

Legislative Council.

No. , 1929.

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## A BILL

To incorporate the Executive Committee of the New South Wales Division of the Australian Red Cross Society; to confer and impose upon that body certain powers, duties, rights, and liabilities; to vest in it the property of the said society in New South Wales; and for purposes connected therewith.

[MR. BOYCE;—18 *December*, 1929.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "Australian Red Cross Society New South Wales Division Incorporation Act, 1929." Short title,

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C 64—

**2.**

Interpre-  
tation.

**2.** In this Act, unless the context or subject-matter otherwise requires,—

“Branch” means a branch of the New South Wales Division of the Australian Red Cross Society.

“Constitution” means the constitution for the time being of the New South Wales Division of the Australian Red Cross Society. 5

“Corporation” means the body incorporated by this Act.

“Division” means the New South Wales Division of the Australian Red Cross Society. 10

“Executive committee” means the executive committee for the time being appointed under the Constitution.

“Proclamation” means proclamation published in the Gazette. 15

“Property” includes real and personal property and any estate or interest of any description or tenure in any property, real or personal, and any debt and any thing in action, and any right or interest. 20

“Society” means the Australian Red Cross Society, being a branch in Australia of the British Red Cross Society.

Incorporation.

**3.** The persons whose names are set forth in the Schedule hereto or other the members from time to time of the executive committee of the division are hereby incorporated under the name of “The New South Wales Division of the Australian Red Cross Society,” and by that name shall have perpetual succession and a common seal, and may sue and be sued or otherwise appear and answer and be answered or proceed or be proceeded against in all courts. 25 30

Objects.

**4.** The objects of the corporation shall be—

(a) to accept contributions for general or specific Red Cross purposes; 35

(b) to supply hospitals, ambulances, vehicles, clothing comforts, services, and any other matters or things for the sick and wounded in war,

- war, and generally to supplement the hospitals' medical stores and equipment for the medical services of the Army and Navy and Air Force;
- 5 (c) to contribute aid to the sick and wounded irrespective of nationality even though the British forces are not engaged;
- 10 (d) to enrol men and women who are qualified by having obtained certificates in first aid and nursing into voluntary aid detachments and to co-operate with the St. John Ambulance Association and Brigade in the formation of units of trained men and women;
- 15 (e) to render assistance in the case of any public disaster, calamity, or need in New South Wales or elsewhere subject in the last mentioned case to the approval of the Central Council of the society or in case of emergency of the president and the executive and finance committee of the society;
- 20 (f) to promote the improvement of health, the prevention of disease, and the mitigation of suffering in New South Wales or elsewhere;
- (g) any further or other object for the time being of the society;
- 25 (h) such further or other public or charitable objects whether similar or dissimilar to the objects hereinbefore set forth as the Governor may from time to time, by proclamation, appoint.
- 30 **5.** The corporation shall direct, manage, and control the division, and shall have power from time to time, to do all things for providing and maintaining in New South Wales an efficient organisation for the purposes of the society, including and without restricting
- 35 the generality of this provision, the performance, exercise, and carrying-out of all such duties, powers, and things as may pertain to the objects of the corporation or may be delegated to it by the society, and including power from time to time—
- 40 (a) to acquire whether by gift, purchase, or otherwise howsoever, and to hold to it and its successors property and the same to charge, mortgage,

- mortgage, pledge, let, demise, assign, endorse, sell, dispose of, or otherwise howsoever deal with;
- (b) to make contracts of every sort in like manner as by section two hundred and forty-one of the Companies Act, 1899, is provided regarding companies registered under the said Act; 5
  - (c) to form, supervise, and control local branches within New South Wales, and to delegate to any officers of such branches such powers and duties as the corporation may by resolution determine; 10
  - (d) to apply the property proceeds and funds for the time being vested in or under the control of the corporation in the furtherance of any of the objects or powers of the corporation or the society and in particular in making gifts, contributions, or payments to the society or the British Red Cross Society; 15
  - (e) to join or assist any international Red Cross Association and such action at will to determine or renew; 20
  - (f) to do or suffer all things which a body corporate may lawfully do or suffer.

Seal and  
execution of  
documents,  
&c.

**6.** It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the superintendent of the corporation, and shall not be affixed to any document except pursuant to a resolution of the executive committee. 25 30

The execution of any document to which the common seal is affixed shall not be complete without the signature of two members of the executive committee:

Provided that no defect in the appointment or qualification of any person purporting to sign as aforesaid upon the fixing of the common seal shall affect any person dealing with the corporation bona-fide and for value without notice of such defect but in favor of such person, and any person taking through or under him such fixing shall be deemed complete notwithstanding such defect: 35 40

Provided

Provided also that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

7. All property in New South Wales which is now vested in or held by or which hereafter at any time may be given, devised, or bequeathed to any person in trust for or on behalf of or for the benefit of the society or the division or any branch of the society or division in New South Wales shall, by virtue of this Act, vest in the corporation subject to the conditions or trusts upon which it is now held or may hereafter be given, devised, or bequeathed; and all other persons are hereby divested of all such property of which they are seised or possessed.

Vesting of property.

All rights accrued or accruing to any person in New South Wales on behalf of the society or the division or any branch of the society or division are hereby vested in and may be enforced by the corporation, and all liabilities of the division or any branch or person in New South Wales on behalf of the division may be enforced against the corporation.

8. The corporation shall deal with or dispose of the property vested in the corporation in such manner, subject to any special trust affecting the same, as the executive committee shall by resolution determine, but subject in the case of a mortgage or sale of real property to the following conditions, namely:—

Powers of corporation.

- (a) Any proposed mortgage or sale of real property shall be submitted in the first instance to a meeting of the executive committee, and shall be specially mentioned in the notice convening the meeting.
- (b) At a subsequent meeting of the executive committee of which seven days' notice shall be given, such proposed mortgage or sale, if approved by the previous meeting, shall be submitted to the meeting, and if approved of by not less than two-thirds of those present when the motion is put, may be carried into effect by the executive committee. (c)

- (c) A copy of the resolution of the executive committee directing the mortgage or sale, if sealed with the seal of the corporation, shall be conclusive evidence in favor of any person claiming by, through, or under such mortgage or sale and of the Registrar-General or the Crown Solicitor that such resolution has been duly passed in compliance with the provisions of this Act and of the constitution. 5
- (d) No purchaser or mortgagee shall be bound to see to the application of any moneys paid by him. 10

Corporation  
to receive  
moneys.

**9.** The corporation shall receive all gifts, grants of money, or contributions made by the Government of New South Wales or of the Commonwealth, or by any municipality, incorporated body, society, or person to the division or a branch, and shall apply the same in accordance with the terms of such gifts, grants, or contributions; or if there be none such or upon such terms becoming impossible of performance, or as to any surplus after performance of such terms, then in accordance with all or any of the objects or powers for the time being of the corporation. 20

Constitution  
to be  
registered.

**10.** As soon as practicable after the commencement of this Act an instrument certified under the seal of the corporation to be a copy of the constitution, and an instrument certified under the said seal to be a copy of the constitution of the society, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919; and upon any alteration in either of the said constitutions there shall be registered in the said office in like manner an instrument certified under the said seal setting forth the terms of the said alteration. 25

The production of a copy of any instrument so registered, certified by the Registrar-General or a deputy registrar-general, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favor of any person dealing bona-fide and for value with the corporation shall, together with this 35

Act, 40

Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

**11.** Notice to or service upon the superintendent <sup>Service</sup> or acting superintendent for the time being of the division shall be deemed to be a notice to or service upon the corporation.

SCHEDULE.

- 10      Norah St. George Butter.  
         John Francis Clack.  
         Amy Cohen.  
         Archibald John Collins, D.S.O., M.C., medical practitioner  
         James Adam Dick, C.M.G., medical practitioner.
- 15      Amy Laura Dixon.  
         Walter Leslie Duncan, senator.  
         Kate Egan, M.B.E.  
         Edward Wilfrid Fairfax, medical practitioner.  
         Mary Fanning.  
         Robert Joseph Hawkes, Esquire.
- 20      Robert Newburn Henderson, solicitor.  
         Brigadier Francis Bede Heritage, C.B.E., M.V.O.  
         Muriel Higman.  
         Isabel Mary Hindmarsh.  
         Eva Connell Hordern, O.B.E.
- 25      Lady Mary Hughes.  
         Wilfrid Edward Johnson, chartered accountant (Aust.)  
         Eva Leahy.  
         Eleanor Vokes Irby Mackinnon, O.B.E.  
         Colonel Frederick Arthur Maguire, D.S.O., V.D.
- 30      Ernest Samuel Marks, M.L.A.  
         Florence Mildred Muscio.  
         Enid Macarthur Onslow.  
         Rosa Piper.  
         Russell Sinclair, O.B.E., engineer.
- 35      Nancy Consett Stephen, M.B.E.  
         Ruby Storey.  
         Lieutenant-Colonel Roy William Whiston Walsh, D.S.O.  
         Clementcy Constable Wetton.

