namely:—Third William the Fourth, assented to twenty-fourth day of August, one thousand eight hundred and thirty-two, intituled An Act to enable the members of a certain society in the Colony of New South Wales, denominated the Benevolent Society, to sue and be sued in the name of the Treasurer for the time being, and for other purposes therein mentioned; fourteenth Victoria, number thirty-nine, intituled An Act to enable the trustees of the Benevolent Society at Sydney to sell and dispose of certain lands and to apply the proceeds in and towards the erection of additional buildings; thirty-third Victoria, number ten, intituled An Act to enable the trustees of the Benevolent Society at Sydney to sell and dispose of certain lands and to apply the proceeds in and towards the erection of additional buildings.

Society incorporated.

3. On and from and after the passing of this Act all persons who shall be entitled as life governors to vote at the meetings of the Benevolent Society of New South Wales at the passing of this Act, and all persons who shall hereafter contribute to the support of the society a sum of not less than one pound annually, so long as they shall continue so to contribute, and all persons who shall contribute to the general support of the society a sum of not less than fifty pounds in one sum shall be, subject to the provisions in this Act contained, a body corporate by the name of the Benevolent Society of New South Wales, by which name such body corporate shall have perpetual succession and a common seal, and in the same name shall and may sue and be sued, implead, or be impleaded, proceed or be proceeded against in all courts of the said State, and may prefer, lay, and prosecute any indictment, information, and prosecution against any person or persons whomsoever for any offence, and in all indictments, informations, and prosecutions it shall be lawful to state any property of the said corporate body to be the property of the said corporate body in its corporate name, and to allege any intent to defraud the said corporate body or any of its officers to be an intent to defraud the said corporate body in its corporate name.

**All trust property
vested in body
corporate.**

4. All real and personal estate now or hereafter vested in and held by any person or persons in trust for the said Benevolent Society of New South Wales are and hereby shall be transferred to and vested in the said body corporate, subject to any trusts affecting the same.

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5. The said corporate body shall be capable in law of taking, purchasing, and holding to them and their successors lands and other real estate, and chattels and other personal property, and selling, demising, mortgaging, or otherwise disposing of, but for the purposes only of the society, all property, real or personal, belonging to them, and shall have power to do all other things incidental to a body politic: Provided that it shall not be lawful for the said body corporate to alienate, mortgage, charge, or demise any land acquired by grant from the Crown, unless with the approval of the Governor-in-Council, except by way of lease for any term not exceeding twenty-one years from the time of the granting of any such lease, in and by which there shall be reserved and made payable during the whole of the term to be thereby granted the best yearly rent that can reasonably be gotten for the same without any fine or premium.

Power to hold and
deal with lands, &c.;

but not to alienate
certain lands without
authority of
Executive Council.

6. The society and the property of the said body corporate shall be governed, managed, and disposed of by the board of directors of the society for the time being, subject to the by-laws for the time being of the said society, 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.

Society's property
to be managed by
directors.

7. It shall be lawful for the said society to amalgamate with or to absorb any other society or institution having objects similar to that of the Benevolent Society, provided that the provisions and enactments of this Act are not impaired or otherwise interfered with.

Society may
amalgamate with
other similar
societies.

8. The board shall, for all purposes connected with the said society, be the representative of the said body corporate, and shall consist of a president, two or more vice-presidents, a treasurer, and sixteen directors. And of the directors aforesaid, four shall be nominated by the Governor-in-Council, and shall hold office for four years, but shall be eligible for reappointment.

Board of directors.

9. 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 or more vice-presidents, a treasurer, and twelve directors, who, together with four 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 society.

First board of
directors.

10. 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 twelve 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

Election of president,
vice-presidents, and
treasurer.

as

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as to the directors to retire under this provision, the board shall determine the matter by ballot, but the retiring directors shall in every year be eligible for re-election.

Ministers of religion to have free access to inmates, but not capable of being elected directors.

11. Ministers of religion shall, subject and according to the provision of the by-laws, rules, and regulations of the society, have free admittance to inmates of the society's hospitals and asylums for the purpose of administering religious instruction and consolation to such inmates as are of that minister's own denomination, but in no case shall any minister of religion of any denomination be capable of being elected or appointed as a director of the said society.

Power to make by-laws.

12. 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 modes 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 society, and generally for the support, management and government of the society, and of all officers, servants and patients and other persons obtaining relief or assistance from the said society:

Provided that no such by-laws, rules or regulations shall be in any way repugnant to, or inconsistent with, the provisions herein contained.

Evidence of copy of by-laws.

13. A copy of any such by-laws, rules, and regulations, sealed with the seal of the said body corporate and purporting to be certified by the president for the time being of the said society as being correct, shall be received in any court as conclusive of such by-laws, rules, and regulations.

Power of directors to invest funds, &c.

14. 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 society, and any moneys given or bequeathed to or arising from any donation of real or personal property to the society at the discretion of such board in any Government funds or debentures of the Commonwealth or of any Australian State, or in any debentures or debenture stock of any municipal corporation in the said States, 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 authorised 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 society.

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

16. 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 society; and for regulating the attendance of such medical students and the fees to be paid by them.

17. No irregularity, informality, or illegality in the election or appointment of any director or officer of the society 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.

18. It shall be lawful for the said board to design at any time, and from time to time to change or alter, the common seal of the said body corporate.

19. 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 society's hospitals or asylums, 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.

20. All unclaimed moneys of patients who shall die in the said society's hospitals or asylums 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 out-going patients.

21. The words "body corporate" in this act shall in all cases mean the said corporation of The Benevolent Society of New South Wales, hereby created. The words "hospitals and asylums" shall mean the hospitals and asylums at present in use or hereafter to be erected by the said corporation for its purposes. The words "board of directors"

Trustee Act Amendment.

directors" in this act shall in all cases mean the board of directors as the same shall from time to time consist, and be constituted either in number or otherwise. The word "treasurer" in this act shall in all cases mean the treasurer for the time being, or any person appointed to act and for the time being acting in the capacity of treasurer for the said society.
