

CONSTITUTION.

No. 11 of 1958.

AN ACT to amend the *Constitution Act 1934*. [26 June 1958.]

BE it 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—(1) This Act may be cited as the *Constitution Act 1958*. Short title and citation.

(2) The *Constitution Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section thirteen of the Principal Act is amended by inserting after subsection (1) the following subsection:— Special sittings of Parliament.

“ (1A) When Parliament stands prorogued to a certain day and, in the opinion of the Governor, it is desirable that Parliament shall be called together for the despatch of business before the day to which it is prorogued, the Governor may, by proclamation, prorogue Parliament to such earlier date, not being less than six days after the date of the proclamation, as may be therein specified, and in such a case Parliament stands prorogued to that date notwithstanding the previous prorogation.”

MEERCROFT HOME FOR THE AGED.

No. 12 of 1958.

AN ACT to incorporate the Meercroft Home for the Aged and to make provision for its administration. [26 June 1958.]

BE it 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 *Meercroft Home for the Aged Act 1958*. Short title.

Interpreta-
tion.

2 In this Act, unless the contrary intention appears—

“committee” means the committee constituted at Devonport for the purpose of providing a home for aged people and known as the committee of the Meercroft Home for the Aged;

“constitution” means the constitution of the Home, being the constitution set forth in the first schedule;

“Home” means the Meercroft Home for the Aged.

Incorpora-
tion.

3 There is hereby constituted a body corporate under the name of “The Meercroft Home for the Aged”, having a common seal and perpetual succession, and power to acquire, hold, and dispose of lands in any tenure, and capable of suing and being sued in its corporate name, and clothed with all other usual attributes of a corporation.

Constitution.

4 The constitution set forth in the first schedule shall be the first constitution of the Home but may be modified, altered, or amended as provided therein.

Vesting of
property.

5 The land described in the second schedule is vested in the Home for the purposes of this Act.

Transitory
provisions.

6 Until such time as the board of management is appointed and elected as provided by the constitution, the committee shall be deemed to be the board of management of the Home and may exercise all the powers conferred on the board by this Act and the constitution, other than the power to dispose of land, but it is the duty of the committee, as soon as may be practicable, to take all such steps as may be necessary to procure the appointment and election of a board as provided by the constitution.

THE FIRST SCHEDULE.

(Section 4.)

CONSTITUTION OF THE HOME.

Name of
Home.
Objects.

1. The name of the Home shall be the Meercroft Home for the Aged.

2. The objects of the Home are—

(a) to provide a residence for aged people and for their care and comfort in their declining years;

(b) to provide buildings, premises, equipment, materials, facilities, and services for those purposes; and

(c) to co-operate and collaborate with any person or organization having any similar objects.

Funds.

3. The funds of the Home (in this constitution called “the funds”) shall comprise subscriptions, collections, donations, and moneys raised by any other means or received from any other source for the purposes of the Home.

Adminis-
tration.

4. The affairs of the Home shall be administered and controlled, subject to this constitution, by a board of management (in this constitution called “the board”) constituted as provided in clause 6 of this constitution.

5.—(1) A person who—

Members.

- (a) subscribes not less than one pound to the funds, and has given one month's notice in writing to the board that he intends to become a member;
- (b) donates not less than fifty pounds to the funds;
- (c) is appointed as a member by the board as provided in this clause; or
- (d) is appointed as a member of the board by the Governor or the council of the municipality of Devonport,

shall be a member of the Home.

(2) A person to whom paragraph (a) of sub-clause (1) of this clause relates shall continue to be a member so long as he continues to pay annually a subscription of not less than one pound without further notification of his intention, and a person to whom paragraph (b) of that sub-clause relates shall be a life member, and a person to whom paragraph (d) of that sub-clause relates shall continue to be a member during his tenure of office on the board.

(3) Any company and any unincorporated association or body of persons making a contribution of not less than five pounds to the funds in any year may nominate some person as a member of the Home and that person shall be appointed by the board as a member and shall continue as such so long as the company, association, or body nominating him continues to pay not less than five pounds to the funds each year or until it notifies the board of the nomination of some other person in his place.

(4) Where a donation of not less than fifty pounds is made by a corporation or by a firm or partnership, the board shall appoint as a life member such officer as the corporation, or such member as the firm or partnership, may nominate in writing for that purpose.

(5) The board may appoint as a life member any person who, or the representative of any body of persons which, in the opinion of the board, has rendered meritorious service to the Home.

6.—(1) The board shall consist of twelve members, of whom—

Constitution of board.

- (a) one shall be appointed by the Governor;
- (b) one shall be appointed by the council of the municipality of Devonport; and
- (c) ten shall be elected by the members of the Home.

(2) The members of the board shall be appointed and elected respectively annually as prescribed and, subject to sub-clause (3) of this clause, shall hold office until the appointment or election of their respective successors.

(3) A member of the board shall cease to hold office as such if he—

- (a) resigns his office by writing under his hand and the resignation is accepted by the board;
- (b) holds or accepts any place of profit under or in the gift of the board;
- (c) fails without leave of absence to attend three consecutive meetings of the board if the board thereupon resolves that his office be vacated;
- (d) becomes a lunatic so found by inquisition;
- (e) becomes bankrupt or takes any proceeding under the law relating to bankruptcy for the composition, arrangement, or assignment of his estate for the benefit of his creditors; or
- (f) is convicted of any crime or is sentenced to imprisonment for any offence.

(4) Paragraph (b) of sub-clause (2) of this clause does not operate so as to disqualify from membership of the board any medical practitioner who is engaged or employed by the board to render professional services at or for the purposes of the Home if that engagement or employment is in an honorary capacity or in a part-time capacity.

(5) The place of a member of the board who ceases to hold office may, if he was appointed, be filled by a new appointment, and may, if he was elected, be filled by the board.

Powers of
the board.

7—(1) The board has power to do all such things as it may consider necessary for carrying out the objects of the Home.

(2) Five members of the board constitute a quorum, but no resolution for the sale of any real property vested in the Home is effective unless at least seven members of the board vote in favour of it.

(3) The board may function, notwithstanding any vacancy in its membership, so long as not less than seven members remain in office.

(4) Subject to the Act and this constitution, the board may make by-laws for the purposes of the Home and those by-laws may—

- (a) regulate its own procedure and the meetings of members of the Home and the election of members of the board; or
- (b) provide for and regulate the management, control, and supervision of the Home and its property and all matters relating thereto, and the admission, care, control, and maintenance of persons admitted thereto.

Non profit
organization.

8. Without prejudice to clause 6 of this constitution, no member of the Home shall derive any profit or benefit in any way from funds raised by the Home or from income or assets of the Home either directly or indirectly, but this clause does not prevent the proper remuneration of any member of the Home for services rendered to, or as compensation for expenses incurred on behalf of, the Home.

Alteration
of the
constitution.

9—(1) This constitution may be altered on the affirmative vote of two-thirds of those members present in person or by proxy at any meeting at which notice of the proposed amendment has been placed on the agenda paper.

(2) The secretary is not bound to put notice of a proposed amendment of this constitution on the agenda paper unless he has received a motion in writing by two members of the Home at least twenty-eight days before the date of the meeting.

THE SECOND SCHEDULE.

(Section 5.)

LAND VESTED IN THE HOME.

TOWN OF DEVONPORT.

SECTION E1.

1 acre 2 roods 12 2/10 perches, being part of 5 acres 2 roods 13 perches acquired for hospital purposes. L.C. 5949.

Commencing at the south-east angle of 2 roods 26 5/10 perches reserved for the Northern Tasmanian Home for Boys on North Street and bounded on the north-west by 160 feet and 3/4 of an inch north-easterly along 2 roods 26 5/10 perches aforesaid on the north-east by 216 feet 10 inches south-easterly along part of 5 acres 2 roods 13 perches aforesaid again on the north-west by 93 feet 6 1/2 inches north-easterly again along part of that land again on the north-east by 135 feet 1 1/4 inches south-easterly again along part of that land on the south-east by 253 feet 7 inches south-westerly along 5 acres and 3 roods Recreation Reserve to North Street aforesaid and thence on the south-west by 351 feet north-westerly along that street to the point of commencement as the same is shown on Survey Diagram Volume 272 Folio 24 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.