

# Infants' Home, Ashfield, Act 1924 No 13

[1924-13]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Infants' Home, Ashfield, Act 1924 No 13



New South Wales

An Act to incorporate the members of a society which conducts the Infants' Home, Ashfield; to promote the objects of the said society; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *Infants' Home, Ashfield, Act 1924*.

## 2 Definitions

In this Act, unless the context or subject-matter otherwise requires:

**Body corporate** means the body corporate constituted by this Act.

**Duly verified** means sealed with the seal of the body corporate and certified as correct by a member of its governing body.

**Member** means a person who:

- (a) has paid the annual fee, if any, charged by the body corporate for membership, and
- (b) is registered in any register of members kept under the constitution and rules of the body corporate.

**Registered** means registered in the office of the Registrar-General.

**Society** means the society which conducts the Infants' Home, Ashfield.

## 3 Members to be body corporate

- (1) The members shall, by the name of "The Infants' Home, Ashfield", be a body corporate with perpetual succession and a common seal, and under that name may sue and be sued, proceed and be proceeded against in all courts.

(2)

- (a) The land comprised in certificate of title dated the seventh day of January, one thousand nine hundred and twenty-two, registered volume three thousand two hundred and sixty-nine, folio two hundred and fourteen, is hereby vested in the body corporate, and it shall be entitled to become the registered proprietors

thereof for an estate in fee-simple.

- (b) The said land shall be held by the body corporate freed and discharged from any trusts affecting the same, but upon a charitable trust for the objects of the body corporate as specified in section five of this Act. If, however, it becomes impracticable to give effect to the said objects, the land or the investments for the time being representing the same shall be held upon trust for such charitable objects and subject to such powers of sale and disposition as His Majesty's Attorney-General of and for the State of New South Wales may by deed appoint.
  - (c) If the said land is alienated by the body corporate, the trusts by this section provided for shall attach to whatever is received by the body corporate by way of consideration or in exchange upon the alienation.
- (3) All other real and personal estate which at the date of the passing of this Act is vested in and held by any person in trust for or on behalf of the society or the Infants' Home, Ashfield, is hereby transferred to and vested in the body corporate subject to any trusts affecting the same.
- (4) The body corporate may:
- (a) take, purchase, hold, and enjoy not only such lands, buildings, and hereditaments as may from time to time be required for the purposes of the Infants' Home, Ashfield, but also any other lands and hereditaments whatsoever or wheresoever situate, and
  - (b) take, purchase, and receive, hold, and enjoy any chattels and personal property, and
  - (c) upon such terms and conditions as to it may seem fit sell, grant, convey, demise, or otherwise dispose of either absolutely or by way of mortgage or otherwise howsoever any of the property real or personal belonging to the body corporate, including the whole or any part of or interest in the land referred to in subsection two of this section, and
  - (d) invest any funds of the body corporate in any manner authorised by law for the investment of trust funds, and
  - (e) borrow money on the security of the whole or any part of any property of the body corporate, and
  - (f) enter into any contract, and
  - (g) exercise and perform such powers, authorities, duties and functions, in addition to those specified elsewhere in this Act, as are necessary or convenient to enable it to achieve its objects.

#### **4 Governing body**

- (1) The officers and members of the governing body of the society in office at the date of the passing of this Act shall, subject to the provisions of the rules of the body corporate, and until their successors are elected, be the officers and members of the governing body of the body corporate.
- (2) It shall be the duty of the secretary for the time being of the body corporate to cause a memorial, duly verified, setting out the names and addresses of the officers and members of the governing body of the body corporate, together with particulars of the offices which they respectively hold, to be registered within one month after the date of the passing of this Act or within such further time as the Governor may appoint.
- (3) Whenever any change is made or occurs in the governing body, whether by new appointment, retirement, removal, death, or otherwise, it shall become the duty of the secretary for the time being of the body corporate to cause a memorial, duly verified, setting out particulars of the change to be registered within fifteen days after the change has been made or occurs.

#### **4A Liability of officers and members of body corporate and others**

- (1) A matter or thing done, or omitted to be done, by:
  - (a) an officer or member of the governing body of the body corporate, or
  - (b) a person acting under the direction of such an officer or member,does not subject the officer, member or person so acting personally to any action, liability, claim or demand if the matter or thing was done, or omitted to be done, in good faith for the purpose of executing this Act.
- (2) Despite the other provisions of this Act, the liability of any member of the body corporate is limited to the amount of the annual fee, if any, paid or payable by the member for membership.

#### **5 Objects and powers**

- (1) The body corporate has the following charitable objects:
  - (a) to uphold and promote:
    - (i) the dignity of children, and
    - (ii) children's rights to growth, care and opportunity, and
    - (iii) children's rights to health, happiness and self confidence,
  - (b) to assist parents, and especially sole parents, by providing child care, temporary accommodation and advice in respect of child care, home management and

health,

(c) to provide services to protect children from circumstances that may endanger them.

(2) The body corporate may for the purpose of carrying out its objects establish, conduct, and carry on homes for the reception of children, and in particular may carry on, conduct, and control the home conducted by the society.

(3) The body corporate shall give first consideration to the case of an unmarried mother with her first infant who, except in cases of emergency, shall be admitted to the home together with the infant and provided with a temporary home therein.

(4) The body corporate may where it thinks fit receive a married or unmarried mother into the home with her infant.

## **6 Constitution and rules**

(1) The constitution and rules of the society as existing at the date of the passing of this Act shall, subject to the provisions of this Act, be the constitution and rules of the body corporate until the same shall be altered in accordance with the provisions of this Act.

(2) The objects of the body corporate as set out in section five of this Act may not be altered, but the body corporate may from time to time alter or repeal all or any of its rules and may make new rules, and in particular and without restricting the generality of this provision may make rules:

(a) for regulating the times and modes of calling meetings, for fixing the quorum of meetings, and for regulating the transaction of business at meetings,

(b) for the exercise by the body corporate of all or any of its powers,

(c) for the application or investment of its funds,

(d) for the appointment, by election or otherwise, of officers to manage all or any of the affairs of the body corporate and for the retirement or removal of such officers,

(e) for the admission or qualification of persons as members of the body corporate,

(f) for fixing the votes of the members of the body corporate,

(g) for the appointment of staff and servants,

(h) generally for the support, management, and government of the body corporate and of all officers, servants, inmates, and other persons obtaining or receiving support, relief, or assistance from the body corporate:

Provided always that no rule shall be in any way repugnant to or inconsistent with the provisions of this Act.

- (3) Any five members of the body corporate may, by notice given by advertisement published in at least two Sydney daily newspapers not less than seven days before the date of the meeting and stating the purpose of the meeting, summon a meeting of members for the purpose of altering rules or making new rules as the case may be, and any alterations or new rules made by a majority of the members present and voting at such meeting shall be effectual.
- (4) A copy of the rules of the body corporate duly verified shall be registered within one calendar month after the passing of this Act.
- (5) Whenever any rule is altered or any new rule is made a copy of the alteration or new rule duly verified shall be registered within fifteen days after the alteration or new rule is made.
- (6) Any memorial, copy or rules or other document by this Act required to be registered may, if duly verified, be registered in the office of the Registrar-General in the manner prescribed by regulations made under the [Conveyancing Act 1919](#).
- (7) The rules of the body corporate may be proved by the production of the copies which have been registered, or a copy thereof certified by the Registrar-General or a deputy registrar-general.

## **7 Contracts, how made**

Contracts on behalf of the body corporate may be made as follows, that is to say:

- (a) any contract which if made between private persons would be by law required to be in writing and under seal may be made on behalf of the body corporate in writing under the common seal of the body corporate, and such contract may be in the same manner varied or discharged,
- (b) any contract which if made between private persons would be by law required to be in writing and signed by the party to be charged therewith may be made on behalf of the body corporate in writing signed by any person acting under the express or implied authority of the body corporate, and such contract may in the same manner be varied or discharged,
- (c) any contract which if made between private persons would by law be valid although made by parol only and not reduced into writing may be made by parol on behalf of the body corporate by any person acting under the express or implied authority of the body corporate, and such contract may in the same manner be varied or discharged.

And all contracts made according to the provisions herein contained shall be effectual in law and shall be binding upon the body corporate and its successors and all other parties thereto, their heirs, executors, or administrators as the case may be.

## **8 Ministers of religion to have free access to institution, but not capable of being elected**

**member of governing body**

Ministers of religion shall, subject and according to the rules of the body corporate and to any by-laws made by the governing body of the body corporate, have free admittance to inmates of the home conducted by the body corporate 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 member of the governing body of the body corporate.

**9 Irregularity, informality, or illegality of election or appointment of member or officer not to render illegal or invalid any act by such**

- (1) No irregularity, informality, or illegality in the election or appointment of any member of the governing body or officer of the body corporate or failure by the secretary for the time being to comply with the requirements of section four of this Act shall be taken or construed to render illegal or invalid any act, deed, matter, or thing done or executed or suffered to be done or executed by such member or officer in pursuance of such election or appointment.
- (2) Any such election or appointment may, in such way as may be provided for in the rules for the time being, be determined to be good or bad, and if bad the vacancy supplied in such way as may be provided for in such rules.
- (3) The provisions of the said rules for the time being, as to the validity of any such election or appointment and the acts, deeds, and things done by any member or officer in pursuance of any such election or appointment, shall have the force and effect of law.