

Legislative Council.

No. , 1908.

A BILL

To incorporate, regulate, and otherwise promote the objects of the Royal North Shore Hospital of Sydney; to amend the Public Hospitals Act, 1898; and for purposes consequent thereon or incidental thereto.

[MR. JOHN HUGHES ;—17 *December*, 1908.]

BE 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:—

5 *Preliminary.*

1. This Act may be cited as the "Royal North Shore Hospital Short title.
of Sydney Act, 1908."

2. In this Act, unless the context otherwise requires,— Interpretation.
"Board" means board of directors of the institution.

10 "By-laws" means by-laws made under this Act.

- “Director” means member of the board.
- “Hospital” means hospital managed by the board under this Act.
- “Hospital year” means the twelve months next following the thirty-first day of January in a year.
- “Institution” means Royal North Shore Hospital of Sydney 5 as incorporated by this Act.
- “Treasurer” means treasurer for the time-being or any person acting as treasurer of the institution.
- “Secretary” means secretary for the time-being or any person acting as secretary of the institution. 10
- A person is, during any hospital year, a “member” if he has, during that year, subscribed not less than ten shillings to the funds of the institution or of the Royal North Shore Hospital of Sydney.
- “Benefactor” means— 15
- (a) any person who has (irrespective of any sum he may have contributed as a paying patient) paid a contribution of ten pounds at the least, in one sum, to the institution or to the hospital previously known as the Royal North Shore Hospital of Sydney, or the North Shore Hospital, or the 20 North Shore Cottage Hospital, and any person who is a life member or life governor of any such hospital at the commencement of this Act;
- (b) any person who, after the commencement of this Act, has subscribed or donated to the funds of the institution a sum 25 of not less than fifty pounds within any period of six months: Provided that, in the case of a partnership, company, corporation, religious congregation, association, committee, or society making such subscription or donation, the board shall be entitled to appoint a person to 30 be a benefactor in respect of such subscription or donation;
- (c) any person who, before or after the commencement of this Act, has been nominated as a benefactor by a testator bequeathing or devising to any such hospital as aforesaid or to the institution or for its benefit a sum of not less than 35 one hundred pounds, or property of not less value than one hundred pounds at the time of the death of such testator, or, failing such nomination, an executor of such testator: Provided that no testator shall be entitled to nominate more than one benefactor; 40
- (d) Any person appointed by the board on account of services rendered to any such hospital or to the institution.
3. The provisions of the Public Hospitals Act, 1898, shall not apply to the institution; and the Second Schedule to the said Act is amended by omitting the words “North Shore, 23 Aug., 1889.” 45

Public Hospitals
Act not to apply to
institution.

The

The institution.

4. The benefactors and members for the time-being of the Institution are hereby constituted a body corporate by the name of the Royal North Shore Hospital of Sydney, and shall have perpetual succession and a common seal, and in such name may sue and be sued, proceed and be proceeded against in all courts.

Benefactors and members to be a corporation.

5. All real and personal property which at the commencement of this Act is vested in any person in trust for or on behalf of the Royal North Shore Hospital of Sydney, or the North Shore Hospital, or the North Shore Cottage Hospital, including the lands mentioned in Schedules One and Two to this Act is hereby vested in the institution.

Vesting of property in the institution.

6. The institution may—

- 15 (a) take, purchase, lease, hold, and enjoy, not only such lands, buildings, and hereditaments as may from time to time be required for the purpose of the hospital, but also any other lands and hereditaments whatsoever and wheresoever situate; and
- 20 (b) take, purchase, receive, hold, and enjoy any chattels and personal property; and
- 20 (c) sell, for cash or on terms, grant, release, convey, exchange, demise, or otherwise dispose of, either absolutely or by way of mortgage, any of the property, real or personal, belonging to the institution; and
- 25 (d) subdivide any land, and create and grant easements, rights of way, and other rights, and dedicate, lay out, make or construct rights of way, roads and lanes, and also make such reservations on the sale of any land as the board may think meet:

Power to hold and deal with lands, &c.

30 Provided that it shall not be lawful for the institution to sell, grant, lease, mortgage, exchange, dedicate, or dispose of the land described in schedule one hereto, without the consent of the Secretary for Lands.

7. The objects of the institution are:—

- 35 (a) The reception and treatment as in-patients of persons who cannot procure the necessary medical and surgical treatment at their own expense.
- 40 (b) The reception and treatment as in-patients of persons who may be able by themselves, their friends, or employers to pay such sum as the board may from time to time appoint, and who are unable otherwise to obtain adequate medical and surgical treatment.
- (c) The reception and treatment of persons injured by accidents at any hour of the day or night.
- (d) The treatment of out-patients.

Objects of the institution.

The

Royal North Shore Hospital of Sydney.

The board of directors.

Institution to be managed by the board.

8. The institution shall be governed and managed by the board subject to the by-laws of the institution.

Six directors shall form a quorum of the board for the conduct of business. 5

Board of directors.

9. The board shall be the representatives of the institution, and shall consist of a president, four vice-presidents, a treasurer, and eighteen other directors, together with two directors to be annually elected by and from the honorary medical staff of the hospital, and the honorary solicitor of the institution who, when appointed as hereinafter mentioned, shall ex-officio be a director, and shall, unless he resigns, hold the office for life: Provided that no paid official of the hospital shall be a director. 10

First board.

10. (1) A general meeting of the benefactors and members shall be held during the month of January occurring next after the commencement of this Act on a day to be fixed by the existing committee of management of the Royal North Shore Hospital of Sydney for the purpose of electing a president, four vice-presidents, a treasurer, and eighteen directors. 15

Two directors shall, on a day to be fixed as aforesaid, be elected by and from the honorary medical staff, and the honorary solicitor shall be appointed by the president, vice-presidents, treasurer, and the elected directors. 20

The first board shall thereupon be constituted.

(2) Until the first board is constituted the said existing committee of management shall continue to manage the institution and the hospital, subject to the rules, regulations, and by-laws of the Royal North Shore Hospital of Sydney in force at the said commencement. 25

Election of president, vice-presidents, treasurer, and directors at annual meeting.

11. (1) The president, vice-presidents, and treasurer shall, after the election of the first board, be elected annually at the annual meeting of the benefactors and members, which shall be held in the month of January, or as soon thereafter as the board may deem advisable. The day of such meeting shall be fixed by the board. 30

(2) The annual election of two directors by and from the honorary medical staff shall be held on the day fixed for the election of the president, vice-presidents, and treasurer. 35

(3) All directors shall hold office until their successors are elected.

Retirement and election of directors.

12. (1) Of the eighteen directors elected as aforesaid to the first board, six shall retire on the day before the annual meeting of the benefactors and members held next after the election of the first board, the six to retire being those whose attendances at the meetings of the board have been the least numerous, and six new directors shall, at such meeting, be elected in their places. 40

On 45

On the day before the second annual meeting of the benefactors and members held next after the election of the first board, six more of the original eighteen directors shall retire, being those whose attendances at the meetings of the board since their election have been
5 the least numerous, and six new directors shall, at such meeting, be elected in their places.

On the day before the third annual meeting of the benefactors and members held next after the election of the first board, the remaining six of the original eighteen directors shall retire, and six
10 new directors shall, at such meeting, be elected in their places.

Where the number of attendances of any two or more directors is equal, the question as to which of such directors is to retire shall be decided by lot as prescribed by the by-laws.

A retiring director shall be eligible for re-election.

15 (2) All directors elected under this section shall hold office Tenure of office. until the day before the third annual meeting held after their election, and shall then retire and new directors shall at such third annual meeting be elected in their places.

20 13. If for any cause any election under this Act is not held on Where election not held on day fixed. the day fixed, such election may be held on a subsequent day to be appointed by the committee or board authorised by this Act to fix the day for any such election.

25 14. Any extraordinary vacancy occurring among the directors Vacancies in board how filled. by death, resignation, or otherwise, shall be filled by such person as the board may appoint. Any person so appointed shall hold office until the person in whose place he has been appointed would, under this Act, have retired.

30 15. A vacancy occurring in the office of the honorary solicitor Vacancy in office of honorary solicitor. shall be filled by the appointment of the board.

35 16. A special general meeting of the benefactors and members Special general meeting. for the transaction of any particular business may at any time be called by the board or president, and on the secretary receiving a requisition signed by not less than ten persons being either benefactors or members, the secretary shall within seven days from receipt of such
35 requisition call a special general meeting as aforesaid, to be held within fourteen days from the receipt of such requisition.

17. At any annual or special general meeting of the benefactors and members ten shall be a quorum. Quorum at general meetings.

40 18. The persons qualified to vote at any general meeting shall Persons qualified to vote. be the benefactors and such of the members as have subscribed to the funds of the institution or of the Royal North Shore Hospital of Sydney a sum of not less than ten shillings at any time during the twelve months immediately preceding the date of the holding of such meeting:

45 Provided that no member shall be qualified to vote at any election unless he has paid to the funds of the institution or of the said hospital ten shillings not less than thirty days prior to the meeting held for such election.

All

All voting at such meetings shall be personal, and voting by proxy shall not be allowed.

Board meetings.

19. The board shall meet monthly, or oftener if necessary. Any member of the board absenting himself without leave from meetings of the board for four consecutive months shall be considered 5 to have vacated his seat.

Minister of religion to have free access to inmates.

20. A minister of religion shall, subject to the by-laws, be entitled to free access to such patients in the hospital as are of such minister's own denomination.

Power to make by-laws, rules, and regulations.

21. (1) The board may make by-laws for the general manage- 10 ment of the affairs of the institution and of the hospital, and until such by-laws are made, the rules, regulations, and by-laws of the Royal North Shore Hospital of Sydney at present in force shall, except so far as repealed, altered, or amended by this Act or by any by-laws made thereunder, be and continue binding on the institution, and 15 shall regulate the carrying on of its affairs and the affairs of the hospital.

Evidence of copy of by-laws.

(2) A printed copy of any such by-laws, sealed with the seal of the institution, and purporting to be certified by the secretary as being correct, shall be received in all courts as conclusive evidence 20 of such by-laws and of the same having been duly made under this Act.

Power of board to invest funds.

22. (1) The board may invest any funds of the institution—

- (a) in British Government securities;
- (b) in any Government funds or debentures of the Commonwealth 25 of Australia, or of any State of the Commonwealth of Australia, or of the Dominion of New Zealand; or,
- (c) in any debentures or debenture stock of any municipal or shire council in New South Wales, or of any bank or incorporated company carrying on business in the said 30 Commonwealth; or,
- (d) by way of deposit in any such bank; or,
- (e) by way of purchase of or mortgage upon any freehold estate.

(2) The board may in its absolute discretion, but subject to any trusts affecting any moneys so invested, at any time and from 35 time to time resort to any such investments and sell and realise the same for the purpose of applying the moneys to arise from such sale and realisation in or towards any then urgent expense or requirement of the institution, or for repairing any then existing building, or erecting any new building, or supplying any necessary furniture or 40 appliances, or for the purpose of reinvestment.

Board may appoint sub-committees.

23. The board may elect and appoint from its own body a house committee and such and so many sub-committees as may be thought fit for transacting the affairs of the institution and of the hospital, with and subject to such powers, privileges, provisions, and conditions 45 as may be expressed and declared by the by-laws.

24.

24. (1) No irregularity, informality, or illegality in the election or appointment of any director or the appointment of any officer of the institution or hospital shall render illegal or invalid any act, deed, matter, or thing done or executed, or suffered to be done or executed, 5 by such director or officer in his official capacity.

Informality of election of directors or officer not to invalidate acts.

(2) The validity of any such election may, in such way as may be provided for in the by-laws, be determined by resolution of the board to be good or bad, and if such election is by such resolution declared to be bad the person so elected shall vacate his office and the 10 vacancy shall be filled as in the case of an extraordinary vacancy. If declared by resolution as aforesaid to be good, the election shall be deemed to have been good.

Determination of validity of elections.

25. The board may design and from time to time change or alter the common seal of the institution. Such seal shall be in the 15 custody of the president, and a majority of the directors present at a meeting of the board may use or direct the use of such seal for all purposes requiring to be evidenced by the corporate seal of the institution :

Power to make and alter common seal, and affix same.

Provided that it shall not be necessary to require such seal to 20 be affixed as evidence of the appointment by the institution of a solicitor in any action, suit, or other proceeding.

Miscellaneous provisions.

26. Notice to or service upon the secretary shall be deemed to be a notice to or service upon the institution.

Notice and service.

27. The treasurer may institute and prosecute in the name and on behalf of the institution proceedings in any court against any person who may have received medical or surgical care and treatment in the hospital, or against the executors of the will or administrators of the estate of any such person for the recovery of fees and 30 remuneration for such care and treatment, and any amount recovered in any such proceeding shall be applied as prescribed in the by-laws.

Proceedings may be instituted for recovering remuneration for treatment in the hospital.

28. The directors shall be respectively charged only for such moneys, stocks, funds, and securities as they may respectively actually receive, notwithstanding their respectively signing any receipt for the 35 sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any moneys or securities may be deposited, nor for the deficiency or insufficiency of any stocks, funds, or securities, nor for any other loss, 40 unless the same happens through their own wilful acts or default.

Indemnity to directors.

SCHEDULES.

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SCHEDULE ONE.

ALL that piece or parcel of land in the State of New South Wales containing by admeasurement seven acres two roods thirty perches, be the same more or less, situated in the county of Cumberland, parish of Willoughby, at Willoughby, near Sydney, near St. Leonards Railway Station. Commencing on the south-western side of Herbert-street at a point where it meets the left bank of a small creek falling into Flat Rock Creek, and bounded thence on the north-east by that street bearing north seventeen degrees fifty-seven minutes west eight chains thirty-nine links and one-tenth of a link on the north-west by a road forty feet wide dividing it from portions five hundred and sixty-nine, five hundred and sixty, five hundred and forty-six, and five hundred and thirty-four of twenty-five perches and one-half of a perch, thirty-eight perches one rood, and one rood three perches respectively, bearing south sixty-five degrees twenty-one minutes west nine chains sixty-eight links; on the south-west by Reserve-road bearing south thirty-eight degrees thirty-five minutes forty seconds east thirteen chains thirty-four links and three tenths of a link; on the east by a line, and a line crossing the aforesaid small creek, in all bearing north thirty-three minutes west three chains thirty-four links and four-fifths of a link to the left bank of that small creek, and on the south-east by that bank downwards, to the point of commencement, and being the land comprised in Crown grant, dated sixteenth May, one thousand nine hundred and eight, registered volume one thousand eight hundred and seventy-five, folio one hundred and eighteen.

SCHEDULE TWO.

All that piece of land situated in the municipality of Willoughby, parish of Willoughby, and county of Cumberland, State of New South Wales, containing twenty-one acres three roods eight and three-quarter perches or thereabouts. Commencing on the northern side of Sailor's Bay Road at its intersection with the eastern side of Alpha-street; and bounded thence by that street, being lines bearing northerly one thousand two hundred and two feet six inches, easterly thirty-three feet, and again northerly six feet to the centre of a drain; thence by lines along the centre of that drain bearing easterly two hundred and thirty feet seven inches, north-easterly forty-three feet nine and a half inches, thirty-one feet ten inches, forty-eight feet three and a quarter inches, and thirty feet two inches easterly, forty-two feet five and a quarter inches south-easterly sixty-six feet four and a half inches, and again north-easterly one hundred feet two and a half inches to land of the trustees of the Wesleyan Church; thence by that land being a line, and a fenced line, bearing southerly one hundred and forty-eight feet six inches, and easterly one hundred and ninety-eight feet six inches to land of the North Sydney Tramway and Investment Company, Limited; on the east by that land being a partly fenced line bearing southerly one thousand one hundred and eighty seven feet four inches to Sailor's Bay Road aforesaid, and on the south by that road bearing westerly seven hundred and sixty-six feet three inches, to the point of commencement, being land described in certificate of title dated twenty-first of November, one thousand nine hundred, and registered volume one thousand three hundred and thirty-eight, folio seven.