

Saint Vincent's Hospital Act 1912 No 5

[1912-5]



New South Wales

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Provisions in force

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Saint Vincent's Hospital Act 1912 No 5



New South Wales

An Act to vest certain lands in trustees for the purposes of Saint Vincent's Hospital; to define the powers of such trustees; and for purposes consequent thereon or incidental thereto.

1 Name of Act

This Act may be cited as the *Saint Vincent's Hospital Act 1912*.

1A Application of Act

This Act (section 7 excepted) does not apply to or in respect of—

- (a) the land comprised in the folio of the Register kept under the *Real Property Act 1900* and identified as Volume 8293 Folio 193, and
- (b) the land delineated by a plan of subdivision certified by the Minister for Health under section 4 of the *Saint Vincent's Hospital (Amendment) Act 1987* and registered under Division 3 of Part 23 of the *Conveyancing Act 1919*.

2 Trustees

- (1) For the purposes of this Act the persons referred to in subsection (2) are the trustees of all land belonging to or used in connection with St Vincent's Hospital, Darlinghurst or acquired to be used in connection with the hospital.
- (2) The trustees are as follows—
 - (a) the chair of St. Vincent's Hospital Sydney Limited (ACN 054 038 872),
 - (b) the chief executive officer of St Vincent's Health Australia Ltd (ACN 073 503 536),
 - (c) the company secretary of St Vincent's Health Australia Ltd (ACN 073 503 536),
 - (d) if an office referred to in paragraphs (a)–(c) ceases to exist—the holder of an office prescribed by the regulations.
- (3) The trustees may delegate the exercise or performance of a power, authority or duty imposed or conferred on them under this Act, other than this power of delegation, to—
 - (a) a member of staff of the hospital, or

(b) a person or body, or a class of persons or bodies, prescribed by the regulations.

3 Vesting of land described in First Schedule

(1) The land described in the First Schedule hereto upon which the said hospital and the residence for the Sisters of Charity in connection therewith was built at the commencement of this Act is hereby vested in the said trustees and their successors for an estate in fee simple upon trust for the maintenance thereon of the said hospital and for no other trusts and purposes whatsoever, but subject to the powers hereinafter contained.

(2) (Repealed)

4 Vesting of land described in Second Schedule

The land described in the Second Schedule hereto is hereby vested in the said trustees and their successors for an estate in fee simple upon trust for the benefit of the said hospital but subject to the powers hereinafter contained.

5 Power to mortgage land

The trustees may, for any purpose of or connected with the hospital, from time to time borrow money on the security of the whole or any portion of the land described in the Second Schedule or acquired at any time by the trustees, but not land described in the First Schedule.

6 Power to lease land

(1) The trustees may, for any purpose of or connected with the hospital, from time to time lease any portion of the land described in the First or Second Schedule or acquired at any time by the trustees for a term not exceeding 40 years.

(a), (b) (Repealed)

(2) The trustees may give to the lessee of any lease under subsection (1) an option of renewal if the aggregate duration of the lease and any such renewal does not exceed the maximum term for which the lease might have been granted to the lessee under that subsection.

(3) Where land is not immediately required for use for any purpose of or connected with the hospital, the trustees may lease the land under subsection (1) for any other use.

(4) The trustees are not required to obtain a fair market rental for a lease under subsection (1) to—

(a) a public or local authority constituted by or under an Act, or

(b) a university established or recognised under an Act of this State or another State or Territory or the Commonwealth, or

(c) a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.

7 Effect of Crown grant etc

The title to that portion of the land described in the First and Second Schedules that was granted by the Crown to Alicia de Lacy, John Hubert Plunkett and Sir Charles Nicholson on 17 January 1855 upon trust for the erection of a hospital and residence for the Sisters of Charity in connection therewith shall not be held bad either at law or in equity by reason of any breach or non-performance (whether before or after the commencement of the *Saint Vincent's Hospital (Amendment) Act 1982*) of any trust, condition, reservation or proviso contained in the Crown grant or in any instrument of conveyance of the land executed before the commencement of this Act, and any provision in the Crown grant or instrument for forfeiture or reverter in the event of any such breach or non-performance shall be deemed to have been released by or on behalf of the Crown as from the date of the Crown grant or instrument, as the case may be.

The First Schedule

ALL that piece or parcel of land containing by admeasurement 1 acre 2 roods 35 perches, situated at Darlinghurst, in the parish of Alexandria, county of Cumberland, State of New South Wales, be the hereinafter dimensions a little more or less: Commencing at a point, being the intersection of the southern side of Burton-street with the south-eastern side of Victoria-street; and bounded thence on the north-west by the south-eastern side of Victoria-street, being a line bearing 213 degrees 32 minutes 362 feet $1\frac{3}{4}$ inches; thence on the south-west, south-east, again on the south-west, again on the south-east, and again on the south-west by lines bearing 123 degrees 32 minutes 91 feet $7\frac{1}{2}$ inches, 32 degrees 39 minutes 173 feet $7\frac{3}{4}$ inches, 123 degrees 32 minutes 78 feet, 33 degrees 32 minutes 22 feet, and 123 degrees 32 minutes 127 feet respectively; thence again on the south-east by the north-western side of West-street, being a line bearing 19 degrees 33 minutes 221 feet, $0\frac{3}{4}$ inches; and thence on the north-east and north by the south-western and southern sides of Burton-street, being lines bearing 303 degrees 41 minutes 40 seconds 164 feet $2\frac{3}{4}$ inches, and 271 degrees 7 minutes 20 seconds 90 feet $4\frac{3}{4}$ inches, to the point of commencement,—being part of the land, containing 3 roods and 35 perches, granted to Alicia de Lacy, John Hubert Plunkett, and Sir Charles Nicholson, on 17th January, 1855, upon trust for the erection of an hospital and residence for the Sisters of Charity in connection therewith; part of the land containing 2 roods $36\frac{1}{2}$ perches, conveyed by Joseph Burdekin Holdsworth to Francis McNab and Margaret O'Brien, on the 2nd January, 1865; part of the land containing 2 roods and 20 perches, conveyed by Joseph Burdekin Holdsworth to Margaret O'Brien and Robert Coveny, on 29th July, 1870; and part of the land conveyed by Edward West Dobson to Bridget McGuigan, Mary Anne Cunningham, and Mary Agnes Davis, on 27th September, 1889.

The Second Schedule

All that piece or parcel of land situated at Darlinghurst, in the parish of Alexandria, county of Cumberland, State of New South Wales, be the hereinafter dimensions a little more or less: Commencing at a point on the south-eastern side of Victoria-street 213 degrees 32 minutes 362 feet $1\frac{3}{4}$ inches from the southern side of Burton-street; and bounded thence on the north-east, on the north-west, again on the north-east, again on the north-west, and again on the north-east by lines bearing 123 degrees 32 minutes 91 feet $7\frac{1}{2}$ inches, 32 degrees 39 minutes 173 feet $7\frac{3}{4}$ inches, 123

degrees 32 minutes 78 feet, 33 degrees 32 minutes 22 feet, and 123 degrees 32 minutes 127 feet respectively; thence on the south-east by the north-western sides of West-street and Great Barcom-street (now Barcom-avenue) bearing south-westerly in all 142 feet; thence on the south-west by a line passing along the south-western side of a wall and a fence bearing north-westerly 94 feet 6 inches; thence again on the south-east and again on the north-east by fences bearing south-westerly in all 36 feet and south-easterly 85 feet; thence again on the south-east by Great Barcom-street (now Barcom-avenue) bearing south-westerly 42 feet; thence again on the south-west, again on the north-west, and again on the north-east by fenced lines bearing north-westerly 125 feet 5 inches, south-westerly 50 feet, 32 feet 9 inches, 19 feet 6 inches, and 37 feet 9 inches respectively, and south-easterly 61 feet 4 inches and 21 feet 4 inches respectively; thence again on the south-east by Great Barcom street (now Barcom-avenue) bearing south-westerly 60 feet 8 inches; thence again on the south-west by a line, a fenced line, and a line passing along the north-eastern side of a brick wall bearing north-westerly 195 feet 8 inches; thence again on the north-west by a line bearing 78 feet 1 inch, again on the south-west by a line passing along the north-eastern sides of the brick pins of a brick wall bearing 303 degrees 1 minute 20 seconds 84 feet 8 inches, and again on the north-west by the south-eastern side of Victoria-street bearing 33 degrees 32 minutes 133 feet to the point of commencement,—being part of the land granted to Alicia de Lacy, John Hubert Plunkett, and Sir Charles Nicholson on the 17th January, 1855, upon trust for the erection of an hospital and residence for the Sisters of Charity in connection therewith; part of the land conveyed by Joseph Burdekin Holdsworth to Francis McNab and Margaret O'Brien on the 2nd January, 1865; part of the land conveyed by Joseph Burdekin Holdsworth to Margaret O'Brien and Robert Coveny on 27th July, 1870; part of the land containing 3 roods $1\frac{1}{4}$ perches conveyed by Edward West Dobson to Bridget McGuigan, Mary Ann Cunningham, and Mary Agnes Davis on 27th September, 1889; the whole of the land conveyed by Louisa Marshall to Bridget McGuigan, Georgina Russell, and Elizabeth Bourke on the 25th April, 1904; the whole of the land conveyed by Catherine Forssberg and others to Bridget McGuigan, Helena Bourke, and Mary Magdalene Healy on 7th October, 1910; and the whole of the land conveyed by Patrick Toner to Bridget McGuigan, Helena Bourke, and Mary Magdalene Healy on 16th June, 1911.