

Royal Blind Society of New South Wales Act 1901 No 56

[1901-56]



New South Wales

Status Information

Currency of version

Repealed version for 11 November 2003 to 15 April 2004 (accessed 23 December 2024 at 11:52)

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—

- **Previously named**
Sydney Industrial Blind Institution Incorporation Act 1901
- **Note**
The provisions of this Act ceased to have effect on 5.2.2004 (the day on which the Society was registered as a public company limited by guarantee under Part 5B.1 of the [Corporations Act 2001](#) of the Commonwealth. See sec 10 (1) of the [Royal Blind Society \(Corporate Conversion\) Act 2003 No 64.](#))
- **Repeal**
The Act was repealed by proclamation under sec 10 (2) of the [Royal Blind Society \(Corporate Conversion\) Act 2003 No 64](#) with effect from 16.4.2004.

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 Blind Society of New South Wales Act 1901 No 56



New South Wales

An Act to constitute the members of the Sydney Industrial Blind Institution 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 institution and the Institution for the Blind, Strathfield; to discharge the trustees of the last-named institution from certain liabilities; and generally to carry out the said objects and the objects for which the said institutions were established.

Preamble

WHEREAS an association known as the Sydney Industrial Blind Institution has been established in Sydney for some years—having for its objects the teaching of trades to blind persons, and generally for promoting the welfare of such persons: And whereas in order to more effectually carry out the objects of the said institution it is deemed expedient to constitute the members of the said institution a corporate body, to make provision for the constitution of such body, and to confer upon it certain powers, and to provide for the management of such institution: And whereas associations having similar objects to those of the aforesaid institution, and known as the Home Teaching Society and Industrial Home for Blind Women, or collectively as the Institution for the Blind, Strathfield, have also been in existence for some years: And whereas in order to more effectually and economically carry out the objects of the said institutions, it is deemed expedient that their property, rights, and liabilities should be respectively transferred to and vested in the said corporate body:

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 *Royal Blind Society of New South Wales Act 1901*.

1A Definitions

In this Act:

council means the council of management referred to in section 6.

Society means the Royal Blind Society of New South Wales.

2 Incorporation of members of Sydney Industrial Blind Institution

For the purposes of the teaching of trades to blind persons and generally for promoting the welfare of such persons a body corporate is hereby constituted, which shall consist of all persons who are now members of the association known as the Sydney Industrial Blind Institution together with all persons who may in pursuance of this Act become members of the said body corporate. The body corporate so constituted shall be known by the name of the Sydney Industrial Blind Institution, 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.

2A Change of name of corporation

- (1) As from the commencement of the *Royal Blind Society of New South Wales Act 1952*:
 - (a) the name of the body corporate constituted by section 2 shall be the Royal Blind Society of New South Wales,
 - (b) a reference in any Act or other instrument to the Sydney Industrial Blind Institution shall be read and construed as a reference to the Royal Blind Society of New South Wales.
- (2) Nothing contained in the *Royal Blind Society of New South Wales Act 1952*, shall prejudice or affect in any way the continuity of the body corporate constituted by section 2, but the same shall continue notwithstanding the provisions of the said Act.
- (3) The alteration of name effected by subsection (1) shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the body corporate constituted by section 2, or render defective any legal or other proceedings instituted or to be instituted by or against the said body corporate.

Any legal or other proceedings may be continued or commenced by or against the body corporate by the name of the Royal Blind Society of New South Wales that might have been continued or commenced by or against the body corporate by the name of the Sydney Industrial Blind Institution.

2B Objects of Society

- (1) The objects of the Society are:
 - (a) to provide assistance to blind or vision-impaired persons to access, and fully participate in, all facets of life, and
 - (b) to remove barriers that prevent blind or vision-impaired persons from enjoying equal access, opportunities or participation within the community.
- (2) The Society may pursue these objects in the State or outside the State.

(3) The Society may enter into commercial ventures or other arrangements in pursuance of these objects.

(4) This section has effect despite anything in section 2.

3 Transfer and vesting of property

(1) All real and personal property vested in or held by any person in trust for or on behalf of the association known as the Sydney Industrial Blind Institution, or for the associations known as the Home Teaching Society and Industrial Home for Blind Women, or collectively as the Institution for the Blind, Strathfield, is 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 and liabilities accrued or accruing to any person on behalf of either of such institutions are hereby respectively vested in and may be enforced by and against the said body corporate.

(2) The trustees of the said last-named institution are hereby discharged from all liabilities which they may have incurred by reason of the transfer by them of the management or control of such institution, or by reason of any acts done by them in connection with such transfer.

4 Society may purchase and hold property

The body corporate is hereby empowered to take, purchase, hold, and enjoy to them and their successors for ever all real or personal property necessary or proper for the purpose of the said body, and to sell, grant, convey, assure, demise, or otherwise dispose of either absolutely or by way of mortgage, any real or personal property, other than the land described in Schedule 1, vested in such body corporate.

4A Revocation of conditions, trusts and dedications affecting lands in Schedule 1

(1) Any conditions, trusts or dedications affecting the lands described in Schedule 1 immediately before the commencement of the *Royal Blind Society of New South Wales (Amendment) Act 1963*, are hereby revoked and annulled but the said body corporate shall not be capable of alienating, charging or in any way disposing of the said lands except in accordance with the provisions of subsection (4).

(2) No title to the said lands described in Schedule 1 shall be held bad either at law or in equity by reason of any breach or non-performance before the commencement of the *Royal Blind Society of New South Wales (Amendment) Act 1963*, of any condition, trust or proviso contained in the grants by the Crown of such lands and every provision for forfeiture or reverter in respect of any such breach or non-performance shall be deemed to have been waived and released by the Crown as from the date of each such Crown grant.

(3) On application by or on behalf of the body corporate and on production of Crown grants Volume 511 Folio 53 and Volume 7335 Folio 24 the Registrar-General shall issue

to the said body corporate a certificate of title for an estate in fee-simple in respect of the said lands described in Schedule 1 free from any notification or caveat that the said lands are affected by any conditions, trusts or dedications.

- (4) The said body corporate is hereby empowered to sell, demise or mortgage the said lands described in Schedule 1:

Provided that no such sale or mortgage shall be made unless the same has been previously sanctioned by a resolution of a general or special meeting of the members of the said body corporate.

5 Membership of the Society

- (1) The members of the Society are:

- (a) any person who was a member of the council immediately before the commencement of the *Royal Blind Society (Corporate Conversion) Act 2003* and has not ceased to be a member of the Society, and
- (b) any other person who is admitted to membership under this section and who has not ceased to be a member of the Society.

- (2) A person may be admitted to membership of the Society if:

- (a) the person is over 18 years of age, and
- (b) the person has paid the annual membership fee for the relevant calendar year of \$10 or such other amount as the council may determine, and
- (c) the person has given the council a duly signed and completed application, and
- (d) the person's application has been approved by the council at least 30 days before any meeting of the members of the Society.

- (3) An application for the purposes of subsection (2) (c) must be in the form approved by the council from time to time.

- (4) A person who is admitted to membership under subsection (2) is a member until 31 December next following the date on which the person is admitted to membership or the conclusion of the annual general meeting next following that date (whichever is the later).

- (5) A person who is a member of the Society ceases to be a member if:

- (a) the person dies, or
- (b) the person resigns membership by written notice given to the council, or
- (c) the person's membership expires by operation of subsection (4), or

- (d) the person's membership is terminated by the council under this section, or
 - (e) if the person is a corporation—the corporation is dissolved or otherwise ceases to exist or a liquidator or provisional liquidator is appointed to it, or
 - (f) the person becomes a mentally incapacitated person.
- (6) A resignation for the purposes of subsection (5) (b) may be expressed to have immediate effect or effect from a specified date occurring not more than 30 days after the notice is given.
- (7) The council may terminate the membership of any member by written notice to the member with effect from the date specified in that notice.

5AA-5B (Repealed)

6 Council of management

The affairs of the said body corporate shall be managed and controlled by a council of management consisting of 15 persons, elected by the members of the said body corporate.

6A Election of council

- (1) The members of the council shall be elected in accordance with this section.
- (2) At each annual general meeting of the Society after the date of assent to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 1996](#), 5 members are to be elected to the council.
- (3) The members so elected are, subject to this Act, to hold office until the third annual general meeting after the meeting at which they were elected.
- (4) A retiring member of the council shall, if he is otherwise qualified, be eligible for re-election.

6B Casual vacancy

- (1) A casual vacancy occurring on the council by death, resignation or otherwise shall be filled by a person appointed by the council for the purpose.
- (2) A person appointed under subsection (1) shall:
 - (a) subject to this Act, hold office for the residue of his predecessor's term of office,
 - (b) be deemed, for the purposes of section 6A, to have been elected a member of the council at the annual general meeting at which his predecessor was elected, and
 - (c) if he is otherwise qualified, be eligible for re-election.

6C Persons of or above 72 years on council

- (1) A person who has attained the age of seventy-two years shall not be eligible to be nominated for election at an annual general meeting as a member of the council, unless a resolution is passed at that meeting authorising him to hold office if elected.
- (2) Where a member of the council is of or above the age of seventy-two years immediately before the commencement of an annual general meeting and his term of office would, but for this subsection, have continued after that meeting, he shall, notwithstanding any resolution passed at any previous annual general meeting in respect of him under this section, be considered to have vacated his seat at that commencement, unless a resolution is passed at that meeting authorising him to continue in office.
- (3) A reference in this section to a resolution that is passed at an annual general meeting is, notwithstanding section 14, a reference to a resolution of which not less than seven days' notice has been given by advertisement published in at least two daily newspapers and passed by a majority of not less than three-quarters of the members of the said body corporate present and voting at that meeting.
- (4) A person who has attained the age of seventy-two years shall not be eligible to be appointed under section 6B.
- (5) No act done or omitted to be done by the council shall be invalid by reason of the fact that a person was nominated for election as, or was holding office as, a member of the council in contravention of any provision of this section.

7 Election of president etc

The council shall elect a president, two vice-presidents, a secretary, and a treasurer out of their own body.

8 Annual general meeting

The secretary shall call an annual general meeting, to be held at such date as the council may determine.

9 Special general meeting

The secretary, when instructed by the council, shall also convene a special general meeting of members to be held at such time as the council directs, and shall convene such meeting whenever requested in writing to do so by members having unitedly fifty votes.

9A Notice of meetings

- (1) Except as provided by subsection (1A), every annual general meeting and special general meeting is to be advertised, at least 3 weeks before the day on which the

meeting is to be held:

- (a) on at least 1 occasion in at least 2 newspapers that are published on at least 5 days per week and that circulate in the Sydney metropolitan area, and
- (b) on at least 1 occasion in each of at least 2 public media that are accessible to blind and vision-impaired people.

(1A) A special general meeting to consider a registration resolution within the meaning of the *Royal Blind Society (Corporate Conversion) Act 2003* may be called without complying with the advertising requirements of subsection (1) if each member of the Society qualified to vote at the meeting gives the council written consent before the meeting to it being held without such advertising.

(2) In this section:

on-line service means a service provided by or through the facilities of a computer communication system and accessed through a telecommunications network that allows for:

- (a) the input, output or examination of computer data or computer programs, or
- (b) the transmission of computer data or computer programs from one computer to another, or
- (c) the transmission of computer data or computer programs from a computer to a terminal service.

public media includes any radio or television broadcast and any on-line service (such as a bulletin board or a service providing information through a system connected to the internet).

10 Qualifications of voters

Any person shall be qualified to vote at any annual or special general meeting if he is for the time being a member of the said body corporate.

11 Scale of voting power

At every meeting every member of the institution qualified to vote shall have one vote.

12 Constitution of general meetings

No annual or special general meeting shall be deemed to be duly constituted, unless ten members at least are present.

13 Nomination of council

(1) Except as provided in section 6C, any member of the said body corporate qualified to vote as aforesaid may be nominated for and elected as a member of the council at the

annual general meeting.

(2) No person shall be elected as a member of the council unless at the meeting for the election of the council he is proposed and seconded by two members qualified to vote as aforesaid and, except in the case of a person who was a member of the council immediately before the commencement of the meeting, unless a notice had been sent or delivered to the office of the Society so as to be received thereat not later than two weeks before the meeting, stating that it is proposed that he be nominated for election at the meeting.

(3) (Repealed)

14 Matters arising at all meetings and all elections to be determined by majority of votes

All matters arising at any meeting of the said corporate body or of the council, and every election held at any such meeting, shall be determined by majority of votes of members present, as declared by the chairman of the meeting. In the event of an equality of votes the chairman shall have a second or casting vote.

15 Common seal

The council shall have the custody and use of the common seal of the said body corporate, and the form thereof and all other matters relating thereto shall from time to time be determined by the council; and a majority of the members of the council present at any meeting shall have power to use or direct the use of such seal for all purposes requiring to be evidenced by the corporate seal of the said body corporate: Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment of an attorney or solicitor by the said body corporate in or for the prosecution of any action, suit, or other proceeding.

16 Meetings of council

The council shall meet at least once a month, and 6 members at any such meeting shall form a quorum, and any elected member of the council absenting himself without leave from the meetings of the council for four successive months shall be considered to have vacated his seat.

17 Council may appoint officers and sub-committees

The council may from time to time appoint such officers as they deem necessary to manage the affairs of the said body corporate, and may also appoint sub-committees, and delegate to such sub-committees any of the powers herein conferred upon the council: Provided that every resolution of a sub-committee shall be confirmed by the council.

18 Council may make by-laws

The council may make by-laws and rules for the general regulation of the affairs of the said body corporate and of the council.

The by-laws and rules of the association known as the Sydney Industrial Blind Institution at present in force are hereby confirmed, and shall, except so far as repealed, altered, or amended by any by-laws and rules made under this Act, be and continue binding on the members of the said body corporate and all other persons as effectually as if they had been made under this Act, and a printed copy of any such by-laws and rules, or of any by-laws and rules made under the authority of this Act, sealed with the seal of the said body corporate, and purporting to be certified by the secretary of the said body corporate for the time being as correct, shall be received in all courts as conclusive evidence of such by-laws and rules, and of the same having been duly made under the authority of this Act.

19 Report of council and treasurer

At the annual general meeting the council shall submit a report of their proceedings, and of the state and prospects of the said body corporate, and the treasurer shall present an account, approved of by the council, of the receipts and disbursements of the said body corporate.

19A Giving of written notices and other documents

(1) This section applies to the following:

- (a) notices given by the council to any person under section 5,
- (b) documents given to the council under section 5 or 9A (1A).

(2) A notice to which this section applies may be given to a person by the council:

- (a) if the person is an individual:
 - (i) by giving it to the person himself or herself, or
 - (ii) by leaving it at his or her place of residence with someone who apparently resides there and has apparently reached the age of 16 years, or
 - (iii) by leaving it at his or her place of employment or business with someone who is apparently employed there and has apparently reached the age of 16 years, or
 - (iv) by posting it in a letter addressed to him or her at the address last known to the council of his or her place of residence, employment or business, or
- (b) if the person is a corporation:
 - (i) by giving it to the secretary of the corporation, or any other person concerned in the management of the corporation, personally, or
 - (ii) by leaving it at the corporation's only or principal place of business with someone who is apparently employed there and has apparently reached the age of 16 years, or

(iii) by posting it in a letter addressed to the corporation at the address last known to the council of its only or principal place of business.

- (3) A document to which this section applies may be given to the council by leaving it at, or by sending it by post to:
- (a) the office of the Society, or
 - (b) if the Society has more than one office, any one of its offices.
- (4) Nothing in this section affects the operation of any provision of a law or of the rules of a court authorising a document to be served on a person in any other manner.

20 Savings, transitional and other provisions

Schedule 2 has effect.

Schedule 1 Land

(Section 4A)

ALL that piece or parcel of land containing by admeasurement 1 rood 32 perches be the same more or less situate in the parish of St James, county of Cumberland, being the site for an Asylum for the Indigent Blind, dedicated on 17 March 1876, and comprising the whole of the land in Crown grant Volume 511 Folio 53, and shown on plans catalogued S399-858 and C7787-2030 in the Department of Lands.

ALSO ALL that piece or parcel of land containing by admeasurement 12³/₄ perches be the same more or less situate in the parish of St James, county of Cumberland, being portions 1 and 2 being an area of 11³/₄ perches dedicated on 26 September 1900, and an area of 1 perch dedicated on 2 August 1905, as additions to the site for an Asylum for the Indigent Blind, and comprising the whole of the land in Crown grant Volume 7335 Folio 24 and shown on plan catalogued C7787-2030 in the Department of Lands.

Schedule 2 Savings, transitional and other provisions

(Section 20)

1 Definition

In this Schedule:

amending Act means the *Statute Law (Miscellaneous Provisions) Act (No 2) 1996*.

2 Reduction in membership of council

Section 6, as amended by the amending Act, is to be construed as if the reference to 15 persons were:

- (a) a reference to 18 persons, until the first annual general meeting of the Society after the commencement of the section as amended, and

- (b) at that annual general meeting, and until the second such annual general meeting, a reference to 17 persons, and
- (c) at that second annual general meeting, and until the third such annual general meeting, a reference to 16 persons.

3 Continuity of council

- (1) A person who was a member of the council immediately before the repeal and re-enactment of section 6A (2) and (3) by the amending Act is taken to have been elected in accordance with that section as in force after that repeal and re-enactment.
- (2) The person is to hold office for the balance of the person's term in accordance with section 6A (3) before the repeal and re-enactment of that subsection.