

# Royal Society for the Welfare of Mothers and Babies' Incorporation Act 1919 No 52

[1919-52]



New South Wales

## Status Information

### Currency of version

Current version for 1 February 2004 to date (accessed 12 July 2024 at 2:17)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Responsible Minister

- Minister for Women
- Minister for Regional Health
- Minister for Health
- Minister for Mental Health

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Royal Society for the Welfare of Mothers and Babies' Incorporation Act 1919 No 52



New South Wales

An Act to incorporate and otherwise promote the objects of the Royal Society for the Welfare of Mothers and Babies; to make provision for a grant to such society from the Consolidated Revenue; and for purposes consequent thereon or incidental thereto.

## Preamble

Whereas a society called the Society for the Welfare of Mothers and Babies has been established for the saving of baby life and other objects connected therewith, and is entitled to or owns or has vested in trustees for it, property of various descriptions: And whereas it is deemed expedient that such property should be transferred to and vested in the body hereby incorporated, and that the powers and authorities hereinafter contained should be given to such body corporate:

Be it therefore enacted by the King's Most Excellent Majesty, by and with the 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 *Royal Society for the Welfare of Mothers and Babies' Incorporation Act 1919*, and shall come into force on a date to be proclaimed by the Governor in the Gazette.

## 2 Definitions

In this Act, unless inconsistent with the context or subject matter:

**Body corporate** means the Royal Society for the Welfare of Mothers and Babies as incorporated by this Act.

**By-laws and rules** means the by-laws and rules of the body corporate.

**Council** means the council of management of the body corporate.

**General secretary** means general secretary for the time being, or any person appointed and for the time being acting in the capacity of general secretary, honorary or otherwise,

of the body corporate.

### **3 Incorporation of members of society**

All persons who are members of the said society at the passing of this Act, and all other persons who shall, in manner provided by the by-laws and rules or by this Act, become members, shall be, subject to the provisions in this Act contained, a body corporate, by the name of the Royal Society for the Welfare of Mothers and Babies, by which name such body corporate shall have perpetual succession and a common seal, and in that name shall and may sue, and be sued, proceed and be proceeded against, in all courts.

### **4 Payments to body corporate out of Consolidated Revenue Fund**

There shall be paid to the body corporate out of the Consolidated Revenue Fund in the financial year current at the commencement of this Act an amount of two thousand pounds as an endowment, and such amount is hereby specially appropriated for that purpose.

### **5 (Repealed)**

### **6 Property of society to be vested in body corporate**

- (1) Any real or personal property belonging to the said society, or to which it is entitled or which is vested in a trustee or trustees for it at the commencement of this Act, is hereby transferred to and vested in the body corporate, subject to any existing incumbrances affecting the same, excepting any real or personal property held in trust for the said society and which would be forfeited in the event of such property being divested from the trustees thereof. Such property shall be held by such trustees in trust for the body corporate.
- (2) All property so vested in the body corporate, so far as the same or any part thereof is affected by any express trust, shall be held, managed, and dealt with by the body corporate subject to and in conformity with such express trust.

### **7 Power of council on behalf of body corporate to acquire and hold lands &c**

It shall be lawful for the council on behalf of the body corporate to acquire, hold, and enjoy not only such lands, buildings, and hereditaments as may from time to time be required for its purposes, but also any other lands, buildings, and hereditaments whatsoever and wheresoever situated, and also to acquire, hold, and enjoy any chattels and personal property, and also to sell, grant, convey, demise, or otherwise dispose of, either absolutely or on lease or by way of mortgage, any of the property, real or personal, belonging to the body corporate: Provided that no real property shall be so dealt with or disposed of without the approval of the Governor.

### **8 Objects of body corporate**

The objects and purposes of the body corporate shall be:

- (1) The saving of baby life and the amelioration of the conditions of life of children up to the age at which they are required to attend school.
- (2) The ensuring of proper nursing and health conditions to every expectant mother prior to and every mother subsequent to childbirth.
- (3) Such further objects and purposes as may be proclaimed by the Governor.

#### **9 Council to administer affairs of body corporate**

The body corporate and its business and property shall be governed and carried on and administered by the council for the time being, subject to the by-laws and rules for the time being in force and to this Act and the council may invest the funds of the body corporate in such ways as trust moneys may be invested.

#### **10 Appointment of officers &c**

The council may appoint such officers, servants, and committees as may be required by the by-laws and rules for transacting the affairs of the body corporate.

#### **11 By-laws and rules**

- (1) The body corporate may make by-laws and rules, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed and, in particular, for or with respect to the following:
  - (a) the persons entitled to be members of the body corporate or affiliated thereto or to exercise any of the rights and powers of members,
  - (b) the constitution, election, appointment, tenure of office, powers and duties of the council and officers, servants, and committees of the body corporate, and the conditions on which any of such offices or membership of the council or a committee is vacated and the filling of such vacancies,
  - (c) formation of and the duties, rights, and powers of branches and of the members thereof,
  - (d) the meetings of the body corporate and of any committees or branches, and of the council, and the manner of holding and the conduct of business at any meeting, and the quorum required for any meeting,
  - (e) accounts of the body corporate and committees and branches, and audit of the same.
- (2) All such by-laws and rules shall:
  - (i) be published in the Gazette,
  - (ii) take effect from the date of publication, or from a later date to be specified in such

by-laws and rules, and

(iii) (Repealed)

(3) Until such by-laws and rules have been made, the rules and regulations of the said society in force immediately before the commencement of this Act shall, except where inconsistent with this Act and except so far as altered or repealed by any by-law and rules made under this Act, continue binding on the members of the body corporate and its branches.

(4) A by-law or rule made by the Governor and in force immediately before the commencement of Schedule 5 [1] to the [Health Legislation Amendment Act 2003](#) continues in force after that commencement as if the by-law or rule had been made by the body corporate.

## **12 Irregularity in elections &c not to invalidate acts done**

No irregularity, informality, or illegality in the election, nomination, or appointment of any member of the council or officer of the body corporate shall render illegal or invalid any act, deed, matter, or thing done or executed, or suffered to be done or executed, by such member of the council or officer, in pursuance of such election, nomination, or appointment, but any such election, nomination, or appointment may by resolution of the council be determined to be good or bad, and if determined to be bad the same shall be invalid accordingly and the vacancy may be filled up under this Act or the by-laws and rules.

## **13 Custody and use of common seal**

The council shall have the custody of the common seal of the body corporate, and a majority of the members of the council present at any duly constituted meeting of the council shall have the power to use or direct the use of such seal for all purposes required to be evidenced by the corporate seal of the body corporate.

## **14 Notice to secretary to be notice to body corporate**

Notice to or service upon the general secretary of the body corporate shall be deemed to be a notice to or service upon the body corporate.

## **15 Member of council to be liable for his own acts only**

The members of the council for the time being of the body corporate shall be respectively charged only for such moneys, stocks, funds, shares, and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless

the same shall happen through their own wilful default respectively.