

Young Men's Christian Association of Sydney Incorporation Act 1906 (Private Act)

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New South Wales

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Young Men's Christian Association of Sydney Incorporation Act 1906 (Private Act)



New South Wales

An Act to constitute the members of the New South Wales Young Men's Christian Association a body corporate; to confer and impose upon that body certain powers, duties, rights, and liabilities; to transfer to and vest in it the property of the said association; to discharge the trustees of the said association from certain liabilities; and generally to carry out the said objects and the objects for which the said association was established.

Preamble

WHEREAS an association known as the New South Wales Young Men's Christian Association has been established in New South Wales for some years: And whereas, in order to more effectually carry out the objects of the said association, it is deemed expedient to constitute the members of the said association a corporate body, to make provision for the constitution of such body, and to confer upon it certain powers, and provide for the management of such association: And whereas certain land and premises described in the First Schedule hereto are now vested in John Hay Goodlet, of Sydney, in the State of New South Wales, Esquire, upon certain trusts for the benefit of the said association, as set out in a certain deed poll executed by the said John Hay Goodlet and by the Honorable John Fraser (now deceased) and the Honorable Ebenezer Vickery (now deceased), and bearing date the third day of January, one thousand eight hundred and eighty-three: And whereas it is desired to sell the said lands or portion thereof, and there is no power of sale of the said lands vested in the present trustee thereof: And whereas it is desired to vest the said lands in the said association and to give the board of directors thereof power to sell and dispose of the said lands and other property in manner herein set out:

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:

1 Name of Act

This Act may be cited as the *Young Men's Christian Association of Sydney Incorporation Act 1906*.

1A Definitions

In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

associate member means a person who:

- (a) is a member, not being a voting member, of a centre or branch within the Association, or
- (b) is admitted as an associate member of the Association by the board of directors.

Association means the Young Men's Christian Association of Sydney.

voting member means a person who:

- (a) subscribes to the objects of the Association,
- (b) has paid such subscriptions and levies as the board of directors requires, from time to time, to be paid by a voting member, and
- (c) is admitted as a voting member of the Association by the board of directors.

young people means young men and young women.

2 Association incorporated

A body corporate is hereby constituted which shall consist of all persons who are now full members or associates of the association known as the New South Wales Young Men's Christian Association, and all other persons who may hereafter, in pursuance of this Act, or of the articles of the constitution referred to herein, become full members, associates, voting members or associate members of the said body corporate.

3 Name and powers

The body corporate, so constituted as aforesaid, shall be known by the name of the Young Men's Christian Association of Sydney, and by that name shall have perpetual succession and a common seal, and may sue and be sued or otherwise appear and answer, be answered, or proceed, or be proceeded against in all courts.

3A Objects

The objects of the Association are:

- (a) to promote and further Christian beliefs and Christian living,
- (b) to promote and further the spirit of the declaration adopted in Paris in 1855, known as the "Paris Basis", which is as follows:

The Young Men's Christian Associations seek to unite those young men who, regarding Jesus Christ as their God and Saviour according to the Holy Scriptures, desire to be His

disciples in their faith and in their life, and to associate their efforts for the extension of His Kingdom amongst young men.

- (c) to promote the spiritual, mental, moral, social, physical and material well-being of young people generally and to assist them to become Christians in faith and practice and active members of the Christian Church,
- (d) to remain a member of The National Council of Young Men's Christian Associations of Australia,
- (e) to promote the interests of the Young Men's Christian Association movement,
- (f) to procure and provide facilities, including effective trained leadership, enabling young people to become associated in groups,
- (g) to procure and provide educational, cultural and recreational facilities for young people,
- (h) to promote and encourage the training of leaders of youth groups and other social workers interested in the welfare of young people,
- (i) to provide facilities enabling young people in poor circumstances to participate in any activity or youth group,
- (j) to promote an awareness in the community of:
 - (i) the needs of young people as members of society and of the place and value of group programmes in the satisfaction of those needs, and
 - (ii) the needs of society in respect of the effective participation of young people,
- (k) to promote and form branches or youth centres in metropolitan, urban or suburban areas and to exercise supervision over those branches or centres,
- (l) to act as an advisory body and to assist any organisation on matters relating to young people,
- (m) to make representations for the advancement and betterment of young people, and
- (n) to acquire and disseminate information relating to any facet of the behaviour of young people.

4 Articles of constitution of the association, and amendment thereof

- (1) The articles of the constitution of the said body corporate shall, subject to the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976*, and any addition or alteration made in accordance with this section, be the articles of the Association in force immediately before the date of assent to the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976*.

- (2) Any proposed addition to or alteration of the said articles shall be submitted in writing at an ordinary meeting of the board of directors, and received without discussion.
- (3) At the next ordinary meeting of the board of directors, of which not less than fourteen days notice shall have been given, such proposed addition to or alteration of the said articles shall be open for discussion or amendment, and the proposed addition or alteration, or any amendment thereof, if approved by not less than two-thirds of those present when the motion is put (excluding the chairman of the meeting for the time being), shall be submitted to a special meeting of the voting members for confirmation.
- (4) The proposed addition to or alteration of the said articles shall be submitted to a special meeting of the voting members, and if approved by not less than two-thirds of such members present when the motion is put (excluding the chairman for the time being), shall be embodied in the said articles.
- (5) Any article of the constitution opposed to the provisions of this Act shall be absolutely null and void.
- (6) (Repealed)

5 The association and its property to be governed by board of directors

The body corporate and its property shall be governed, managed, and disposed of by the board of directors for the time being, subject to the articles of the constitution hereinbefore referred to or made under the provisions of this Act.

6 Property of the New South Wales Young Men's Christian Association vested in the body corporate

- (1) All real and personal property which is now or may hereafter at any time be vested in or held by any person in trust for or on behalf of the association known as the Young Men's Christian Association of Sydney (including the lands described in the Schedule hereto) is and shall be hereby transferred to and vested in the said body corporate; and all other persons are hereby divested of any such property of which they are seized or possessed, and all rights accrued or accruing to any person on behalf of such association are hereby vested in and may be enforced by, and all liabilities of the said association, or of any person on behalf of the said association, may be enforced against the said body corporate.
- (2) The trustees in whom is vested any such real or personal property are hereby discharged from all liabilities which they may have incurred by reason of the transfer of the management or control of such real or personal property or by reason of any acts done by them in connection with such transfer.

7 Additional powers of the body corporate

- (1) The body corporate may, for the purposes for which it is constituted, purchase, exchange, take on lease, hold, dispose of and otherwise deal with any real or personal property and may do and suffer all other things that bodies corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which it is constituted.
- (2) Without limiting the generality of subsection (1), the body corporate may, for the purposes for which it is constituted, do any one or more of the following:
 - (a) affiliate with any corporate or unincorporate body,
 - (b) borrow or raise money,
 - (c) secure the repayment of any money or of any debt or liability or the performance of any contract or agreement,
 - (d) raise funds by means of public appeal or otherwise,
 - (e) construct, maintain, alter or rebuild any house, building or work,
 - (f) carry out works on any of its property,
 - (g) provide accommodation on any of its property,
 - (h) permit the occupation or use of any of its property by any person upon such terms and conditions as it may from time to time determine either generally or in a particular case,
 - (i) purchase, sell, supply or otherwise deal in any provisions or goods,
 - (j) appoint and employ officers and employees,
 - (k) undertake and execute any trust, and
 - (l) enter into and execute any contract or agreement.

8 Mode of dealing with property

The board of directors shall deal with or dispose of any real or personal property vested in the said body corporate, in such manner as they think fit, but subject, in the case of a sale of real property, to the following conditions, namely:

- (a) Any proposed sale of such real property shall be submitted in the first instance to an ordinary meeting of the board of directors.
- (b) At the next ordinary meeting of the board of directors, of which not less than seven days notice shall have been given, such proposed sale of such real property shall be submitted to the meeting, and if approved of by not less than two-thirds of those

present when the motion is put, may be carried into effect by the board of directors.

(c) (Repealed)

(d) A copy of the resolution of the board of directors, directing such sale of such real property if sealed with the seal of the said body corporate, shall be conclusive evidence in favour of any person claiming by, through, or under such sale that such resolution has been duly passed in compliance with the provisions of this Act, and of the articles of the constitution.

(e) No purchaser, or any person claiming such real property, or any portion thereof, or any interest therein, in pursuance of such resolution shall be bound to see to the application of any moneys paid by him in respect of such sale of such real property.

9 Power to invest funds

It shall be lawful for the board of directors, from time to time, to invest any funds of the said body corporate which are not in the opinion of the said board required to defray the current expenses of the body corporate, and any moneys given or bequeathed to or arising from any donation of real or personal property to the body corporate, at the discretion of such board, in any Government funds or debentures of the Commonwealth of Australia, or of any state of the Commonwealth, 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 deposits for fixed periods or otherwise.

10 Certified copy of articles of the constitution to be evidence

A printed copy of the articles of the constitution, sealed with the seal of the said body corporate, and purporting to be certified by the president or one of the vice-presidents for the time being of the said body corporate as being correct, shall be received in all courts as conclusive evidence that the said articles are the articles of the constitution of the said association on the date on which such certificate purports to be made, and that such articles have been duly made under the provisions of this Act.

11 Common seal

It shall be lawful for the board of directors to design at any time and to change or alter the common seal of the said body corporate; such seal shall be in the custody of the executive director. The fixing of the said common seal to any document shall not be complete without the signature of three members of the board of directors: Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said body corporate of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

12 Service upon the body corporate

Notice to or service upon the executive director or acting executive director of the said

body corporate in his official capacity shall be deemed to be a notice to or service upon the said body corporate.

13 Repeal of Act does not affect operation of savings and transitional provisions

- (1) Despite the repeal of the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976*, sections 3 and 4 of that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Sections 3 and 4 of the *Young Men's Christian Association of Sydney Incorporation (Amendment) Act 1976* are transferred provisions to which section 30A of the *Interpretation Act 1987* applies.

First Schedule

ALL that piece or parcel of land situated at Sydney, parish of Alexandria, county of Cumberland, and State of New South Wales, and being the balance of lot number one, section eighteen, since the alignment of Pitt and Bathurst streets: Commencing at the junction of western side of Pitt-street with northern side of Bathurst-street; thence bounded on the north-east by Pitt-street, bearing north six degrees thirteen minutes west distance sixty feet and half an inch; thence on the north by number two allotment, bearing south eighty-one degrees fifty minutes west distance seventy-six feet four and a half inches, and south eighty-three degrees west distance sixty-one feet five and a half inches; thence on south-west by a line bearing south two degrees forty-nine minutes east distance forty-eight feet nine and a half inches to Bathurst-street; thence on the south-east by that street, bearing north eighty-seven degrees east distance one hundred and forty feet eleven and a half inches, to point of commencement,—be the said several dimensions a little more or less.

Second Schedule (Repealed)