

First print



New South Wales

Walker Trusts Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to permit the use of the Dame Eadith Walker Convalescent Hospital for Men for public health services for any person, to rename the hospital the Dame Eadith Walker Hospital, to validate its previous use for purposes associated with renal dialysis in respect of any person and to enable parts of the hospital lands to be leased or licensed.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Walker Trusts Act 1938*.

Schedule 1 Amendments

Schedule 1 [1] renames the Dame Eadith Walker Convalescent Hospital for Men the Dame Eadith Walker Hospital and removes the limitation on the use of that Hospital to enable it to be used for the provision of public health services for any person.

Schedule 1 [2] inserts proposed sections 19B and 19C.

Proposed section 19B enables land under the Principal Act to be leased or licensed, if directed by the Minister for Health. A direction may be given only if the Minister is satisfied that the lease or licence will not detrimentally affect the Dame Eadith Walker Hospital or the Thomas Walker Convalescent Hospital.

Proposed section 19C validates the Central Sydney Area Health Service's use of that Hospital for renal dialysis and ancillary purposes in respect of any person. It also validates the distribution of money for those purposes by the trustees of the will and codicil of Thomas Walker.

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New South Wales

Walker Trusts Amendment Bill 1997

No , 1997

A Bill for

An Act to amend the *Walker Trusts Act 1938* with respect to the use and funding of the Dame Eadith Walker Convalescent Hospital for Men; to enable the lease or licensing of certain land; to validate certain matters; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Walker Trusts Amendment Act 1997*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation. 5

3 Amendment of Walker Trusts Act 1938 No 31

The *Walker Trusts Act 1938* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 9A

Insert after section 9:

9A Dame Eadith Walker Hospital

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- (1) On the commencement of this section:
 - (a) the Dame Eadith Walker Convalescent Hospital for Men is renamed the Dame Eadith Walker Hospital, and
 - (b) a reference in any Act or instrument to the Dame Eadith Walker Convalescent Hospital for Men is to be construed as a reference to the Dame Eadith Walker Hospital. 10
- (2) Despite the other provisions of this Act, the Dame Eadith Walker Hospital may be used for the purpose of the provision of public health services for any person. 15

[2] Sections 19B and 19C

Insert after section 19A:

19B Lease or licence of trust land

- (1) The Central Sydney Area Health Service, as trustee of land vested in the Crown by this Act and dedicated for the purposes of the Dame Eadith Walker Hospital, or any successor as trustee, must lease, or grant a licence of, part of that land, if directed to do so by the Minister. 20
- (2) The Foundation must lease, or grant a licence of, part of land vested in the Foundation by section 18A, if directed to do so by the Minister. 25
- (3) The lease or licence may be granted for such purposes as the Minister directs.

- (4) The Minister must not give a direction under this section unless the Minister is of the opinion that the lease or licence will not detrimentally affect the administration of, or the care of patients of, the Dame Eadith Walker Hospital or the Thomas Walker Convalescent Hospital. 5
- (5) The Central Sydney Area Health Service, any successor as trustee, and the Foundation have power to grant a lease or licence under this section, despite any other provision of this or any other Act or any trust affecting the land concerned. 10

19C Validation

- (1) The Central Sydney Area Health Service has, and is taken always to have had, power to agree to, and to allow, the Dame Eadith Walker Convalescent Hospital for Men to be used, in respect of any person, for the purpose of renal dialysis and ancillary purposes. 15
- (2) The trustee of the will and codicil of Thomas Walker deceased has, and is taken always to have had, power to pay and apply the part, or a portion of the part, of the balance of the charitable fund referred to in section 11 (ii) for the support and maintenance of the Dame Eadith Walker Convalescent Hospital for Men in its use, in respect of any person, for the purpose of renal dialysis and ancillary purposes. 20