

No. 6274.

HOSPITALS AND CHARITIES ACT 1958.

An Act to consolidate the Law relating to Hospitals and Charities.

[30th September, 1958.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Hospitals and Charities Act* 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*, and is divided into Parts and Divisions as follows:—

Short title
commence-
ment
and division.

Part I.—Preliminary ss. 2-7.

Part II.— Administration ss. 8-36.	{	Division 1.—The Commission ss. 8-17.
		Division 2.—General Functions of Commission ss. 18-33.
		Division 3.—Hospitals and Charities Fund ss. 34-36.

Part III.—Establishment and Registration of Institutions and Benevolent Societies ss. 37-43.

Part IV.— Hospitals and Philanthropic Institutions ss. 44-68.	{	Division 1.—Institutions for Cure of Disease &c. ss. 45-63.
		Division 2.—Philanthropic Societies or Associations s. 64.
		Division 3.—Dealing with Lands ss. 65-68.

Part V.—Liability of Patients ss. 69-74.

Part VI.—Resumption of Land for Institutions ss. 75-81.

Part VII.—General ss. 82-93.

Repeal.
First
Schedule.

2. (1) The Acts mentioned in the First Schedule to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation by-law order incorporation exemption vesting appointment direction determination application petition memorial registration recommendation approval consent report election appeal certificate notice liability or right made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under any of such Acts before the commencement of this Act.

Interpretation.
No. 5300 s. 3;
No. 5814
s. 14 (3).

3. In this Act unless inconsistent with the context or subject-matter—

“ Ambulance.”

“ Ambulance ” means vehicle equipped for the transport of diseased infirm injured or incapacitated persons on stretchers or in a recumbent position.

“ Ambulance service.”

“ Ambulance service ” means the service conducted or carried on by the proprietor or managing authority of any ambulance, and includes the Victorian Civil Ambulance Service.

“ Benevolent society.”

“ Benevolent society ” means any society or association of persons—

(a) the funds of which are obtained in whole or in part by voluntary contributions and which has as its object or among its objects the affording of charitable relief to diseased infirm incurable poor or destitute persons (including children); or

- (b) the funds of which are obtained in whole or in part by public subscription or as the result of any public appeal or of donations or contributions by members of the public and which has as its object or among its objects the promotion of the welfare of boys or girls or the provision of advice or assistance as regards the employment or vocation of boys or girls—

and which is not exempted from the operation of this Act; and includes any ambulance service but does not include—

- (i) any "institution" within the meaning of this Act;
- (ii) any such society or association whose funds are wholly obtained from collections made at religious services; or
- (iii) any association of two or more persons acting together temporarily for any specific charitable object—

but includes any person society or association, whether or not excluded by the foregoing provisions of this interpretation, specified by Order of the Governor in Council published in the *Government Gazette*.

"By-law" means by-law made under the authority of this Act. "By-law."

"Casual vacancy" means a vacancy in any body to which the term relates caused by any member of such body ceasing to be a member thereof otherwise than by the expiration of his period of office. "Casual vacancy."

"Commission" means the Hospitals and Charities Commission constituted under this Act. "Commission."

"Committee" or "managers" means the committee of management or board of directors or governing body of any institution or benevolent society or other society or association (as the case may be). "Committee of managers."

"Contributor" to an institution means— "Contributor."

- (a) a person who pursuant to the by-laws of the institution has been elected or appointed a life member or life governor thereof on the ground that he has conferred a signal benefit on the institution other than by contributing thereto or who pursuant to the by-laws of the institution was a life

- member or life governor thereof at the commencement of the *Hospitals and Charities Act 1922*;
- (b) a person who at any time has on his own behalf contributed to the institution at least Twenty pounds in one donation or such less sum as entitles him pursuant to the by-laws of the institution to be elected a life member or life governor thereof;
 - (c) a person who at any time within the twelve months ending the thirtieth day of June next preceding the date of any meeting or election or any other date in respect of which the question of his being a contributor arises has on his own behalf contributed to the institution at least One pound in one donation or produces documentary evidence to the satisfaction of the committee that within the twelve months aforesaid he has on his own behalf contributed to the institution at least One pound in donations of a less amount;
 - (d) a person nominated as a contributor by any corporation company or firm or any registered society or registered branch of a society within the meaning of the *Friendly Societies Act 1958* which at any time within the twelve months aforesaid has contributed to the institution at least One pound in one donation out of the moneys of the corporation company firm society or branch;
 - (e) a person nominated as a contributor by any corporation company or firm or any registered society or registered branch of a society within the meaning of the *Friendly Societies Act 1958* which at any time has contributed at least Twenty pounds to the institution in one donation out of the moneys of the corporation company firm society or branch or such less sum as would pursuant to the by-laws of the institution entitle any person contributing the same to be elected a life member or life governor thereof;
 - (f) a person nominated as a contributor by the employés of any corporation company firm or employer who at any time have

contributed at least Twenty pounds to the institution in one donation or who produce documentary evidence to the satisfaction of the committee that they have at any time within the twelve months aforesaid contributed to the institution at least One pound whether in one sum or in donations of a less amount; or

- (g) a person nominated as a contributor by the executors or trustees under any will who have allocated at least Twenty pounds to the institution in one donation out of any moneys of the testator not specifically directed to be paid to the institution under the will:

Provided that any such contribution as aforesaid has been made without any right of relief having accrued or accruing in respect thereof to any person corporation company firm executor or trustee making the same or to any person nominated in respect of the same.

- “Fund” means the Hospitals and Charities Fund. “Fund.”
- “Hospital” or “public hospital” means any establishment at which surgical or medical advice aid or treatment is afforded and which is supported in whole or in part by or by receiving aid from the State under this or any other Act or in aid of the maintenance of which contributions are received or sought by means of any public appeal. “Hospital.”
“Public hospital.”
- “In-patient” means any person who receives relief from any institution and resides in the premises of the institution or is boarded out by and at the expense (whether in whole or in part) of the managers thereof. “In-patient.”
- “Institution” means any hospital or any asylum or other institution (or any part thereof) not exempted from the operation of this Act the funds of which are obtained in whole or in part by voluntary contributions and which affords charitable relief to diseased infirm incurable poor or destitute persons (including children and convalescent patients) and receives such persons as inmates or boards them out; and includes— “Institution.”
- (a) “incorporated institution” which means any institution mentioned in the Second Schedule and any other institution incorporated under this Act or any corresponding previous enactment; and “Incorporated institution.”
Second Schedule.

"Separate institution."
Third Schedule.

(b) "separate institution" which means any institution mentioned in the Third Schedule and any other hospital asylum or institution which—

(i) is under the control of any religious denomination and (in the case of such asylum or other institution) affords charitable relief; and

(ii) is declared by the Governor in Council to be a separate institution within the meaning of this Act—

and the Fairfield Hospital.^(a)

"Minister."

"Minister" means Minister of Health.

"Municipal district."

"Municipal district" or "municipality" includes the city of Melbourne and the city of Geelong.

"Out-patient."

"Out-patient" means any person who receives relief or assistance from any institution but does not reside in the premises thereof and is not boarded out by or at the expense (whether in whole or in part) of the managers thereof.

"Part."

"Part" means Part of this Act.

"Patient."

"Patient" includes in-patient and out-patient.

"Prescribed."

"Prescribed" means prescribed by this Act or the regulations or by-laws.

"Public appeal."

"Public appeal" means the soliciting for contributions by means of advertisement or invitation published in any newspaper generally circulating among the public or by means of any announcement broadcast by a broadcasting station or by means of street collections or carnivals which the general public is invited to attend.

"Regulations."

"Regulations" means regulations made under the authority of this Act.

"Relief."

"Relief" includes maintenance and also treatment or cure of or attention to any disease or ailment or any injury consequent on any accident and also medical or surgical attendance medicines or nursing assistance support or aid of any kind or in any form.

"Schedule."

"Schedule" means Schedule to this Act.

"Secretary."

"Secretary" means the secretary manager or other chief executive officer (however styled) of an institution and includes any person acting in the place of such secretary manager or officer.

(a) See *Health Act 1958* Part X. Division 1, subdivision 1.

“Subsidized” means sharing for the time being in the Fund. “Subsidized.”

4. There shall be exempted from the operation of this Act—

- (a) any hospital asylum or institution wholly maintained by the State which is not a separate institution;
- (b) any mental hospital or hospital or asylum or receiving house or private mental home within the meaning of the *Mental Hygiene Act 1958* or any house in which a patient may reside and board pursuant to the provisions of the said Act; or any institution home or house to which Part VI. of the *Mental Hygiene Act 1958* applies;
- (c) any institution licensed or established under the *Inebriates Act 1958*;
- (d) any friendly society registered under the *Friendly Societies Act 1958* or any hospital dispensary or institution under the control of any such friendly society if such hospital dispensary or institution does not share in the Fund or receive any aid from the State;
- (e) any private hospital within the meaning of the *Health Act 1958* which is not a hospital within the meaning of this Act;
- (f) the institutions conducted by the Old Colonists' Association of Victoria;
- (g) the institution known as the Freemasons' Homes of Victoria;
- (h) any hospital asylum or institution established or maintained by the Government of the Commonwealth;
- (i) any hospital and any asylum or institution affording charitable relief or benevolent society if such hospital asylum institution or benevolent society is declared by the Governor in Council to be exempted from the operation of this Act.

Institutions &c. exempted from operation of Act.
No. 5300 s. 4;
No. 5814 s. 14 (3).

5. The Governor in Council may by Order published in the *Government Gazette*—

- (a) declare any hospital or any asylum or institution affording charitable relief to be a “separate institution” within the meaning of this Act if such hospital asylum or institution is under the control of any religious denomination;

Powers of Governor in Council.
No. 5300 s. 5.
To declare certain institutions &c. to be “separate institutions.”

To exempt institutions &c. from operation of Act.

(b) exempt from the operation of this Act any hospital or any asylum or institution affording charitable relief or any benevolent society or any institution within the meaning of the *Mental Deficiency Act* 1958; and

To vary &c. orders.

(c) revoke amend or vary any Order made under this section.

Power to determine whether association &c. is a benevolent society or an institution.
No. 5300 s. 6.

6. (1) If any question arises under this Act as to whether or not any society or association of persons or any hospital asylum or institution is a benevolent society or an institution within the meaning of this Act the Governor in Council may by Order published in the *Government Gazette* finally and conclusively determine the matter.

Power to revoke &c. Order.

(2) The Governor in Council may in like manner revoke amend or vary any Order made under this section.

"Royal Talbot Colony for Epileptics" to be deemed an incorporated institution.
No. 5300 s. 7.

7. Subject to the provisions of *The Talbot Colony for Epileptics Act* 1905 as amended by any Act the Royal Talbot Colony for Epileptics shall be deemed to be an incorporated institution within the meaning of this Act.

PART II.—ADMINISTRATION.

DIVISION 1.—THE COMMISSION.

Commission to be constituted.
No. 5300 s. 8.

8. There shall be a Commission to be constituted as hereinafter provided and to be called the "Hospitals and Charities Commission".

Constitution of Commission.
No. 5300 s. 9.

9. (1) The Commission shall consist of three members appointed by the Governor in Council of whom one shall be a person qualified in hospital administration.

Chairman and deputy chairman.

(2) One of the members shall be appointed by the Governor in Council as chairman of the Commission and one as deputy chairman of the Commission.

Full time duties.

(3) No member shall during his continuance in office be engaged without the sanction of the Governor in Council in any employment other than that in connexion with the duties of his office.

Persons incapable of being or continuing members.
No. 5300 s. 10.

10. No person who is bankrupt or insolvent shall be capable of being appointed a member of the Commission, and if any member becomes bankrupt or insolvent he shall be incapable of continuing a member of the Commission.

11. (1) Subject to this Act—

(a) members of the Commission shall be appointed to hold office for a term not exceeding five years and shall be eligible for re-appointment;

(b) members of the Commission may be removed by Order of the Governor in Council which states the reason for such removal, and a copy of every such Order shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting or if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Tenure of office and removal of members.
No. 5300 s. 11.

(2) If any member—

(a) is absent without leave of the Commission from three consecutive meetings of the Commission; or

(b) by writing under his hand addressed to the Minister resigns his office as member—

Absence or resignation of members.

his seat on the Commission shall thereupon become vacant.

(3) Subject to this Act the Governor in Council may appoint a qualified person to fill any vacancy (however occurring) in the office of a member of the Commission and any person so appointed to fill a casual vacancy shall be entitled to hold office only for the unexpired portion of the period for which his predecessor was appointed.

Casual vacancies.

12. (1) The Governor in Council may appoint for a period of not more than six months a qualified person to act in the place of any member who is absent from Victoria or who through illness or other incapacity or for any other reason is incapable of or unavailable for discharging his duties as member.

Acting members &c.
No. 5300 s. 12.

(2) If the chairman or deputy chairman is so absent incapable or unavailable the Governor in Council may also appoint one of the members or acting members to act as chairman or deputy chairman in his place.

(3) The acting chairman deputy chairman or member shall (as the case may be) discharge the duties of the chairman deputy chairman or member so absent incapable or unavailable until his return to Victoria or the removal of his incapacity or unavailability or the expiry of the appointment of the acting chairman deputy chairman or member whichever first happens.

13. (1) At any meeting of the Commission the chairman or in his absence the deputy chairman shall preside.

Meetings.
No. 5300 s. 13.

(2) A quorum shall consist of two members.

(3) During any vacancy in the office of member the continuing members may, subject to there being a quorum, act as if no vacancy had occurred.

(4) In the case of an equality of votes in respect of any matter at any meeting at which only two members are present the matter shall be deferred to a meeting at which all the members are present.

(5) Meetings of the Commission shall be held at such times and places as it thinks fit.

(6) Subject to this Act the Commission may regulate its own proceedings.

Officers and
employés.
No. 5300 s. 14.

14. (1) Subject to the approval of the Governor in Council the Commission shall appoint a secretary and such other officers and employ such persons as are necessary for carrying out the functions of the Commission and may fix the salaries or other remuneration to be paid to such officers and employés.

(2) The Commission may with the approval of the Minister administering any Department concerned make use of the services of any of the officers and employés of that Department.

Saving of
rights if
member or
officer of
Commission
is a member
of the public
service or an
officer under
Super-
annuation
Act &c.
No. 5300 s. 15.

15. (1) If immediately prior to the appointment of any person as a member or officer of the Commission such person was an officer of the public service such person shall—

(a) (while being or continuing to be or on ceasing to be a member or officer of the Commission) be eligible to be appointed by the Public Service Board to some office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately prior to his appointment as a member or officer of the Commission as if the period of his service with the Commission had been service in the public service; and

(b) for the purposes of section sixty-three of the *Public Service Act* 1958 be deemed to continue to be a member of the public service while he is a member or officer of the Commission.

Long service
leave.

(2) If immediately prior to the appointment of any person as a member or officer of the Commission such person was an officer within the meaning of the *Superannuation Act* 1958 or any corresponding previous enactment he shall notwithstanding such appointment be deemed to continue, subject to that Act, during his service with the Commission, to be an officer within the meaning of that Act.

16. (1) Each member of the Commission shall be paid a salary at such rate as is prior to such member's appointment determined by the Governor in Council.

Salary and expenses of members.
No. 5300 s. 16.

(2) The members of the Commission shall severally be entitled to receive such reasonable travelling expenses as are prescribed by the regulations.

17. (1) All the powers rights and authorities conferred or imposed on the Commission (whether by or under this or any other Act) shall whenever he deems fit be exercisable by the Minister; and when so exercised shall (if so ordered by the Minister) supersede any act order direction or notice of the Commission.

Powers of the Minister.
No. 5300 s. 12.

(2) Every officer of or employed by the Commission shall at all times give effect to any order or direction of the Minister.

DIVISION 2.—GENERAL FUNCTIONS OF COMMISSION.

18. Subject to this Act it shall be the duty of the Commission from time to time to make such inquiries as it thinks fit and to report to the Minister as to—

Duties of the Commission to make certain inquiries and report to Minister.
No. 5300 s. 18.

- (a) what charitable relief is required to meet the needs of the diseased infirm incurable poor or destitute persons resident in Victoria (including children and convalescent patients);
- (b) what institutions or benevolent societies should in the opinion of the Commission be subsidized;
- (c) what sum of money should in the opinion of the Commission be paid from the Fund and for what purposes to each subsidized institution or benevolent society in any financial year or part thereof; and
- (d) any amendments of existing legislation and proposals for future legislation which are in its opinion desirable for carrying into effect any of the objects or purposes referred to in this Act and in particular for improvement of and prevention of overlapping in the administration of institutions and benevolent societies.

19. Subject to this Act the Commission shall—

- (a) from time to time prepare estimates for submission to the Minister of the sums considered necessary to be appropriated by the Treasurer of Victoria

Financial administration.
No. 5300 s. 19.

- to the Fund in any financial year to enable the Commission to carry out its functions and to provide subsidies to hospitals other institutions and benevolent societies towards the cost of maintenance and other purposes;
- (b) administer the Fund and the granting of subsidies to hospitals other institutions and benevolent societies;
 - (c) hold in trust and administer charitable bequests and gifts committed to its care;
 - (d) when required by the Minister so to do—
 - (i) investigate and report to the Minister on any matter relating to institutions or benevolent societies, including the question of devising a system (having general application to any class of institutions or benevolent societies) which will ensure stabilization of the finances of institutions and benevolent societies;
 - (ii) furnish to the Minister such information in connexion with any matter relating to the administration of this Act as he requires;
 - (e) perform and exercise such other duties and powers as are imposed or conferred on it by Part X. of the *Health Act 1958* or any other enactment.

Duties of
Commission as
to inquiries
and
inspections.
No. 5300 s. 20.

20. It shall be the duty of the Commission—

- (a) to make or cause to be made careful inquiry into the administration (including the keeping of accounts) and management of every subsidized institution or benevolent society;
- (b) to cause every subsidized institution to be inspected from time to time; and
- (c) whenever the Commission deems it necessary, to make or cause to be made an inspection of any registered unsubsidized institution and an inquiry into the accommodation provided for the persons receiving relief therein and those aspects of administration and management which affect the health and welfare of such persons, and to make or cause to be made such inquiry as the Commission thinks proper into the administration (including the keeping of accounts) management and activities of and the relief afforded by any registered benevolent society.

21. Subject to this Act the Commission shall—

- (a) establish and maintain a bureau to assist in the admission of patients to hospitals (including private hospitals within the meaning of section one hundred and seventy-eight of the *Health Act 1958*) and to furnish information in relation to nursing and hospital matters generally;
- (b) with regard to any institution which it is intended shall be financed in whole or in part from Government funds, determine—
- (i) the location of any new buildings of any such institution;
 - (ii) the accommodation to be provided in any new building having regard to the need of the area which it is intended to serve;
 - (iii) the allocation of the total beds of any such new building which is a hospital as between private intermediate and public wards wings or parts;
- (c) authorize or require the committee of management of any hospital to establish and maintain wings wards or parts for the relief of convalescent or incurable persons or persons suffering from chronic ailments or otherwise needing relief;
- (d) authorize or require the committee of management of any hospital to establish and maintain district nursing services and ambulance services;
- (e) (in any case where a committee of management ceases to exist) seek the approval of the Governor in Council to the administration and control of the hospital by the Commission, or by such person as may be appointed by the Commission, until such time as the management is duly reconstituted;
- (f) promote and arrange for the administration of—
- (i) collective buying of standard equipment furnishings and supplies;
 - (ii) a system of training for officers, including secretaries, charged with the business administration of hospitals;
- (g) promote—
- (i) the classification of medical staffs at hospitals as determined by the Commission but excepting such hospitals as are recognized medical schools associated with the University of Melbourne;

Duties of
Commission in
relation to
hospitals,
institutions,
&c.
No. 5300 s. 21;
No. 6035 s. 2.

- (ii) the establishment of preliminary schools for persons desirous of entering upon training to qualify as registered nurses;
- (iii) under conditions approved by the Commission, after consultation with the Victorian Nursing Council and with the approval of the Minister, the post graduate education of nurses employed or intending to be employed by any registered institution or society;
- (iv) superannuation schemes for institutional (including hospital) staffs.

Ambulance services.
No. 5300 s. 22.

22. The Commission shall—

- (a) require all ambulance services to be registered with the Commission and supervise the management of such services;
- (b) provide for the registration and cancellation of registration, in manner prescribed by the regulations, of ambulance services and any other matters in relation thereto that may be prescribed by the regulations;
- (c) inquire into the administration and management of ambulance services;
- (d) provide for the granting of subsidies to ambulance services and conditions relating to such grants.

Tuberculosis units.
No. 5300 s. 23.

23. (1) The Commission shall arrange for the supervision of the local administration of any ward wing or part of any hospital or institution which ward wing or part is established at the request of the Commission of Public Health for the care of persons suffering from tuberculosis; but in respect of any such ward wing or part the admission treatment and discharge of patients shall be at the direction of the Commission of Public Health.

(2) Nothing in this section shall prohibit the Commission of Public Health from inspecting or directing the inspection of any such ward wing or part.

Co-operation with Victorian Nursing Council on certain matters.
No. 5300 s. 24;
No. 6035 s. 2.

24. (1) The Commission, after consultation with the Victorian Nursing Council, shall decide—

- (a) whether any particular hospital is to be made available for use as a training school in any branch of nursing;
- (b) the establishment of nursing staffs for hospitals.

(2) If any dispute or question arises in respect of any such decision the Minister shall, after due inquiry, determine such dispute or question, and his determination shall be final.

25. Subject to this Act the Commission may recommend to the Minister—

Certain special powers of the Commission. No. 3300 s. 25.

- (a) that any subsidized institution (not being a separate institution) be closed;
- (b) that any two or more subsidized institutions (not being separate institutions) be amalgamated;
- (c) for what purposes any subsidized institution (not being a separate institution) shall be used;
- (d) that any subsidized benevolent society shall cease to exist;
- (e) that any prescribed conditions and any other reasonable conditions that the Commission thinks necessary be attached to the payment to subsidized institutions or benevolent societies of any sums out of the Fund; or
- (f) that payment to any subsidized institution or benevolent society of any sum out of the Fund be withheld with a view to—
 - (i) the closing of such institution (not being a separate institution) or the amalgamation thereof with any other institution (not being a separate institution) in accordance with any determination of the Governor in Council; or
 - (ii) enforcing the observance by the institution or benevolent society of any of the provisions of this Act or of any regulation applicable thereto or of any condition attached to the payment of any sum out of the Fund or of any lawful determination of the Governor in Council.

26. The Commission in the exercise of the powers conferred upon it shall not make any recommendation—

- (a) that a subsidized institution be closed; or
- (b) that a subsidized benevolent society shall cease to exist—

Conditions under which Commission may recommend that subsidized institutions &c. be closed. No. 5300 s. 26.

unless the Commission is of opinion that such recommendation should be made on all or any of the following grounds, namely:—

- (i) That the institution or benevolent society is seriously mismanaged;

- (ii) That the funds thereof are substantially applied otherwise than for affording the relief for which the institution or benevolent society exists;
- (iii) That the institution or benevolent society has ceased effectively to afford the relief aforesaid;
- (iv) That having regard to the administration management and operations of the institution or benevolent society its objects can be carried out as effectively and more economically by some other institution or benevolent society or, in the case of an institution, by the amalgamation thereof with some other institution;
- (v) That the accommodation provided by the institution is so defective insanitary or unsuitable that it cannot by any reasonable expenditure be made fit for the purposes for which the institution exists; or
- (vi) That, in the case of an ambulance service, the means of transport provided by the service are so defective insanitary or unsuitable as to be unfit for the purposes for which the service exists.

Conditions for recommending amalgamation of subsidized institutions.
No. 5300 s. 27.

27. The Commission in the exercise of the powers conferred upon it shall not make any recommendation that any two or more subsidized institutions be amalgamated unless, having regard to the administration management and operations of the said institutions, it is of opinion that the objects thereof can be carried out as effectively and more economically by such amalgamation.

Restrictions on exercise of power of Commission to recommend that subsidized institutions &c. be closed.
No. 5300 s. 28.

28. The Commission in the exercise of the powers conferred upon it shall not make any recommendation—

- (a) that a subsidized institution be closed; or
- (b) that any two or more subsidized institutions be amalgamated; or
- (c) that a subsidized institution be used for any purposes other than those for which it is being used immediately before the date of the determination; or
- (d) that a subsidized benevolent society shall cease to exist—

unless the Commission has made careful inquiry into the matter and has heard the committee or managers of every institution or benevolent society to be affected by its recommendation or given them an opportunity of being heard.

29. Where the Commission under the powers conferred by this Act recommends to the Minister—

- (a) that a subsidized institution be closed; or
- (b) that any two or more subsidized institutions be amalgamated; or
- (c) that any subsidized benevolent society shall cease to exist—

Procedure on recommendation by Commission for closing or amalgamation of subsidized institutions, &c.
No. 5300 s. 29.

then—

- (i) the Minister shall take the recommendation into consideration and may submit it (with or without modifications) for the determination of the Governor in Council or remit it to the Commission for further consideration, but the Minister shall not submit the recommendation for the determination of the Governor in Council unless the Minister at least twenty-eight days before so submitting it has given to every institution or benevolent society to which the recommendation relates notice in writing setting forth the substance of the recommendation and stating that he proposes to submit it to the Governor in Council for determination; and
- (ii) the Governor in Council may in accordance with any such recommendation (whether modified or not as aforesaid) by Order published in the *Government Gazette* determine (as the case may be)—
 - that such institution shall be closed;
 - that such two or more institutions shall be amalgamated; or
 - that such benevolent society shall cease to exist.

Powers and duties of Minister.

Powers of Governor in Council.

30. (1) Where under the powers conferred by this Act the Governor in Council determines that any two or more subsidized incorporated institutions shall be amalgamated the following consequences shall follow upon such amalgamation:—

- (a) The corporation of the said institutions shall on a date to be specified in the determination be dissolved and cease to exist and the contributors for the time being thereto shall as on and from the date so specified by virtue of this Act become and be deemed and taken to be the body corporate of an incorporated institution under this Act with such name as the Governor in Council specifies and such body corporate shall be and be deemed to be the successor of the body corporate of every institution amalgamated;

Consequences of amalgamation of subsidized incorporated institutions.
No. 5300 s. 30.

- (b) All real and personal property belonging to each of the institutions amalgamated or of which it is the custodian trustee shall on the date so specified by virtue of this Act and without further or other conveyance transfer or assignment vest in the new corporation formed by the amalgamation for the estate and interest of the old body corporate therein subject to all liabilities charges obligations or trusts affecting that property;
- (c) All contracts debts and liabilities of each of the institutions amalgamated shall as on and from the date so specified become the contracts debts and liabilities respectively of the new corporation;
- (d) Subject to this Act the new corporation shall be deemed and taken to be the same corporation as each of the institutions amalgamated and of which it is hereby declared to be the successor; and
- (e) The committee of the new institution shall as on and from the date so specified consist of the members of the committees of the several institutions amalgamated; and they shall remain in office until immediately before the next annual election of members of the committee of the new institution to be held pursuant to this Act when they shall all go out of office and a new committee shall be elected in accordance with this Act, and any member of the retiring committee (if otherwise qualified) shall be eligible for re-election pursuant to the provisions of this Act.

Execution of conveyances &c.

(2) Every institution amalgamated as aforesaid and the managers or committee and the officers thereof and every person by whom any real or personal property belonging to any such institution is held shall execute or concur in the execution of all such conveyances transfers assurances instruments and documents and shall do and perform all such acts and things as are necessary or convenient to give effect to the conveyance or transfer of such property and the vesting thereof for the purposes of the amalgamation.

Consequences of determination that subsidized incorporated institution be closed.
No. 5300 s. 31.

31. (1) Where under the powers conferred by this Act the Governor in Council makes a determination that any subsidized incorporated institution shall be closed (not being a determination made for the purpose only of effecting an amalgamation with any other institution)—

- (a) the corporation of the institution shall on a date specified in the determination be dissolved and cease to exist;

- (b) all land granted or reserved or set apart by the Crown for the purposes of the institution shall on the date so specified by virtue of this Act and without further or other conveyance transfer or assignment vest in the Crown freed and discharged from all trusts conditions and restrictions affecting the same and any grant reservation or setting apart of such land shall by virtue of this Act be cancelled and the said land shall be deemed to be and may be dealt with as unalienated land of the Crown; and
- (c) all real and personal property of the institution shall be conveyed to and vested in the Crown and may be sold alienated or disposed of as the Attorney-General directs and the rents issues proceeds and profits of the same (subject to the payment thereof of the debts and liabilities of the institution) may as the Attorney-General directs be paid into the Fund or otherwise applied.

(2) Every such institution and the managers or committee and the officers thereof and every person by whom any real or personal property belonging to such institution is held shall execute or concur in the execution of all such conveyances transfers assurances instruments and documents and shall do and perform all such acts and things as are necessary or convenient to give effect to the conveyance or transfer of such property to and the vesting thereof in the Crown.

Execution of conveyances &c.

32. (1) The Commission shall forthwith after the month of June in each year furnish to the Minister a general report on the work and proceedings of the Commission during the twelve months ending on the thirtieth day of June.

Annual report by Commission.
No. 5300 s. 32.

(2) The annual report of the Commission shall be laid before Parliament by the Minister.

Annual report to be presented to Parliament.

33. (1) Subject to the approval of the Governor in Council the Commission may publish a magazine dealing with matters of interest to institutions and benevolent societies.

Power to Commission to publish magazine.

No. 5300 s. 33.

(2) Any proceeds of any sales or otherwise arising out of the publication of such magazine which are received by the Commission shall be paid into the Fund.

DIVISION 3.—HOSPITALS AND CHARITIES FUND.

34. (1) There shall be established and kept in the Treasury a Fund to be called the "Hospitals and Charities Fund".

Fund to be established.
No. 5300 s. 34.

(2) There shall be paid into the Fund—

Moneys to be paid into the Fund.

- (a) all moneys appropriated by Parliament for the purpose; and

(b) all other moneys to be paid into the Fund under the authority of this or any other Act.

Salaries and expenses to be paid out of the Fund.

(3) There shall be paid out of the Fund—

- (a) the salaries of the members of the Commission;
- (b) the salaries of all officers and employés appointed under this Act; and
- (c) all other expenses (including travelling expenses) incurred in the lawful execution of any powers or duties conferred or imposed upon the Commission or its officers and employés by or under this Act or otherwise by law.

Application of the Fund.

(4) Subject to the said payments the Fund may be applied in such sums or proportions as the Governor in Council determines for or towards—

- (a) the establishment or maintenance of subsidized institutions or benevolent societies;
- (b) the cost of the erection of new buildings or of repairs additions or alterations to or equipment of existing buildings used for the purposes of any subsidized institution;
- (c) any other prescribed purposes.

Matters to be considered in making payments out of the Fund.
No. 5300 s. 35.

35. (1) In making any recommendation to the Minister as to what sum of money should in the opinion of the Commission be paid to each subsidized institution or benevolent society in any financial year from the Fund the Commission shall with regard to each such institution or benevolent society consider so far as applicable thereto—

- (a) the financial position of such institution or benevolent society and the amount likely to be contributed to it during the financial year otherwise than from the Fund;
- (b) its probable net receipts and expenditure for the financial year;
- (c) the actual number of persons relieved by it during the preceding financial year;
- (d) the average number of beds (if any) occupied during the preceding financial year and the average cost per bed;
- (e) the average length of stay of each in-patient during the preceding financial year;
- (f) its general conditions and management;
- (g) any exceptional circumstances with regard to it or its geographical position; and

(h) such other matters as are prescribed or as the Commission thinks fit:

Provided that moneys to be received by any such institution or benevolent society pursuant to Part VI. of the Commonwealth Act known as the *Social Services Act 1947-1957* or any amendment thereof shall not be taken into account by the Commission in considering the amount likely to be contributed to such institution or benevolent society during the financial year otherwise than from the Fund or the probable net receipts and expenditure of such institution or benevolent society for the financial year.

Child endowment payments not to be taken into consideration by Commission in making payments out of the Fund.

(2) The Minister shall take every such recommendation into consideration and may submit the same (with or without modifications) for the determination of the Governor in Council or remit the same to the Commission for its further consideration.

Procedure on recommendations as to allocation of Fund.

(3) The Governor in Council may in accordance with any such recommendation (whether modified or not as aforesaid) determine what sum of money shall be paid to each subsidized institution or benevolent society in each financial year from the Fund.

Allocation by Governor in Council.

36. In each financial year there shall be paid out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) into the Fund the sum of Eight hundred thousand pounds in addition to any other amounts payable out of the Consolidated Revenue into the Fund under any other Act or enactment.

Transfer of £800,000 annually from Consolidated Revenue into Hospitals and Charities Fund.
No. 5300 s. 36.

PART III.—ESTABLISHMENT AND REGISTRATION OF INSTITUTIONS AND BENEVOLENT SOCIETIES.

37. (1) No institution or benevolent society shall be established without the previous consent in writing of the Commission.

Consent of the Commission to be obtained before institution or benevolent society established.
No. 5300 s. 37.

(2) Every person or body of persons (whether incorporated or not) proposing to establish any institution or benevolent society shall make application for such consent to the Commission in such manner as is prescribed and in the application shall set forth the nature and purposes of the institution or benevolent society and all such matters as are prescribed.

(3) The Commission shall consider every such application and shall make due inquiry into—

- (a) the proposed constitution and management of the institution or benevolent society;
- (b) what provision (if any) already exists for effecting the proposed objects and purposes thereof;

(c) the suitability for the purposes thereof of any land buildings or premises proposed to be used in connexion therewith; and

(d) all matters (whether or not of a like nature with the foregoing) as to which it considers inquiry is desirable in order to deal with the application.

(4) The Commission may refuse any such application or may grant the same either absolutely or subject to such conditions as it thinks fit.

(5) The Governor in Council may upon appeal by any person or body of persons aggrieved by any decision of the Commission under the last preceding sub-section review that decision, and in reviewing that decision the Governor in Council may by Order approve the decision of the Commission or disapprove the decision of the Commission, and may make any determination in the matter which the Commission might have made, and every such Order shall be given effect to as soon as may be by the Commission.

Institutions
&c. to be
registered.
No. 5300 s. 38.

38. Every institution and every benevolent society shall be registered under this Act.

Information to
be furnished
re registration.
No. 5300 s. 39.

39. The committee or managers of every institution and benevolent society shall upon demand in writing by the Commission furnish to the Commission such information as the Commission requires in relation to registration.

Register to be
made and
kept.
No. 5300 s. 40.

40. (1) The Commission shall cause to be made and kept in the prescribed form a register of all institutions and benevolent societies registered under this Act.

Alteration &c.
in register.

(2) The Commission may alter amend add to or revise the register as required; and subject to this Act may cancel any registration.

Publication of
copy of
register.

(3) The Commission shall publish in the *Government Gazette* a copy of the register as soon as practicable after the first compilation thereof and thereafter a revised copy thereof at such intervals as the Minister directs.

Copies of
register &c. or
certificate of
chairman to
be evidence.

(4) A copy of the register so published or a certificate in writing under the hand of the chairman of the Commission that any institution or benevolent society is or is not registered or was or was not registered shall be *prima facie* evidence in all courts of law and in all legal proceedings of the facts therein set forth.

41. (1) If after the first publication of a copy of the register any institution or benevolent society (whether established before or after the commencement of this Act) is not registered as required by this Act or ceases to be so registered it shall not be lawful for that institution or benevolent society—

Disabilities of
unregistered
institutions &c.
No. 5300 s. 41.

- (a) to share in the Fund; or
- (b) to receive any moneys or other grant or aid of any kind from the Consolidated Revenue or from any municipality; or
- (c) in any manner to appeal or apply to any person or body of persons for or to hold itself out as willing to receive any contributions towards its funds.

(2) If after the first publication of a copy of the register any unregistered institution or benevolent society or the committee or managers thereof in any manner whatsoever whether directly or indirectly and whether by itself or themselves or by any person on behalf of such institution benevolent society committee or managers—

Penalties.

- (a) appeals or appeal or applies or apply to any person or body of persons for any contributions to the funds of such institution or benevolent society; or
- (b) holds itself or hold themselves out as willing to receive any such contributions—

such institution or benevolent society and every member of the committee and each of the managers thereof (as the case may be) and every person acting on behalf as aforesaid of the institution or benevolent society or of the committee or managers thereof shall for every such offence be liable to a penalty of not more than Fifty pounds.

42. (1) The Commission may with the approval of the Governor in Council cancel the registration of any institution or benevolent society—

Cancellation
of registration.
No. 5300 s. 42.

- (a) in the case of any subsidized institution or benevolent society—
 - (i) for the purpose of giving effect to any determination of the Governor in Council made pursuant to this Act that the institution shall be closed or that the benevolent society shall cease to exist or that any two or more institutions shall be amalgamated; or
 - (ii) for any cause for which the Governor in Council is authorized to determine that any subsidized institution shall be closed or that any subsidized benevolent society shall cease to exist;

(b) in the case of any unsubsidized institution or benevolent society—for any cause for which the Governor in Council would (if the same were subsidized) have power to determine that the institution should be closed or that the benevolent society should cease to exist.

Conditions of cancellation.

(2) The Commission shall not cancel the registration of an institution or benevolent society unless—

(a) the Commission has made careful inquiry into the matter, and has heard the committee or managers of the institution or benevolent society or has given them an opportunity of being heard; and

(b) the Minister at least twenty-eight days before submitting the resolution to the Governor in Council for approval has given to the institution or benevolent society to which the resolution relates notice in writing setting forth the substance of the resolution and stating that he proposes to submit the same to the Governor in Council for approval.

Effect of cancellation of registration.
No. 5300 s. 43.

43. Where the Commission cancels the registration of any institution or benevolent society it shall cause a record of such cancellation to be made in the register; and such institution or benevolent society shall thereupon cease to be registered.

PART IV.—HOSPITALS AND PHILANTHROPIC INSTITUTIONS.

Non-application of Part.
No. 5300 s. 44.
Third Schedule.

44. This Part shall not apply to any separate institution mentioned in the Third Schedule or any other separate institution.

DIVISION 1.—INSTITUTIONS FOR CURE OF DISEASE ETC.

Incorporation and Government.

Incorporation of certain institutions.
No. 5300 s. 45.
Second Schedule.

45. The contributors for the time being to each of the institutions mentioned in the Second Schedule shall be deemed to be and continue a body corporate by the name thereof set forth in such Schedule and shall have perpetual succession and a common seal and shall by that name be capable in law of suing and being sued and subject to and for the purposes of this Act of purchasing taking holding selling leasing taking on lease exchanging and disposing of real and personal property.

Power to incorporate certain hospitals, &c.
No. 5300 s. 46.

46. (1) Any hospital asylum or institution not exempted from the operation of this Act which affords charitable relief to diseased infirm incurable poor or destitute persons (including children and convalescent patients) and is supported in whole

or in part by the voluntary contributions of not less than fifty contributors as defined in this Act may be incorporated as hereinafter provided.

(2) On the receipt by the Commission of a petition in accordance with regulations (if any) under this Act signed by not less than twenty-five of such contributors praying that the institution be incorporated the Minister may cause the substance or prayer of the petition to be published in the *Government Gazette*; and if no counter-petition signed by an equal or greater number of contributors is lodged with the Commission within one month after the date of such publication the Governor in Council may by Order published in the *Government Gazette* declare the contributors for the time being to the institution to be and they shall thereupon become and continue a body corporate by the name set forth in the Order and shall have perpetual succession and a common seal and shall by that name be capable in law of suing and being sued and subject to and for the purposes of this Act of purchasing taking holding selling leasing taking on lease exchanging and disposing of real and personal property.

Procedure for
incorporation.

(3) After the publication of such an Order in Council all previous and preliminary steps and proceedings hereinbefore required shall be deemed to have been duly and properly taken; and no objection shall be taken to the incorporation of such contributors but they shall be deemed to be duly and legally incorporated under this Part whether it has been complied with or not.

Incorporation
to be valid.

47. (1) All real and personal property held by any person in trust for any institution at the time of the incorporation thereof by or under this Act or any corresponding previous enactment shall be and the same is hereby declared to have been transferred to and vested in or is hereby transferred to and vested in the incorporated institution as custodian trustee of such trust property.

Transfer of
trust property
to
incorporated
institution.
No. 5300 s. 47.

(2) Where any other real or personal property is held by any person (other than the incorporated institution itself) in trust for any incorporated institution the person having power to appoint new trustees may by deed appoint the incorporated institution to be custodian trustee of such trust property.

Power to
appoint
incorporated
institution
custodian
trustee of
trust property.

(3) The power to appoint the incorporated institution to be custodian trustee may be exercised whether or not the number of trustees has been reduced below the original number.

(4) The power to appoint the incorporated institution to be custodian trustee shall not be exercised where the will settlement or other instrument creating the trust contains a direction to the contrary.

Effect of vesting property in institution or appointment of institution as custodian trustee.

(5) Upon every such transfer to and vesting in an incorporated institution of the trust property as hereinbefore provided and upon every such appointment as aforesaid being made the following provisions shall have effect:—

- (a) The trust property shall where necessary be transferred to the incorporated institution as if the incorporated institution were the sole trustee; and for that purpose vesting orders may where necessary be made under the *Trustee Act 1958* or the *Transfer of Land Act 1958*;
- (b) The management of the trust property and the exercise of any power or discretion exercisable by the trustees under the trust shall remain vested in the trustees other than the incorporated institution (which trustees are hereinafter referred to as the "managing trustees");
- (c) As between the incorporated institution and the managing trustees, and subject and without prejudice to the rights of any other persons, the incorporated institution shall have the custody of all securities and documents of title relating to the trust property, but the managing trustees shall have free access thereto and be entitled to take copies thereof or extracts therefrom;
- (d) The incorporated institution shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them (including the power to pay money or securities into court) unless the matter in which the incorporated institution is requested to concur is a breach of trust or involves a personal liability on the incorporated institution in respect of calls or otherwise, but unless the incorporated institution so concurs the incorporated institution shall not be liable for any act or default on the part of the managing trustees or any of them;
- (e) All sums payable to or out of the income or capital of the trust property shall be paid to or by the incorporated institution:

Provided that the incorporated institution may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as they direct or into such bank to the credit of such person as they direct, and in such case shall be exonerated from seeing to the application thereof and shall not be answerable for any loss or misapplication thereof;

- (f) The power of appointing new trustees when exercisable by the trustees shall be exercisable by the managing trustees alone, but the incorporated institution when so appointed as aforesaid shall have the same power of applying to the court for the appointment of a new trustee as any other trustee; and
- (g) In determining the number of trustees for the purposes of the *Trustee Act 1958* the incorporated institution shall not be reckoned as a trustee.

(6) This section applies whether the trust was created before or after the commencement of this Act.

48. (1) Every incorporated institution shall be governed by a committee of not less than seven members to be elected by the contributors to such institution:

Incorporated
institutions to
be governed
by committees.
No. 5300 s. 48.

Provided that—

- (a) in the case of any subsidized institution which is a hospital—
- (i) the committee shall consist of not more than fifteen members or (in the case of such an institution established before the commencement of the *Hospitals and Charities Act 1939* where the number of members of the committee thereof was on the first day of November One thousand nine hundred and thirty-nine greater than fifteen) of not more than the number of members of the committee on the said first day of November;
- (ii) one of the members of the committee shall be a person with accountancy qualifications or financial experience appointed by the Governor in Council;
- (b) in the case of any subsidized institution which is a hospital outside the area included in the municipal districts of the municipalities specified in the Fourth Schedule to the funds of which institution any municipal corporation or group of municipal corporations (the municipal district or districts of which is or are entirely within an area which in the opinion of the Commission is served by such institution) has contributed in one donation not less than Fifty pounds—the Governor in Council may also appoint one member to the committee being a person nominated by the council or councils of such municipality or group.

Fourth
Schedule.

(2) The Governor in Council may at any time remove any member of any committee who is appointed by the Governor in Council as aforesaid.

Provision for retirement of elected members of committees of subsidized incorporated institutions at special general meeting of contributors.

(3) (a) Upon a requisition in that behalf signed by one-quarter at least of the contributors to any subsidized incorporated institution or upon being required so to do by the Commission the secretary of such institution shall call a special general meeting of the contributors and if at such meeting a resolution requiring the retirement of the elected members of the committee is carried the elected members shall thereupon retire and an election of members of the committee be held.

(b) If such special general meeting of the contributors is not held within a reasonable time after such meeting has been required by the Commission to be called the Governor in Council if satisfied upon a report in that behalf by the Commission may by Order remove the elected members of the committee but such elected members shall remain in office until the next election of members which shall be conducted at a special general meeting of contributors called for the purpose and held within thirty days after notification by the Commission to the secretary of such institution of the removal of such members by such Order in Council.

(c) The provisions of this Division of this Part relating to the election of members of the committee of an incorporated institution shall as far as applicable and with such modifications as are necessary extend and apply for the purposes of elections under this section.

Term of office of members of committee.

(4) Subject to this Act the elected members of the committee of any incorporated institution and the members of any such committee who are appointed by the Governor in Council as aforesaid shall hold office for three years and shall be eligible for re-election or re-appointment (as the case may be):

Provided that the elected members shall on the expiration of the term of three years aforesaid continue subject to this Act to hold office until the annual general meeting of contributors next following the expiration of the said term of three years.

Number of members of committee how determined.
No. 5300 s. 49.

49. (1) Subject to this Act the number of the members of the committee of any incorporated institution to be elected by the contributors to such institution shall be fixed at a general meeting of contributors called for the purpose by the secretary and may be altered at any subsequent general meeting of contributors called for the purpose; and every such alteration shall take effect immediately before the annual election of members of the committee next following the making of the alteration.

(2) Subject to this Act no person shall be eligible to be elected or be or continue a member of the committee of any incorporated institution or to vote at any election or at any meeting of contributors unless he is a contributor thereto.

Eligibility for membership.

(3) At any meeting of the committee one-third at least of the members thereof but not less than four of them shall form a quorum and subject to this Act such quorum shall have and may exercise all the powers and authorities vested in the corporation.

Quorum.

(4) The maximum number of legally qualified medical practitioners who may be members of any such committee shall be one-fourth part of the members of the committee or the integral number nearest to such one-fourth part.

Number of medical practitioners on committee.

50. (1) Any incorporated institution may subject to the approval of the Commission and with the sanction of a majority of the contributors for the time being thereto present at a general meeting of contributors convened in accordance with the by-laws of such institution change its corporate name and adopt any other corporate name.

Power of incorporated institutions &c. to change name.
No. 5300 s. 50.

(2) Every such change if so approved shall be notified in the *Government Gazette* and the new name so adopted shall thereupon be deemed to be the corporate name of such institution for all purposes whatsoever.

(3) No such change of name shall affect any rights or obligations of such institution or render defective any legal proceedings instituted or to be instituted by or against such institution, and any legal proceedings may be continued or commenced against such institution by its new corporate name that might have been continued or commenced against such institution by its former corporate name.

51. It shall not be lawful for the committee or managers of any subsidized incorporated institution to appoint any person to the office of secretary of such institution except after consultation with the Commission and unless such person has attained such standards of qualifications or experience as are prescribed by the regulations.

No appointment of secretary of subsidized incorporated institution except after consultation with Commission.
No. 5300 s. 51.

52. Upon application in writing in that behalf by the majority of the committee or managers of any incorporated institution or benevolent society the Governor in Council may by Order after inquiry and report by the Commission extend the objects or purposes of such institution or benevolent society and thereupon the objects or purposes of such institution or society as so extended shall for all purposes be and be deemed to be the objects or purposes of such institution or society.

Provision for extension of objects or purposes of incorporated institutions and benevolent societies.
No. 5300 s. 52

*Election and Appointment of Committees and Officers of
Incorporated Institutions.*

Annual
general
meeting for
election of
members of
committee and
elective
officers.
No. 5300 s. 53.

53. The secretary of every incorporated institution acting under the authority of the committee thereof, shall call an annual general meeting of the contributors to such institution to be held on some day between the first day of July and the thirty-first day of August in each year for the election of members of the committee and other elective officers and for any other purposes.

Retirement of
members of
committee.
No. 5300 s. 54.

54. Subject to this Act on the day of the annual general meeting of the contributors to any incorporated institution in each year the following members of the committee shall retire from office but shall be eligible for re-election:—

- (a) All members temporarily appointed by the committee as hereinafter provided;
- (b) All elected members who have held office for a period of three years or more without being re-elected.

Qualification
of officers.
No. 5300 s. 55.

55. (1) Any contributor to an incorporated institution may be elected to any elective office of such institution; and any person (whether a contributor or not) who has—

- (a) accountancy qualifications; or
- (b) financial and business experience approved by the Commission—

may be elected to the office of auditor.

Notice of
nominations.

(2) No person shall be elected to any elective office in any incorporated institution unless at least seven days before the day of the annual general meeting there has been delivered to the secretary thereof a written nomination of such person to such office signed by at least two contributors thereto and also a written consent of such person to act in such office.

Election to be
advertised.

(3) Every meeting at which there is to be an election of elective officers of any incorporated institution shall be advertised by the secretary, at least fourteen days before the day on which such meeting is to be held, in a daily newspaper circulating generally in the neighbourhood and, in the case of an institution which is not situate within any of the municipalities specified in the Fourth Schedule, in a local newspaper approved by the Commission.

Fourth
Schedule.

Adjournment
of meeting
for want of
quorum.
No. 5300 s. 56.

56. (1) If at any annual or special general meeting of the contributors to any incorporated institution at least ten contributors do not assemble and proceed to business within one hour from the time fixed for the meeting no election shall be made nor shall any business be done at that meeting.

(2) In such event there shall be another meeting of the contributors to the institution at the same place and at the same hour of the same day in the following week; and at this meeting any number of contributors exceeding seven shall constitute a meeting.

57. (1) A contributor to an incorporated institution may at any meeting of contributors or at any election by contributors give his vote either in person or through the post as prescribed by the by-laws but not by proxy.

Voting.
No. 5300 s. 57.

(2) The time for taking the poll at such election shall be from eight o'clock in the morning to seven o'clock in the evening and the poll shall be taken accordingly.

(3) All polls shall be held in accordance with a system of preferential voting as set out in the model by-laws prepared by the Commission, and shall be conducted by returning officers with such qualifications as are approved by the Commission.

58. (1) Subject to this Act a person shall not, unless he has been elected by the contributors to an incorporated institution, be auditor or member of the committee thereof or hold any honorary office in connexion therewith other than to be president vice-president treasurer or an honorary medical officer or to temporarily fill any casual vacancy in the committee.

Honorary
office-bearers
to be elected
by
contributors.
No. 5300 s. 58.

(2) Medical officers may be elected or appointed as provided in the by-laws of the institution.

Medical
officers.

(3) The committee of each incorporated institution shall appoint from the members of such committee a president vice-president or vice-presidents and treasurer.

Appointment
to president
&c.

59. (1) If any elected member of the committee of an incorporated institution—

Casual
vacancies.
No. 5300 s. 59.

- (a) dies;
- (b) resigns by writing under his hand addressed to the chairman of the committee;
- (c) becomes bankrupt or insolvent or compounds with his creditors or makes a deed of arrangement for the benefit of his creditors;
- (d) ceases to be a contributor to such institution;
- (e) is convicted of any treason felony or misdemeanour;
or
- (f) is without the permission of the committee absent from three consecutive ordinary meetings of the committee—

his office shall thereupon become vacant.

Temporary
appointment.

(2) In the event of any casual vacancy in the office of any elected member of the committee the remaining members of the committee may temporarily appoint thereto some contributor to such institution. Such contributor so appointed may continue to be a member of the committee until immediately before the next annual meeting for the election of the committee when he shall retire therefrom as one of those persons who pursuant to the provisions of this Act are required to go out of office.

As to certain
offices.

(3) In the event of any vacancy in the office of any other elected officer (other than a vacancy caused by his retirement at the expiration of his term of office) the committee may temporarily appoint to such office some person qualified to hold the same; and the person so appointed may continue in office until immediately before the next annual general meeting aforesaid.

Service of
notices.
No. 5300 s. 60.

60. Any notice to any officer or member of or contributor to any incorporated institution which by the by-laws of such institution is required to be given may be served by delivering it to the person on whom it is to be served within such time, or by sending it by post in a prepaid letter addressed to him at his usual or last-known place of abode in such time, as to admit of delivery in the due course of post within such time (if any) as is prescribed by the by-laws of such institution or (where the notice relates to any meeting or election) at least seven days before the meeting or election.

Chairman.
No. 5300 s. 61.

61. (1) At the first meeting of the contributors of any incorporated institution and in the event of the absence of the president or vice-president at any subsequent meeting the contributors present may choose their own chairman.

Casting vote.

(2) Such chairman or the president or vice-president (as the case may be) at any meeting of contributors shall have a deliberative vote and in the event of there being an equality of votes on any question shall have a casting vote also.

By-laws.

Matters
as to which
committee of
incorporated
institution may
make by-laws.
No. 5300 s. 62.

62. (1) The committee of any incorporated institution may, and when so directed by the Commission shall, make by-laws for or with respect to—

- (a) the regulation of the proceedings of the committee and of meetings of members of the institution;
- (b) the appointment of life members or life governors;
- (c) the conduct of polls in accordance with a system of preferential voting as set out in the model by-laws prepared by the Commission;

- (d) fixing the number of votes of contributors;
- (e) determining the validity of disputed elections;
- (f) ordinary or special general meetings of contributors;
- (g) filling casual vacancies in the committee or in the office of president vice-president or treasurer and the appointment tenure of office and removal of president vice-president or treasurer;
- (h) the election or appointment and tenure of office and the removal of medical officers;
- (i) the appointment tenure of office and removal of other officers;
- (j) generally, all matters whatsoever affecting the management of the institution.

(2) No such by-law shall enable any contributor to exercise more than three votes. Limitation.

(3) A by-law—

- (a) shall not be of any force or effect until it has been approved by the Commission; and
- (b) subject to the foregoing provisions of this sub-section shall come into operation on a date specified in the by-law.

Conditions
and date of
operation of
by-law.

(4) A proposed by-law shall not be submitted to the Commission for approval unless a copy thereof has first been posted and kept posted for at least one calendar month in a conspicuous position both inside and outside the office of the institution.

(5) Without prejudice to the power of the committee to rescind revoke amend or vary any by-law the Governor in Council may at any time by Order published in the *Government Gazette* revoke any such by-law, and the revocation shall take effect from the date of such publication. Revocation.

(6) The Commission shall prepare model by-laws as a basis for by-laws for all incorporated institutions. Model
by-laws.

63. (1) If any contributor to an incorporated institution desires to dispute the validity of any such by-law and pays into the Supreme Court the sum of Fifteen pounds as security for the costs of the proceedings such contributor may apply to the said court upon an affidavit of the facts for a rule calling upon the corporation to show cause why such by-law should not be quashed for the illegality thereof. Testing
legality of
by-laws.
No. 5300 a. 63.

(2) The court may make the same absolute or discharge it with or without payment of costs as to the court seems fit.

DIVISION 2.—PHILANTHROPIC SOCIETIES OR ASSOCIATIONS.

Power to incorporate certain societies or associations.
No. 5300 s. 64.

64. (1) Any society or association of persons formed or to be formed having for its object the saving of human life, the promotion of health temperance or morality, the prevention of cruelty or vice, or other cognate objects of a philanthropic or humane nature, shall subject to the requirements as to voluntary contributors contained in Division one of this Part as to institutions capable of incorporation thereunder be capable of incorporation under this Part and may be incorporated accordingly.

Government thereof.

(2) Notwithstanding anything in Division one of this Part as to the number of members of or the constitution of the committee of any institution incorporated pursuant to the provisions of that Division any society or association incorporated pursuant to this Division may be governed by a committee or court or board of directors or governing body, under such style or name and with such constitution as is determined by the majority of the votes of the contributors for the time being to such society or association present at a general meeting convened by the secretary; and save as aforesaid every such incorporated society or association (so far as may be) shall be subject to the provisions of Division one of this Part which provisions shall so far as applicable and with such modifications or substitutions as are necessary extend and apply with respect to the same accordingly.

DIVISION 3.—DEALING WITH LANDS.

Power to sell or exchange land in special circumstances.
No. 5300 s. 65.

65. (1) Any institution society or association incorporated under or capable of incorporation under this Part may with the consent of the Governor in Council (after inquiry and report by the Commission) sell or exchange land belonging to it (but not any land granted reserved or set apart by the Crown for the purposes of the institution) freed and discharged from any trusts affecting the same although such sale or exchange is not expressly authorized by the trust on which the land is held.

Authorization and directions by Governor in Council in certain circumstances.

(2) The Governor in Council if satisfied that in the special circumstances a sale or exchange of the said land can be effected on such terms as to increase the income of the institution society or association or would otherwise be advantageous to the institution society or association may by Order published in the *Government Gazette* authorize the sale or exchange and give such directions in relation thereto and for securing the investment of the money arising from such sale or by way of equality of exchange, or otherwise as to the application of such money for the benefit of the institution society or association, as the Governor in Council thinks fit.

66. (1) Subject to the provisions of sub-section (2) of this section any such institution society or association may (after inquiry and report by the Commission) grant a lease of any such land as aforesaid belonging to it although such lease may not be expressly authorized or permitted by the trust on which the land is held or (notwithstanding anything in the *Land Act 1958* or in any Crown grant) of any land granted by the Crown for the purposes of such institution society or association:

Power to lease.
No. 5300 s. 66.

Provided that—

- (a) every such lease is to take effect within one year after the making thereof;
- (b) the consideration therefor does not consist (in whole or in part) of any fine; and
- (c) the term thereof does not exceed twenty-one years.

(2) The Governor in Council if satisfied that the granting of such lease would be beneficial to such institution society or association may by Order published in the *Government Gazette* approve the same.

Approval.

67. If it appears to a majority of the committee of any such institution society or association that it would be for the benefit of the institution society or association—

Power to Commission to sanction buildings roads and other alterations and improvements.
No. 5300 s. 67.

- (a) that any new road or street should be formed or laid out or any drains or sewers made over or through any part of such land as aforesaid belonging to it; or
- (b) that any new building should be erected; or
- (c) that any existing building should be repaired altered rebuilt or removed; or
- (d) that any other improvements or alterations in the state or condition of the land of such institution society or association should be made—

the Commission, if satisfied that the work proposed to be done would assist the institution society or association in carrying into effect the objects for which it is incorporated or registered, may—

- (i) give such direction in relation to any such work as the Commission thinks fit although such work is not authorized or permitted by the trust on which the land is held; and
- (ii) authorize the application towards any such work of any moneys or funds belonging to the institution society or association—

and the Governor in Council after report by the Commission may authorize the institution society or association to raise any sum of money by mortgage of all or any part of such land or by the issue of debentures (upon such terms as are approved by the Governor in Council) secured on the revenue of the institution society or association.

Applications to be with authority of majority of committee.
No. 5300 s. 68.

68. (1) Every application to the Governor in Council for any of the purposes aforesaid shall be made with the authority of a majority of the members of the committee of the institution society or association.

Effect of authorized sales &c. of lands.

(2) The sales exchanges leases mortgages and other transactions authorized by the Governor in Council under the powers aforesaid shall have the same effect and validity as if they had been authorized by the express terms of the trust affecting the institution society or association.

Classes of land in respect of which authority to sell &c. is not required.

(3) It shall not be necessary to obtain the authority of the Governor in Council to any sale exchange lease or mortgage of or other transaction with respect to any land which has been given to the institution society or association for its general purposes or purchased by it with moneys given to it for its general purposes if—

- (a) such land or moneys may lawfully be applied by it as income consistently with the terms of the gift; and
- (b) such land in the opinion of the Commission is not required and is not likely to be required for the purposes of the institution society or association.

PART V.—LIABILITY OF PATIENTS.

Application of Part.
No. 5300 s. 69;
No. 5358 s. 4,
No. 5986 s. 2.

69. (1) The provisions of this Part shall apply with respect to registered institutions only, but shall not apply with respect to any hospital or part of a hospital in respect of which the maintenance expenditure by the State is subject to an agreement under the Commonwealth Act known as the *Tuberculosis Act* 1948 or any amendment thereof nor with respect to any infectious diseases ward of the Queen's Memorial Infectious Diseases Hospital at Fairfield or any ward or wing of any other hospital which is used for the accommodation maintenance and treatment of persons suffering from a notifiable infectious disease within the meaning of the *Health Act* 1958.

(2) Nothing in this Part shall affect any agreement for the payment of any fees or charges for accommodation or nursing medical or surgical treatment attendance or care in any private or intermediate ward wing or part of any institution or the recovery of any such fees or charges.

Liability of patients.
No. 5300 s. 70;
No. 5986 s. 3
(1).

70. (1) Subject to the provisions of section twenty-seven of the *Venereal Diseases Act* 1958 every in-patient and out-patient who is admitted into or maintained by or receives relief from

any registered institution shall in respect thereof be liable to contribute towards the funds of the institution such sum not exceeding—

- (a) in the case of any patient who is not an in-patient in a public bed in a public ward in a public hospital—the actual cost of such maintenance or relief;
- (b) in the case of any patient who is an in-patient in a public bed in a public ward in a public hospital—a sum calculated at the rate for the time being prescribed by or under section five of the *Hospital Benefits Act 1958*—

as the committee demands having regard to the patient's income and property (other than the patient's home in such circumstances and other property to such value as the Governor in Council by Order published in the *Government Gazette* from time to time appoints) and (if the case so requires) the income and property aforesaid of any parent guardian or spouse of the patient.

(2) Such sum shall be a debt due by such person and may be recovered from him or her or after his or her death from his or her executors or administrators in a court of petty sessions as a civil debt recoverable summarily; and where such person is an infant such sum may be recovered from his or her parent or guardian and where such person is a married woman co-habiting with her husband such sum may be recovered from her husband and where such person is a married man co-habiting with his wife such sum may be recovered from his wife.

(3) A written statement of the amount so due purporting to be signed by the secretary of any such institution shall be *prima facie* evidence of such amount being due.

(4) In addition to the amount so due such person shall if he or she obtained admission to such institution or was retained therein in consequence of any false statement made by him or her regarding his or her circumstances be liable to pay to the institution a sum of not more than Twenty pounds recoverable in a court of petty sessions as a civil debt recoverable summarily.

Additional liability where false statement of circumstances.

(5) The committee of any institution shall have absolute discretionary power to remit or postpone payment of all or any sums of money due to the institution under the provisions of this section or any corresponding previous enactment.

Remission &c.

(6) No destitute person shall be refused the benefits of any subsidized institution by reason only of inability to pay therefor.

Destitute persons.

Patients &c.
to answer
questions
and furnish
particulars
of property
owned &c.

(7) Every person desiring to be admitted into or maintained by or receive relief from any institution and (if the case so requires) the parent guardian husband or wife of such person shall when so required by the secretary or other officer of such institution—

- (a) answer in full all questions put to him or her with respect to his or her means and ability to contribute towards the funds of such institution;
- (b) when such questions and answers have been reduced to writing, sign his or her name at the foot thereof; and
- (c) furnish particulars in writing of all property then owned and income received during the preceding twelve months by him or her.

Penalties.

(8) Any person who—

- (a) refuses to answer in full any such question; or
- (b) gives a false answer thereto; or
- (c) refuses to sign his or her name as herein required; or
- (d) refuses to furnish such particulars or furnishes any false particulars—

shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Twenty pounds.

Where patient
entitled to
property
summons may
be issued.
No. 5300 s. 71.

71. (1) Upon complaint in writing of the secretary of any registered institution that any person who is maintained by or who is in receipt of relief from such institution is entitled to any real or personal property any justice may issue a summons to any person having possession or control of such property to appear before any court of petty sessions to show cause why the same or a sufficient part thereof (and in the case of personal property whether consisting of capital interest or annuity or of any pension or superannuation allowance from the Crown) should not be made available for the payment of the amount due for such maintenance or relief.

Order for
payment to
institution.

(2) The court—

- (a) shall whether such person is present or not inquire into the matter of the said complaint;
- (b) may in its discretion by order direct that the amount so due be paid by such person out of such personal property as is under his control; and
- (c) in default of payment by him may order that the said amount be recovered by the attachment seizure and sale of such personal property or by the receipt by the secretary of the institution to which the same is due of the rents and profits of real property to which such person is so entitled.

72. (1) A court of petty sessions may at any time direct that a specified portion of the pay half-pay salary wages annuity emolument pension or superannuation allowance of any person against whom an order has been made under this Act be paid to the secretary to be applied by him in payment of the amount payable by such person under any such order.

Pensions
salary &c.
Usable.
No. 5300 s. 72.

(2) On any order directing any such payment being served on any officer or person appointed or authorized to make such payment any such pay half-pay salary wages annuity emolument pension or superannuation allowance or such portion thereof as is specified in such order shall be paid to such secretary until the same or some other court of petty sessions otherwise orders which order either of such courts is hereby authorized to make on due cause being shown.

73. Any payment made under the provisions of this Part by any trustee or guardian or by any executor or administrator of the estate of any deceased person for and on behalf of any patient being an infant shall be deemed to be a payment binding upon such infant and any such trustee guardian executor or administrator making such payment shall not thereafter be accountable to any person whomsoever for or on account thereof.

Payment by
executors &c.
on behalf of
infant.
No. 5300 s. 73.

74. All orders made in pursuance of this Part may be enforced and payments of the amounts thereunder may be recovered in any court of petty sessions; but no such order shall be made in pursuance of this Part in any case in which the court is satisfied that in the circumstances such an order would be unreasonable having regard to the income and property (other than a home in such circumstances and other property to such value as the Governor in Council by Order published in the *Government Gazette* from time to time appoints for the purposes of sub-section (1) of section seventy of this Act) of the patient and (if the case so requires) the income and property aforesaid of any parent guardian or spouse of the patient.

Proceedings.
No. 5300 s. 74;
No. 5986
s. 3(2).

PART VI.—RESUMPTION OF LAND FOR INSTITUTIONS.

75. Where the Minister (after inquiry and report by the Commission) is satisfied that it is necessary or desirable that for the purposes of any institution any lands should be resumed as hereinafter provided the Minister may under his hand certify the same to the Governor in Council specifying the lands proposed to be resumed and the purposes for which they are required.

Preliminary
certificate of
Minister.
No. 5300 s. 75.

76. When any such certificate has been approved by the Governor in Council and has lain on the table of the Legislative Council and of the Legislative Assembly for a period of thirty days it shall be lawful for the Board of Land and Works its successors

Authority to
enter.
No. 5300 s. 76.

deputies agents and workmen and all other persons by them authorized to enter into and upon such lands and to take possession and appropriate the same for the purposes mentioned in such certificate in manner provided for the resumption of land by the *Lands Compensation Act 1958* and subject to all the conditions imposed by the said Act.

Board of Land and Works out of moneys provided by institution to make satisfaction for land taken.
No. 5300 s. 77.

77. (1) Full satisfaction shall be made by the Board of Land and Works (out of any moneys to be provided for the purpose by the institution concerned before any certificate under this Part is approved by the Governor in Council) in manner provided by the *Lands Compensation Act 1958* to all persons interested in any such lands so taken.

(2) In the construction of the *Lands Compensation Act 1958* for the purposes of this Part—

- (a) the expression "Special Act" shall mean this Part; and
- (b) the expressions "the works or undertaking" and "the execution of the works" shall mean the taking by the Board of Land and Works of any lands taken under the authority of this Part.

Divesting of land and vesting in the Crown.
No. 5300 s. 78.

78. Notwithstanding anything in any Act or any Crown grant conveyance or other document or any trust after any of the said lands has been taken by the Board of Land and Works for the purposes of this Part—

- (a) such land so far as it is vested in any person shall cease to be so vested;
- (b) all the estate and interest of any person whomsoever in such land shall cease and determine; and
- (c) by virtue only of this Act and without any conveyance or transfer such land shall be vested in Her Majesty freed and discharged from any trusts charges limitations and restrictions whatsoever and shall be and be deemed to be and may be dealt with as unalienated land of the Crown.

Indorsements on enrolments of record &c. and memorials and cancellation of Crown grants &c.
No. 5300 s. 79.

79. After such land has been taken in accordance with this Part—

- (a) if such land is not under the *Transfer of Land Act 1958*—the Registrar-General upon receipt of a notice from the Board of Land and Works that such land has been so taken is hereby authorized and directed to indorse upon the enrolment of record of the Crown grant of such land and upon any memorial registered in the Office of the Registrar-General notification that the land therein mentioned has become vested in Her Majesty by virtue of this Part; and

- (b) if such land is under the *Transfer of Land Act 1958*—the Registrar of Titles upon receipt of a notice from the Board of Land and Works that such land has been so taken is hereby authorized and directed to cancel in such manner as the Registrar of Titles directs the Crown grant of the said land or any certificate of title issued in lieu thereof and the enrolment of record thereof in the Office of Titles and duplicate of the said grant or certificate if procurable.

80. Any land vested in Her Majesty pursuant to this Part may in accordance with the *Land Act 1958* be reserved and upon such terms (if any) and subject to such covenants conditions exceptions and reservations as the Governor in Council thinks fit be vested by the Governor in Council in the institution aforesaid for the purposes thereof and not otherwise.

Power to reserve and grant land resumed for purposes of the institution.
No. 5300 s. 80.

81. The provisions of this Part shall extend and apply so as to authorize the resumption under and in accordance with this Part of lands to be used for or in connexion with any hospital within the meaning of this Act which is to be erected or established thereon by any institution which is or is proposed to be registered or incorporated under this Act.

Extended application of Part.
No. 5300 s. 81.

PART VII.—GENERAL.

82. (1) The Commission may at any time make or cause to be made such inquiries as it thinks fit as to any matter arising in the performance of any of the duties imposed or in the exercise of any of the powers conferred upon it.

Matters with respect to which inquiries may be made.
No. 5300 s. 82.

(2) For the purposes of this Act the Commission shall have all the powers conferred by sections fourteen to sixteen of the *Evidence Act 1958* upon a board appointed by the Governor in Council.

Power of Commission as to inquiries.

(3) For the purposes of any inquiry under this Act the committee or managers and the officers of any institution or benevolent society shall permit the Commission to have access to all books plans maps records documents and things belonging to or in the possession or control of the institution or benevolent society.

Duties of committees of institutions &c. as to inquiries.

(4) At every inquiry by the Commission under this Act where evidence is to be received and examined on oath or where any formal charge against the committee managers or officers of any institution or benevolent society or any of them is to be investigated the committee managers or officers affected shall be entitled to be represented by counsel or by some person authorized in writing in that behalf.

Appearance by counsel &c.

Evidence as to who is secretary or treasurer of institution &c.
No. 5300 s. 83.

83. A certificate purporting to be signed by any two members of the committee or managers of an institution or benevolent society certifying that any person named in such certificate is the secretary or treasurer (as the case may be) of such institution or benevolent society shall for all purposes of this Act be *prima facie* evidence of such fact.

Documents signed by chairman to be received as evidence.
No. 5300 s. 84.

84. (1) (a) All documents whatever purporting to be issued or written by or under the direction of the Commission and purporting to be signed by the chairman of the Commission shall be received as evidence in all courts and by all persons having by law or by consent of parties authority to hear receive and examine evidence and shall be deemed to be issued or written by or under the direction of the Commission without further proof unless the contrary is shown.

(b) The word "documents" in this sub-section includes all regulations orders directions and notices.

Judicial notice of signature of chairman.

(2) All courts and all persons having by law or by consent of parties authority to hear receive and examine evidence shall take judicial notice of the signature of every person who is or has been chairman of the Commission.

Accounts of receipts and disbursements by subsidized institutions to be kept.
No. 5300 s. 85.

85. (1) The committee or managers of every subsidized institution shall cause true and regular accounts to be kept of all moneys received and paid by such institution and of the several purposes for which such moneys have been received and paid.

Special audit.

(2) The Auditor-General may at any time conduct a special audit of the accounts of any subsidized institution and shall have with respect to such accounts all the powers conferred on him with respect to the audit of public accounts.

Costs of audit.

(3) The costs and expenses of every such audit shall be paid out of the Consolidated Revenue which is hereby to the necessary extent appropriated accordingly.

Restrictions on certain means of raising money for institutions &c.
No. 5300 s. 86.

86. (1) Save with the previous consent in writing of the Commission and in accordance with such conditions (if any) as are imposed by the Commission it shall not be lawful for—

(a) the committee or managers of any institution or benevolent society; or

(b) any person or body of persons whomsoever—

to make or authorize the making of any public appeal for subscriptions or contributions to any institution or benevolent society :

Provided that it shall not be necessary to obtain the previous consent of the Commission to the publishing in a newspaper or the broadcasting by a broadcasting station of any public appeal for funds to provide gifts or entertainments for patients in any institution or other appeals of a like nature so published.

(2) No person or body of persons shall hold conduct or authorize any race meeting sports meeting theatrical performance bazaar carnival fete or entertainment (whether or not of the like nature to the foregoing) or other methods for raising money for any institution or benevolent society without the previous consent of the committee thereof.

(3) Where any consent aforesaid has been given by the Commission or by the committee of any institution or benevolent society it shall not be lawful for any person to collect or hold himself out as willing to receive subscriptions contributions or other moneys for or towards the purpose for which the consent was given—

- (a) unless he is authorized in writing in that behalf by the committee or managers or person or body of persons to whom such consent was given; or
- (b) otherwise than in accordance with such authority.

Provisions as to collections of subscriptions and contributions for and payment of moneys raised for institutions or benevolent societies and financial statements relating thereto.

(4) Any person or body of persons (other than the committee or managers of any institution or benevolent society) who or which in any financial year—

- (a) makes or authorizes the making of any general public appeal for subscriptions or contributions to any institution or benevolent society; or
- (b) raises money by any of the methods aforesaid for any institution or benevolent society—

shall on or before the twenty-first day after the closing of such appeal or the raising of such money (as the case may be) or on the thirtieth day of June in that financial year (whichever day is the earlier) pay to the committee or managers of the institution or benevolent society the net amount of money received as the result of such appeal or of money raised as aforesaid and furnish to such committee or managers a detailed statement correctly setting out all receipts and expenditure in connexion with such appeal or raising of money.

(5) Every person being a member of any such committee or being one of such managers or one of any such body of persons who and every other person who contravenes or fails to comply with the provisions of this section or with any conditions imposed by the Commission hereunder shall be liable to a penalty of not more than Twenty pounds.

Penalty.

Restrictions on collections &c. for or towards establishment of institutions or benevolent societies.
No. 5300 a. 87.

87. (1) No person shall by way of public appeal—

- (a) collect or attempt to collect any money or goods;
- (b) by the sale of any button disc badge token flower or other device obtain or attempt to obtain money; or
- (c) by conducting or selling any ticket or token for admission to, or otherwise in connexion with, any entertainment obtain or attempt to obtain money or goods—

for or towards the purpose or the alleged purpose of the establishment of any institution or benevolent society—

(i) unless he is—

the holder of an unrevoked and unexpired authority granted by the Commission under this section in that behalf; or

a member of the committee or other governing body of a society or association which is the holder of such an authority; or

empowered in writing to do so by a person society or association who or which is the holder of such an authority; or

(ii) otherwise than in accordance with such authority.

(2) Any person guilty of any contravention of or failure to comply with the provisions of the last preceding sub-section shall be liable to a penalty of not more than Twenty pounds.

(3) Every application for an authority under this section shall be made to the Commission, and the Commission may grant an authority thereon in such terms and subject to such conditions as the Commission thinks proper or may refuse to grant an authority and may revoke any authority so granted.

(4) Every person society or association to whom or to which an authority is granted as aforesaid shall at any time when so required by the Commission submit to the Commission a statement—

(a) setting out all money and goods collected or obtained for or towards the purpose aforesaid and the manner in which the same have been dealt with; and

(b) certified as correct by statutory declaration made by such person or by the chairman and also by the secretary or treasurer of the society or association.

(5) (a) Every person society or association who or which contravenes or fails to comply with the provisions of the last preceding sub-section shall be liable to a penalty of not more than Twenty pounds.

(b) When a society or association is liable to any such penalty every member of the committee or governing body thereof or (if there is no committee or governing body thereof) every member of the society or association shall be severally liable to the penalty unless he satisfies the Court that the offence was committed without his knowledge or without his consent.

88. (1) Any person or body of persons who or which—

- (a) makes any public appeal for subscriptions or contributions to or for any charitable object; or
- (b) holds conducts or authorizes any race meeting sports meeting theatrical performance bazaar carnival fete or entertainment (whether or not of a like nature to the foregoing) or other methods for raising money for any charitable object—

Persons or body of persons making public appeals or raising money for charitable objects to furnish statements of receipts and expenditure to Commission upon request.
No. 5300 s. 88.

shall within fourteen days after a request in that behalf by the Commission furnish the Commission with a detailed statement correctly setting out all receipts and expenditure in connexion therewith up to the time when such request is made by the Commission.

(2) If any person or body of persons contravenes or fails to comply with the provisions of the last preceding sub-section such persons and each of the members of such body shall be liable to a penalty of not more than Twenty pounds.

Penalty.

(3) Nothing in this section shall apply to—

Saving.

- (a) any public appeal made or the raising of money for any registered institution or registered benevolent society or any institution or society exempted from the operation of this Act; or
- (b) the collecting or obtaining of money or goods for or towards the establishment of any institution or benevolent society.

89. Subject to this Act all moneys and funds of any subsidized institution or subsidized benevolent society which are not immediately required to be expended for the purposes of such institution or society shall be placed in investments authorized by the law for the time being in force for the investment of trust funds or upon deposit with a bank.

Investment of funds by subsidized institutions and societies.
No. 5300 s. 89.

90. Nothing in this Act shall prevent any institution which is or which it is intended shall be financed in whole or in part from Government funds from making use of the services of any architect it chooses or, if it so desires, of the Architects' Branch of the Public Works Department.

Employment of architects by subsidized institutions.
No. 5300 s. 90.

Penalty for
obstruction.
No. 5300 s. 91.

91. Every person who obstructs or hinders the Commission or any member or officer thereof in the performance of any duty imposed or the exercise of any power conferred by this Act for the purposes of any inquiry investigation inspection or report shall be liable to a penalty of not more than Ten pounds and to a further penalty of not more than Five pounds for each day on which the offence is continued after conviction.

Unqualified
person not to
compound
medicines &c.
for use in
hospitals.
No. 5300 s. 92.

92. No person other than a registered pharmaceutical chemist or where the services of such a chemist are not available a duly qualified medical practitioner shall compound any medicine or drug for use in any hospital whatsoever (whether or not a hospital within the meaning of this Act). Every person who acts in contravention of this section shall be punishable as for an offence under section one hundred and fifteen of the *Medical Act 1958*.

Power to
Governor in
Council to
make
regulations.
No. 5300 s. 93.

93. (1) The Governor in Council may make regulations for or with respect to—

- (a) the particulars to be shown in returns to be furnished to the Commission by subsidized institutions or benevolent societies;
- (b) the establishment or registration of institutions or benevolent societies and the cancellation of such registration;
- (c) any conditions for the payment to subsidized institutions or benevolent societies of any sums out of the Fund;
- (d) the conditions and restrictions for the reception and boarding out of patients of subsidized institutions or for the temporary detention of patients in refractory wards for such periods not exceeding forty-eight hours as on the written application of a medical officer of an institution may be ordered in writing by a justice in order to prevent such patients from injuring themselves or others or from persistently destroying property;
- (e) any purposes (other than those expressly provided for in this Act) to which the Fund may be applied;
- (f) any matters (other than those expressly provided for in this Act) to be considered by the Commission in making any recommendation as to what sums shall be paid to subsidized institutions or benevolent societies out of the Fund;
- (g) prescribing—
 - (i) scales of fees or charges for accommodation nursing attendance or care in any private or intermediate ward wing or part of any institution;

- (ii) maximum fees chargeable by any medical practitioner for services rendered to any patient accommodated in any intermediate ward wing or part of any institution;
- (h) forms of books of accounts to be used by subsidized institutions and benevolent societies and any other forms to be used under this Act; and any forms so prescribed or to the like effect varied as the circumstances require shall be sufficient in law;
- (i) conditions for the incorporation of hospitals asylums institutions societies or associations under this Act;
- (j) the furnishing and compilation of statistical information for the purposes of this Act;
- (k) any matters required or permitted by this Act to be prescribed; and
- (l) generally, any matters or things necessary or expedient to be prescribed for carrying out the provisions of this Act.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament; and a copy thereof shall be posted to each Member of Parliament. Publication.

(3) Where the by-laws or rules of management of any institution or benevolent society are inconsistent with or repugnant to any regulation made under this section such by-laws or rules whether made in pursuance of any Act or not shall to the extent of such inconsistency or repugnancy have no force or effect whatever. Repugnancy to regulations of by-laws or rules &c. of institution.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Number of Act.	Title of Act.	Extent of Repeal.
5300 ..	<i>Hospitals and Charities Act 1948</i> ..	So much as is not already or otherwise repealed.
5986 ..	<i>Hospitals and Charities (Liability of Patients) Act 1956</i>	The whole.
6035 ..	<i>Nurses Act 1956</i>	Clauses 2 and 3 of Part II. of Schedule.

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SECOND SCHEDULE.

INCORPORATED INSTITUTIONS.

1. After Care Hospital.
2. Airlie Maternity Hospital.
3. Alexander.
4. Alexandra District Hospital.
5. Alfred Hospital.
6. Apollo Bay and District Memorial Hospital.
7. Ararat and District Hospital.
8. Association for Advancement of the Blind.
9. Austin Hospital—Heidelberg.
10. Bairnsdale District Hospital.
11. Bacchus Marsh and District War Memorial Hospital.
12. Ballarat and District Base Hospital Incorporated.
13. Ballarat Orphanage.
14. Beaufort District Hospital.
15. Benalla and District Memorial Hospital.
16. The Bendigo and Northern District Base Hospital.
17. Bendigo Benevolent Home.
18. Bethany Babies Home, Geelong.
19. Box Hill and District Hospital.
20. Burwood Boys' Home.
21. The Camperdown District Hospital.
22. Casterton Memorial Hospital.
23. Castlemaine District Community Hospital.
24. Claremont Home for the Aged, South Melbourne.
25. The Clunes District Hospital.
26. Cobram District Hospital.
27. Cohuna District Hospital.
28. Colac District Hospital.
29. Colac and District Eventide Hostel.
30. Corryong District Hospital.
31. The Creswick District Hospital.
32. Dandenong and District Hospital.
33. Daylesford District Hospital.
34. The Dental Hospital of Melbourne.
35. Donald District Hospital.
36. The Dunolly District Hospital.
37. Echuca District Hospital Incorporated.
38. Edenhope District Hospital.
39. The Elizabeth Fry Retreat.
40. Footscray and District Hospital.
41. Foundling Hospital and Infants' Home.
42. Frankston Community Hospital.
43. Geelong and District Hospital. (Kitchener Memorial).
44. Geelong and Western District Ladies' Benevolent Association.
45. Geelong and Western District Protestant Orphanage.
46. Gippsland Benevolent Home.
47. The Gippsland Hospital.
48. Gladeswood Home.
49. Glenelg Base Hospital.
50. Gordon Institute for Boys.
51. Healesville and District Hospital.
52. Heathcote District Hospital.
53. The Inglewood Hospital.
54. Kaniva District Hospital.
55. Kerang and District Hospital.
56. The Kilmore Hospital.
57. Koroit and District Memorial Hospital.
58. Kyneton District Hospital.
59. Lyndoch.
60. Maffra District Hospital.
61. Maldon Hospital.
62. Manangatang and District Hospital.
63. Mansfield District Hospital.
64. Maryborough and District Hospital.
65. Melbourne City Mission Incorporated.

SECOND SCHEDULE—*continued.*

66. The Melbourne Convalescents' Home for Men.
67. Melbourne Convalescent Home for Women.
68. Melbourne Ladies Benevolent Society.
69. Melbourne Orphanage.
70. Melbourne Home and Hospital for the Aged.
71. The Menzies Home for Boys.
72. Mildura Base Hospital.
73. Mooroopna and District Base Hospital.
74. Mordialloc-Cheltenham Community Hospital.
75. The Mortlake District Hospital.
76. Mount Royal.
77. The Nhill Hospital.
78. Norah Cosgrove Terang and District Community Hospital.
79. Numurkah and District War Memorial Hospital.
80. Oakleigh District Community Hospital.
81. Omeo District Hospital.
82. Orbost and District Hospital.
83. Ouyen and District Hospital.
84. Ovens and Murray Home.
85. Ovens District Hospital.
86. Port Fairy Hospital.
87. Portland and District Hospital.
88. Preston and Northcote Community Hospital.
89. Prince Henry's Hospital.
90. The Queen Elizabeth Home.
91. The Queen Victoria Memorial Hospital.
92. Robinvale and District Hospital.
93. Rochester and District War Memorial Hospital.
94. Royal Children's Hospital.
95. Royal Melbourne Hospital.
96. Royal Talbot Colony for Epileptics (subject to section 7 of this Act).
97. Royal Victorian Institute for the Blind.
98. The Royal Women's Hospital.
99. Rutherglen District Hospital.
100. Seymour Soldiers' Memorial Hospital.
101. South Gippsland Hospital.
102. Southern Memorial Hospital.
103. Southern Peninsula Hospital.
104. Springvale and District Community Hospital.
105. Stawell District Hospital.
106. St. Arnaud District Hospital.
107. St. George's Hospital.
108. Swan Hill District Hospital.
109. Tallangatta Hospital.
110. Tawonga District General Hospital.
111. Timboon and District Hospital.
112. Traralgon and District Hospital.
113. The Upper Goulburn District Hospital.
114. Victorian Children's Aid Society.
115. The Victorian Eye and Ear Hospital.
116. Victorian School for Deaf Children.
117. Wangaratta District Base Hospital.
118. Werribee District Hospital Society.
119. The Warrnambool and District Base Hospital.
120. The Warracknabeal District Hospital.
121. West Gippsland Hospital.
122. Westernport Memorial Hospital.
123. William Angliss Hospital.
124. Williamstown and District General Hospital.
125. Wimmera Base Hospital.
126. Wodonga District Hospital.
127. Wonthaggi and District Hospital.
128. Woorayl District Memorial Hospital.
129. The Wycheproof Hospital.
130. Yarram and District Hospital.
131. Yarrawonga District Hospital.
132. Yea and District Hospital.
133. Yooralla Hospital for Crippled Children.

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THIRD SCHEDULE.

SEPARATE INSTITUTIONS^(a).

1. Abbotsford Female Refuge, or Magdalen Asylum.
2. Caritas Christi Hospice for the Dying.
3. The Grey Sisters' Mother and Child Care Centre.
4. House of Mercy, Cheltenham.
5. Melbourne Jewish Philanthropic Society.
6. St. Augustine's Orphanage and Industrial School.
7. St. Catherine's Girls' Orphanage, Geelong.
8. St. Joseph's Receiving Home (Carlton).
9. St. Vincent's Hospital.
10. St. Vincent de Paul's Boys' Orphanage.
11. St. Vincent de Paul's Girls' Orphanage.
12. Salvation Army (Abbotsford Prison Gate Home and Brunswick Rescue Home).
13. St. Joseph's Foundling Hospital, Broadmeadows.

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FOURTH SCHEDULE.

The municipalities of:—Box Hill, Braybrook, Brighton, Broadmeadows, Brunswick, Camberwell, Caulfield, Coburg, Collingwood, Dandenong, Doncaster and Templestowe, Eltham, Essendon, Fitzroy, Footscray, Hawthorn, Heidelberg, Kew, Malvern, Melbourne, Mordialloc, Moorabbin, Mulgrave, Northcote, Nunawading, Oakleigh, Port Melbourne, Prahran, Preston, Richmond, Ringwood, Sandringham, South Melbourne, St. Kilda, and Williamstown.

^(a) As to Fairfield Hospital, see definition of "Institution" in section three, and subdivision 1 of Division one of Part X. of the *Health Act 1958*.

END OF THIRD VOLUME.