

CONCURRENCE COPY

SAINT VINCENT'S HOSPITAL (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to revise the titles of the offices of the trustees of the land on which Saint Vincent's Hospital ("the hospital") is situated (Schedule 1 (1));
 - (b) to free those trustees from their obligation to maintain, on its present site, the residence for the Sisters of Charity in connection with the hospital and to permit a new residence to be erected on any land vested in those trustees (Schedule 1 (2));
 - (c) to empower those trustees to borrow money on the security of certain land vested in them for any purpose of or connected with the hospital instead of for certain specified purposes only (Schedule 1 (3));
 - (d) to empower those trustees to lease any land vested in them (Schedule 1 (3));
 - (e) to modify the operation of the original Crown grant of land for the purposes of the hospital so that the terms of that grant do not impede the exercise by those trustees of the powers conferred upon them by the Saint Vincent's Hospital Act, 1912 (Schedule 1 (3)); and
 - (f) to make other provisions of a minor, consequential or ancillary nature.
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SAINT VINCENTS HOSPITAL (AMENDMENT) BILL, 1982

EXPLANATORY NOTE

This Explanatory Note relates to the Bill as introduced into Parliament.

- The objects of the Bill are—
- (a) to take the title of the trust of the land on which Saint Vincent's Hospital (the Hospital) is situated (Schedule 1 (1));
 - (b) to free those trustees from their obligation to maintain or to preserve the Hospital and the Saint Vincent's Charity in connection with the Hospital to permit a mortgage to be created on any land vested in those trustees (Schedule 1 (2));
 - (c) to empower the trustees to borrow money on the security of certain land vested in them for any purpose or to connect with the Hospital instead of for certain specified purposes only (Schedule 1 (3));
 - (d) to empower trustees to lease any land vested in them (Schedule 1 (4));
 - (e) to enable the trustees of the original crown grant of land for the purposes of the Hospital or that the terms of that grant do not include the exercise by those trustees of the powers conferred upon them by the Saint Vincent's Hospital Act 1972 (Schedule 1 (5)); and
 - (f) to make other provisions of a minor, consequential or ancillary nature.

SAINT VINCENT'S HOSPITAL (AMENDMENT) BILL, 1982

It is enacted by the Queen'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:

No. , 1982.

A BILL FOR

An Act to amend the Saint Vincent's Hospital Act, 1912, to make further provision with respect to the use of land vested in the trustees of Saint Vincent's Hospital and the powers of those trustees; and for other purposes.

[MR WALKER—1 April, 1982.]

Saint Vincent's Hospital (Amendment).

BE it enacted by the Queen'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:—

5 Short title.

1. This Act may be cited as the "Saint Vincent's Hospital (Amendment) Act, 1982".

Amendment of Act No. 5, 1912.

2. The Saint Vincent's Hospital Act, 1912, is amended in the manner 10 set forth in Schedule 1.

Validation.

3. Any act, matter or thing done before the commencement of this Act by any Superior-General of the religious order of the Sisters of Charity in New South Wales, by any Sister Administrator of Saint Vincent's Hospital or 15 by any treasurer of that hospital which would have been lawfully so done if—

- (a) that Superior-General had been the Reverend Mother-General of the order;
- (b) that Sister Administrator had been the Reverend Mother Rectress of the hospital; or

20 (c) that treasurer had been an honorary treasurer of the hospital, as the case may be, is hereby validated.

Saint Vincent's Hospital (Amendment)

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912.

- (1) (a) Section 2—
5 Omit "Reverend Mother-General", insert instead "Superior-General".
- (b) Section 2—
Omit "Reverend Mother Rectress", insert instead "Sister Administrator".
- 10 (c) Section 2—
Omit "honorary treasurers", insert instead "treasurer".
- (2) (a) Section 3—
After "whatsoever", insert ", but subject to the powers hereinafter contained".
- 15 (b) Section 3 (2)—
At the end of section 3, insert:—
- (2) Notwithstanding anything to the contrary in this Act, after the commencement of the Saint Vincent's Hospital (Amendment) Act, 1982—
- 20 (a) the trusts upon which the land described in the First Schedule is vested in the trustees and their successors shall not include the maintenance thereon of the residence referred to in subsection (1); and
- 25 (b) any portion of the land described in the First or Second Schedule or acquired at any time by the trustees may be used for the purposes of a residence for the Sisters of Charity in connection with the hospital.

Saint Vincent's Hospital (Amendment).

SCHEDULE 1—continued.**AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912—continued.****(3) Sections 5–7—**

Omit section 5, insert instead:—

5 Power to mortgage land.

5. The trustees may, for any purpose of or connected with the hospital, from time to time borrow money on the security of the whole or any portion of the land described in the Second Schedule or acquired at any time by the trustees, but not land described in the First Schedule.

Power to lease land.

6. (1) The trustees may, for any purpose of or connected with the hospital, from time to time lease any portion of the land described in the First or Second Schedule or acquired at any time by the trustees—

- (a) for a term not exceeding 21 years, to a public or local authority constituted by or under an Act; or
- (b) for a term not exceeding 10 years, to any other person.

(2) The trustees may give to the lessee of any lease under subsection (1) an option of renewal if the aggregate duration of the lease and any such renewal does not exceed the maximum term for which the lease might have been granted to the lessee under that subsection.

(3) Where land is not immediately required for use for any purpose of or connected with the hospital, the trustees may lease the land under subsection (1) for any other use.

(4) The trustees are not required to obtain a fair market rental in respect of any lease under subsection (1) to a public or local authority constituted by or under an Act.

Saint Vincent's Hospital (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912—*continued.***Effect of Crown grant, etc.**

- 5 7. The title to that portion of the land described in the First and
Second Schedules that was granted by the Crown to Alicia de Lacy,
John Hubert Plunkett and Sir Charles Nicholson on 17th January,
1855, upon trust for the erection of a hospital and residence for the
10 Sisters of Charity in connection therewith shall not be held bad either
at law or in equity by reason of any breach or non-performance
(whether before or after the commencement of the Saint Vincent's
Hospital (Amendment) Act, 1982) of any trust, condition, reserva-
tion or proviso contained in the Crown grant or in any instrument
of conveyance of the land executed before the commencement of this
15 Act, and any provision in the Crown grant or instrument for forfeiture
or reverter in the event of any such breach or non-performance shall
be deemed to have been released by or on behalf of the Crown as
from the date of the Crown grant or instrument, as the case may be.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(24c)

St. Vincent's Hospital (Amendment)

SCHEDULE I—continued

AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912—continued

Effect of Crown grant, etc.

7. The site to that portion of the land described in the first and second Schedules that was granted by the Crown to *M. J. de Laig*, *John Hobson*, *Frank* and *Sir Charles Hobson* on 17th January 1855, upon trust for the erection of a hospital and residence for the Sisters of Charity in connection therewith shall not be held either in law or in equity as any land or non-proprietary interest vested in or after the commencement of the Saint Vincent's Hospital Amendment Act, 1981 or any trust condition or reservation contained in the Crown grant or in any instrument of conveyance of the land executed before the commencement of this Act, and any provision in the Crown grant or instrument for the site or in the event of any such breach or non-performance shall be deemed to have been removed by or on behalf of the Crown as from the date of the Crown grant or instrument as the case may be.

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BY AUTHORITY

WEST GUYANAN GOVERNMENT PRINTING AND BOOK-BINDING CO.

**SAINT VINCENT'S HOSPITAL (AMENDMENT) ACT, 1982,
No. 18**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 18, 1982.

An Act to amend the Saint Vincent's Hospital Act, 1912, to make further provision with respect to the use of land vested in the trustees of Saint Vincent's Hospital and the powers of those trustees; and for other purposes. [Assented to, 22nd April, 1982.]

Saint Vincent's Hospital (Amendment).

BE it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the "Saint Vincent's Hospital (Amendment) Act, 1982".

Amendment of Act No. 5, 1912.

2. The Saint Vincent's Hospital Act, 1912, is amended in the manner set forth in Schedule 1.

Validation.

3. Any act, matter or thing done before the commencement of this Act by any Superior-General of the religious order of the Sisters of Charity in New South Wales, by any Sister Administrator of Saint Vincent's Hospital or by any treasurer of that hospital which would have been lawfully so done if—

- (a) that Superior-General had been the Reverend Mother-General of the order;
- (b) that Sister Administrator had been the Reverend Mother Rectress of the hospital; or
- (c) that treasurer had been an honorary treasurer of the hospital,

as the case may be, is hereby validated.

Saint Vincent's Hospital (Amendment).

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912.

(1) (a) Section 2—

Omit "Reverend Mother-General", insert instead "Superior-General".

(b) Section 2—

Omit "Reverend Mother Rectress", insert instead "Sister Administrator".

(c) Section 2—

Omit "honorary treasurers", insert instead "treasurer".

(2) (a) Section 3—

After "whatsoever", insert ", but subject to the powers hereinafter contained".

(b) Section 3 (2)—

At the end of section 3, insert:—

(2) Notwithstanding anything to the contrary in this Act, after the commencement of the Saint Vincent's Hospital (Amendment) Act, 1982—

(a) the trusts upon which the land described in the First Schedule is vested in the trustees and their successors shall not include the maintenance thereon of the residence referred to in subsection (1); and

(b) any portion of the land described in the First or Second Schedule or acquired at any time by the trustees may be used for the purposes of a residence for the Sisters of Charity in connection with the hospital.

Saint Vincent's Hospital (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912—*continued.*

(3) Sections 5-7—

Omit section 5, insert instead:—

Power to mortgage land.

5. The trustees may, for any purpose of or connected with the hospital, from time to time borrow money on the security of the whole or any portion of the land described in the Second Schedule or acquired at any time by the trustees, but not land described in the First Schedule.

Power to lease land.

6. (1) The trustees may, for any purpose of or connected with the hospital, from time to time lease any portion of the land described in the First or Second Schedule or acquired at any time by the trustees—

- (a) for a term not exceeding 21 years, to a public or local authority constituted by or under an Act; or
- (b) for a term not exceeding 10 years, to any other person.

(2) The trustees may give to the lessee of any lease under subsection (1) an option of renewal if the aggregate duration of the lease and any such renewal does not exceed the maximum term for which the lease might have been granted to the lessee under that subsection.

(3) Where land is not immediately required for use for any purpose of or connected with the hospital, the trustees may lease the land under subsection (1) for any other use.

(4) The trustees are not required to obtain a fair market rental in respect of any lease under subsection (1) to a public or local authority constituted by or under an Act.

Saint Vincent's Hospital (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE SAINT VINCENT'S HOSPITAL ACT, 1912—*continued.*

Effect of Crown grant, etc.

7. The title to that portion of the land described in the First and Second Schedules that was granted by the Crown to Alicia de Lacy, John Hubert Plunkett and Sir Charles Nicholson on 17th January, 1855, upon trust for the erection of a hospital and residence for the Sisters of Charity in connection therewith shall not be held bad either at law or in equity by reason of any breach or non-performance (whether before or after the commencement of the Saint Vincent's Hospital (Amendment) Act, 1982) of any trust, condition, reservation or proviso contained in the Crown grant or in any instrument of conveyance of the land executed before the commencement of this Act, and any provision in the Crown grant or instrument for forfeiture or reverter in the event of any such breach or non-performance shall be deemed to have been released by or on behalf of the Crown as from the date of the Crown grant or instrument, as the case may be.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd April, 1982.*





