



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2218.

An Act to amend the Public Charities Funds Act,
1912, and for other purposes.

[Assented to, 21st November, 1935.]

BE IT ENACTED by the Governor of the State of South
Australia, with the advice and consent of the Parliament
thereof, as follows:

1. (1) This Act may be cited as the "Public Charities Funds Act Amendment Act, 1935". Short titles.

(2) The Public Charities Funds Acts, 1912 to 1926, and this Act may be cited together as the "Public Charities Funds Acts, 1912 to 1935".

(3) The Public Charities Funds Act, 1912, is hereinafter referred to as "the principal Act". No. 1078 of 1912.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 2 of the principal Act is amended by striking out the definition of "public charitable institution" therein and by inserting in lieu thereof the following definition:— Amendment of principal Act, s. 2— Interpretation.

"public charitable institution" or "institution" means any of the institutions included for the time being or deemed to be included for the time being in the second schedule.

Public Charities Funds Act Amendment Act.—1935.

Amendment of
principal Act—

4. The principal Act is amended by inserting therein after section 3 thereof the following section :—

Proclamation
of institution.

3A. The Governor may from time to time by proclamation declare any public hospital, destitute asylum, lunatic asylum, hospital for the mentally defective, orphanage, reformatory, or other institution of a like character which is established by or pursuant to any Act and supported wholly or in part out of the general revenue of the State to be a public charitable institution. Upon proclamation as aforesaid, the name of the institution shall be deemed to be included in the second schedule.

Amendment of
principal Act,
s. 4—
Removal of
commissioners.

5. Section 4 of the principal Act is amended—

- (a) by striking out the words “and may remove any such commissioners” in subsection (1) thereof; and
- (b) by striking out the words “or removal” in subsection (2) thereof.

Amendment of
principal Act—

6. The principal Act is amended by inserting therein after section 5 the following section :—

Dismissal from
office.

5A. (1) The Governor may, at any time, remove any commissioner from his office—

- (a) for misbehaviour or incompetence; or
- (b) if he is adjudicated bankrupt or makes a statutory assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound; or
- (c) if he becomes insane; or
- (d) if by reason of invalidity or other cause he becomes incapable of performing his duties.

(2) Notice of every such removal shall be published in the *Government Gazette*.

Amendment of
principal Act,
s. 8—

7. Section 8 of the principal Act is amended by striking out subsection (2) thereof and by inserting in lieu thereof the following subsections :—

Vesting of gifts
to institutions.

(2) If any property is given by deed, will, or otherwise to any executor, trustee, or other person in trust for any institution, the executor, trustee, or person shall pay over, convey, transfer, assign, or otherwise assure the property to the commissioners in their corporate name and the paying over, conveyance, transfer, assignment, or assurance of the said property shall be a sufficient compliance with the trust aforesaid.

Public Charities Funds Act Amendment Act.—1935.

(3) The receipt of the commissioners for the said property or their release therefor shall be a sufficient discharge to any such executor, trustee, or person as aforesaid.

8. Subsection (2) of section 10 of the principal Act is amended by inserting after the word "investments" in the second line thereof the words "or from any other property held by the commissioners".

Amendment of
principal Act
s. 10—
Banking of
moneys.

9. Section 11 of the principal Act is amended by adding at the end thereof the following passage:—

Amendment
principal Act
s. 11—
Investment.

All property invested in any manner other than as aforesaid shall be held by the commissioners upon trust to sell and to convert the same into money and to invest the proceeds as hereinbefore in this section provided: Provided that the commissioners may for such time as they think fit postpone the sale and conversion into money of any such property: Provided further that if the trusts upon which the property is accepted by the commissioners require the property to be held in any specified form of investment or in any specified form of investment for any specified time the commissioners shall hold the property in that form of investment or for that period of time, as the case may be. Sections 14 and 15 of The Trustee Act, 1893, shall apply to any sale under this section.

10. Subsection (1) of section 14 of the principal Act is amended by striking out the words "provided that in every lease there shall be reserved the most improved yearly rent".

Amendment of
principal Act
s. 14—
Leasing.

11. Section 20 of the principal Act is amended by inserting after the word "proceedings" in the first line thereof the words "for the enforcement of any trust on which the commissioners hold any property or for any declaration as to the validity or invalidity of any such trust".

Amendment of
principal Act,
s. 20—
Action against
commissioners.

12. The principal Act is amended by adding at the end thereof the following schedule:—

Amendment
principal Act.

THE SECOND SCHEDULE.

Schedule of Public Charitable Institutions.

Adelaide Hospital.

Barmera Hospital.

Bedford Park Sanatorium.

Magill Home (under the control of the Children's Welfare and Public Relief Board).

"Mareeba" Babies' Hospital.

Mount Gambier Hospital.

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Mental Hospital, Parkside.
 Northfield Consumptive Home.
 Port Augusta Hospital.
 Port Lincoln Hospital.
 Port Pirie Hospital.
 Wallaroo Hospital.

Amendment of
 1209, 1915,
 s. 4—
 Adelaide
 Hospital
 Endowment
 Fund.

13. Section 4 of the Public Charities Funds Act Further Amendment Act, 1915, is amended by adding thereto the following subsection:—

(3) The commissioners may during the period referred to in subsection (2) from time to time vary any resolution made pursuant to this section so far as the same relates to the setting apart of the whole or any part of any interest, dividends, or other property referred to in paragraph (b) of subsection (1) and thereafter until subsequently varied by resolution the part, proportion, or amount of the interest, dividends, and other property to be set apart and reserved pursuant to this section shall be the part, proportion, or amount determined in the resolution for variation.

Application to
 bring Town
 Acre 86 under
 The Real
 Property Act,
 1886.

14. Notwithstanding the provisions of The Real Property Act, 1886, no payment to the Registrar-General pursuant to section 201 of the said Act shall be made or required on an application by the commissioners to bring Town Acre numbered 86, situated in the City of Adelaide, under the provisions of the said Act.

In the name and on behalf of His Majesty, I hereby
 assent to this Bill.

W. DUGAN, Governor.