

**CECILIA BUTTON MEDICAL CENTRE
AGREEMENT.**

No. 70 of 1966.

AN ACT to ratify an agreement entered into between the Minister for Health, the trustees of the will and codicils of the late *Henry Edwin Button*, and the Warden, Councillors, and Electors of the Municipality of Oatlands with respect to the erection and maintenance of a medical centre, to make provision for the carrying out of the agreement, and to repeal the *Cecilia Button Memorial Hospital Agreement Act 1946*.

[22 December 1966.]

Preamble.

WHEREAS by an agreement dated the twenty-first day of March 1946 between the Minister for Health for the time being of the first part, *Harry Hadden Cummins* and the Perpetual Trustees Executors and Agency Company Limited, being and as the trustees of the will and codicils of the late *Henry Edwin Button*, of the second part, *Renfric Arundel de Pentheney O'Kelly*, *Lindsay Theodore Scott*, *Harry Hadden Cummins*, and *Frank Leslie Langford*, being and as members of the board of management of the *Cecilia Button Memorial Hospital* constituted under the provisions of that will and those codicils, of the third part, and the Warden, Councillors, and Electors of the Municipality of Oatlands of the fourth part certain provision was made for the erection at Oatlands and the maintenance of the *Cecilia Button Memorial Hospital* referred to in that will and those codicils:

And whereas that agreement was ratified by the *Cecilia Button Memorial Hospital Agreement Act 1946* and provision was made by that Act for the carrying out of the agreement by certain of the parties thereto:

And whereas the Perpetual Trustees Executors and Agency Company of Tasmania Limited is the sole surviving trustee of the will and codicils of the late *Henry Edwin Button*:

And whereas the erection of a hospital pursuant to that agreement has not been commenced and it has been agreed between the parties thereto of the first, second, and fourth parts that such a hospital is not required at Oatlands and that, in lieu thereof, there should be established at Oatlands a medical centre:

And whereas those parties have entered into an agreement, a copy of which is set forth in the schedule to this Act, with respect to the erection and maintenance at Oatlands of a medical centre to be known as the Cecilia Button Medical Centre:

And whereas it is provided in that agreement that it shall not be binding on the parties thereto until it has been ratified by Parliament:

And whereas it is desirable to ratify that agreement:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Cecilia Button Medical Centre Agreement Act 1966.* Short title.

2—(1) The *Cecilia Button Memorial Hospital Agreement Act 1946* (in this section referred to as “the repealed Act”) is repealed. Repeal and savings.

(2) The repeal effected by subsection (1) of this section does not operate so as to prejudice or affect any act, matter, or thing done pursuant to the agreement that was ratified by the repealed Act by any party to the agreement or any act, matter, or thing done by any such party pursuant to any of the provisions of that Act as in force immediately before the commencement of this Act and, in particular and without limiting the generality of this subsection, does not prejudice or affect the expenditure by the trustees of the sum referred to in section six of that Act for the purposes therein mentioned or the continued control, maintenance, and upkeep by the council of the ambulance referred to in that section.

(3) The provisions of subsection (2) of this section shall be construed as being in aid of and not in derogation from the provisions of the *Acts Interpretation Act 1931.*

3 In this Act—

“agreement” means the indenture dated the eighth day of November 1966, a copy of which is set forth in the schedule;

“council” means the Warden, Councillors, and Electors of the Municipality of Oatlands;

“Minister” means the Minister of the Crown to whom the administration of the *Public Health Act 1962* is for the time being committed;

“trustees” means the Perpetual Trustees Executors and Agency Company of Tasmania Limited.

4 The agreement is ratified.

Interpre-
tation.

Ratification
of agreement.

Power to
carry out
agreement.

5 The Minister and the trustees respectively may do or cause to be done all such acts and things as may be required or necessary for the carrying out of, and giving effect to, the agreement on the part of the Minister and the trustees.

THE SCHEDULE.

(Section 3.)

THIS INDENTURE made the eighth day of November One thousand Nine hundred and Sixty six BETWEEN THE HONOURABLE MERVYN GEORGE EVERETT being and as the Minister for Health for the time being for the State of Tasmania (hereinafter called "the Minister" which expression shall include his successors in office) of the first part THE PERPETUAL TRUSTEES EXECUTORS AND AGENCY COMPANY OF TASMANIA LIMITED being and as the Trustees of the Will and Codicils of Henry Edwin Button late of "The Elms" Lower Sandy Bay Hobart in Tasmania Gentleman deceased (hereinafter called "the Trustee Company" which expression where the context so requires or admits shall include the Trustees for the time being of the said Will and Codicils) of the second part and THE WARDEN COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF OATLANDS (hereinafter called "the Council") of the third part WHEREAS by an Indenture made the Twenty first day of March One thousand Nine hundred and Forty six between the Honourable Eric Richard Aldred Howroyd (being and as the Minister for Health at that time for the State of Tasmania) of the first part Harry Hadden Cummins of Hobart in Tasmania Accountant and the Trustee Company (being the Trustees of the said Will and Codicils of the said Henry Edwin Button deceased) of the second part Renfric Arundel de Penheney O'Kelly of Oatlands in Tasmania Pastoralist Lindsay Theodore Scott of Oatlands in Tasmania Bank Manager the said Harry Hadden Cummins of Hobart in Tasmania Accountant and Frank Leslie Langford of Hobart aforesaid Sharebroker (being and as the members of the Board of Management of the Cecilia Button Memorial Hospital constituted under the provisions of the Will of the said Henry Edwin Button deceased) of the third part and the Council of the fourth part it was agreed to erect a hospital and doctors residence as therein provided AND WHEREAS the Trustee Company is the surviving Trustee under the said Will and Codicils of the said Henry Edwin Button deceased the said Harry Hadden Cummins the other Trustee now being deceased and no other having been appointed AND WHEREAS the erection of a hospital has not been commenced and it has now been agreed that a hospital is not at present required in Oatlands AND WHEREAS it has now been agreed to establish in Oatlands a medical centre to be known as "The Cecilia Button Medical Centre" in lieu of a hospital. AND WHEREAS the majority of the members of the Board of Management hereinbefore mentioned are now deceased and it has been agreed such a Board will not be required in relation to the medical centre but it has been agreed instead to establish a committee as hereinafter provided to advise on matters relating to the maintenance equipping and improvement of the medical centre NOW THIS INDENTURE WITNESSETH and it is hereby agreed as follows:—

1. The said Indenture made the Twenty first day of March One thousand Nine hundred and Forty six is hereby terminated.
2. The Minister hereby covenants with the Trustee Company that he will erect on the lands described in the Schedule hereto as soon as practicable and in accordance with a general scheme approved by the Trustee Company and the Council a medical centre consisting of a district nursing centre, quarters for staff, an ambulance sub-station, a school dental clinic, a school medical and child health clinic and a medical practitioners residence and surgery.

3. The Trustee Company will pay to the Minister as a contribution towards the erection of the medical centre the whole of the funds accumulated under the said Will and Codicils for the erection equipping and maintenance of a hospital at Oatlands such funds to be paid on the request of the Minister by way of progress payments and on certificates of the Chief Architect of the Department of Public Works as to the satisfactory progress of the medical centre.
4. The medical centre shall be called "The Cecilia Button Medical Centre".
5. That in accordance with the terms of the said Will and Codicils life size portraits of the late Mr. H. E. Button and Mrs. H. E. Button and a memorial tablet to Mrs. H. E. Button shall be placed in the medical centre.
6. There shall be a committee of three members consisting of the Manager from time to time of the Trustee Company, an Officer of the Department of Health Services from time to time appointed for that purpose by the Minister and a Member of the Council from time to time appointed for that purpose by the Council. The Trustee Company shall each year pay to the Minister the income from time to time arising from the said Will and Codicils for the maintenance of a hospital upon the Trustee Company being satisfied that the income will be expended only on such items relating to the maintenance equipping and improvement of the medical centre as the Committee shall approve.
7. This Agreement shall not be binding on the parties hereto until ratified by Parliament.

IN WITNESS whereof the parties hereto have executed these presents the day and year first hereinbefore written.

SCHEDULE.

ALL THOSE two pieces of land situate in the Town of Oatlands in Tasmania containing 2 roods 12 perches and 2 acres 0 roods 39 4/10 perches more particularly described in Notification dated the twenty sixth day of September One thousand Nine hundred and Forty six and published in the Tasmanian Government Gazette on the Second day of October One thousand Nine hundred and Forty six.

SIGNED SEALED AND DELIVERED by THE } (L.S.)
 HONOURABLE MERVYN GEORGE EVERETT } M. G. EVERETT.
 in the presence of:

L. L. SHEA.

THE COMMON SEAL of THE PERPETUAL } (L.S.)
 TRUSTEES EXECUTORS AND AGENCY COM- }
 PANY OF TASMANIA LIMITED was hereunto }
 affixed in the presence of:

JOHN R. HARVEY, Director.
 G. F. DAVIES, Director.
 J. D. WATCHORN, Manager.

THE COMMON SEAL of THE WARDEN COUN- } (L.S.)
 CILLORS AND ELECTORS OF THE MUNICI- }
 PALITY OF OATLANDS has been hereunto }
 affixed pursuant to a resolution of the Council of }
 the said Municipality passed the 28th day of }
 October 1966 in the presence of us:

R. J. FISH, } Members.
 D. R. GREGG, }
 C. J. HALTON, Clerk.