

# Land Acquisition (Charitable Institutions) Act 1946 No 55

[1946-55]



New South Wales

## Status Information

### Currency of version

Repealed version for 1 July 2011 to 4 November 2015 (accessed 12 July 2024 at 2:27)

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.

### Notes—

- **Repeal**

The Act was repealed by sec 3 (h) of the [Regulatory Reform and Other Legislative Repeals Act 2015 No 48](#) with effect from 5.11.2015.

### 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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# Land Acquisition (Charitable Institutions) Act 1946 No 55



New South Wales

An Act to make provision for authorising the appropriation or resumption of land for charitable, benevolent and philanthropic purposes in certain cases; to amend the [Public Works Act 1912](#), as amended by subsequent Acts in certain respects; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the [Land Acquisition \(Charitable Institutions\) Act 1946](#).

## 2 Definitions

(1) In this Act unless the context or subject-matter otherwise indicates or requires:

**Governing body** in relation to an institution means the committee of management or board of directors or other body in whom is vested the management, conduct or control of the institution.

**Institution** means:

- (a) any public hospital within the meaning of the [Health Services Act 1997](#), or
- (b) any other hospital or health organisation (other than a local health district or statutory health corporation within the meaning of the [Health Services Act 1997](#)),  
or
- (c) any orphanage, school, kindergarten, day nursery, infant or child welfare centre,  
or
- (d) any pre-natal or post-natal centre, clinic or home, or
- (e) any institution or establishment of a charitable, benevolent or philanthropic nature.

(2) A reference in this Act to an institution shall be construed as including a reference to an institution proposed to be established.

### **3 Application of this Act**

- (1) The provisions of this Act shall apply to and in respect of such institutions as the Governor may from time to time by notification published in the Gazette declare to be institutions for the purposes of this Act, and to and in respect of those institutions only.

**Editorial note—**

For institutions declared under this subsection, see the Historical notes at the end of this Act.

- (2) The Governor may by notification published in the Gazette rescind any notification referred to in subsection (1), and upon such rescission the provisions of this Act shall cease to apply to or in respect of the institution mentioned in the notification so rescinded.

### **4 Compulsory acquisition of land for purposes of an institution**

- (1) The Minister may acquire land, for the purposes of an institution, by agreement or by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.
- (2) The Minister may do so only if the governing body of the institution:
  - (a) applies to the Minister for acquisition of the land, and
  - (b) makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).
- (3) The Minister may transfer land acquired under this section to the institution that has applied for the acquisition or to a nominee of that institution.
- (4) For the purposes of the *Public Works Act 1912*, an acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.

### **5 (Repealed)**