

TASMANIA.

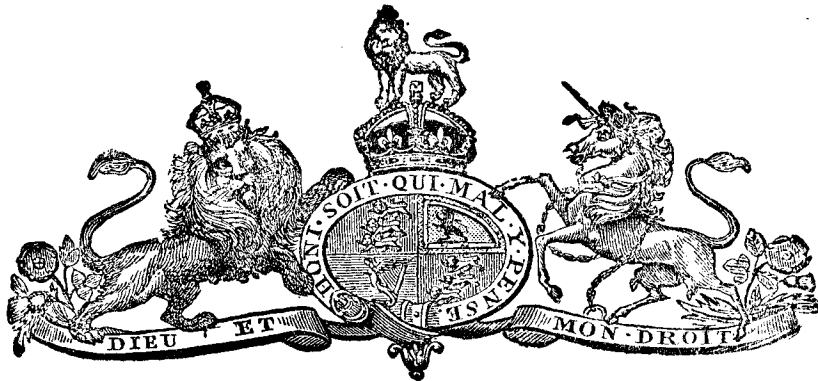
THE QUEEN VICTORIA HOSPITAL AND
BABY HEALTH ASSOCIATION
INCORPORATION ACT, 1928.

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T A S M A N I A.



1928.

ANNO NONO DECIMO

GEORGII V. REGIS,

No. 56.

A.D.
1928.

AN ACT to amalgamate the Queen Victoria Hospital for Women and the Launceston Baby Health Association, and to incorporate such Amalgamation under the style or name of "The Queen Victoria Hospital and Baby Health Association," to vest certain Lands and Property, and for other purposes.

[15 January, 1929.]

WHEREAS the said two Associations were some time since established in Launceston under the names aforesaid, the former of which has for its objects the nursing, care, and welfare of mothers and their babies, and the latter of which has for its objects the welfare of babies, and the instruction of mothers in ante-natal and post-natal work and attention:

PREAMBLE.

And whereas the said Associations have decided to amalgamate and to incorporate the members thereof in one body, and to vest the real and personal property held in trust for or belonging to the said Associations in the corporation to be created by this Act:

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And whereas it is desirable to confer upon such corporation certain corporate powers and otherwise to regulate the affairs of the said corporation:

Be it therefore enacted by His Excellency the Governor of Tasmania by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

1 This Act may be cited as “The Queen Victoria Hospital and Baby Health Association Incorporation Act, 1928.”

Interpretation.

2 In this Act, unless the context otherwise requires—

“Association” means the body corporate by the name of the Queen Victoria Hospital and Baby Health Association, constituted by this Act:

“Annual General Meeting” means the annual general meeting of the members of the Association to be held pursuant to this Act:

“General Committee” means the General Committee of management of the Association for the time being in office by virtue of this Act:

“Executive Committee” means the Executive Committee of the Association for the time being in office by virtue of this Act.

Amalgamation
and incorporation.

3 The present members of the said Queen Victoria Hospital for Women and the said Launceston Baby Health Association shall collectively be and they are hereby constituted a body corporate by the name of “The Queen Victoria Hospital and Baby Health Association,” and by that name shall have perpetual succession, and may sue and be sued in all courts, and shall have a common seal, and in all legal proceedings service of process upon the Secretary of the Association for the time being shall be taken as good and sufficient service on the Association.

Ordinary
members.

4 Every person, if duly nominated and elected as hereinafter provided and paying the sum of Ten Shillings and Six Pence or upwards per annum to the Association, shall be a member of the Association, and shall be entitled to vote at any annual general meeting or special meeting of the Association.

Life members.

5 Every person, if duly nominated and elected as hereinafter provided and subscribing the sum of Ten Guineas or upwards to the Association, shall be a member of the Association for the duration of his or her life, and entitled to vote as aforesaid.

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6—(1) Any member may nominate any other person as a candidate for election as a member or life member of the Association, as the case may be, by giving notice thereof in writing to the Secretary of the Association at least seven days prior to the meeting of the General Committee at which it is intended to submit such candidate for election.

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Nomination and
election of
members.

(2) The Secretary shall forthwith give, or send by post, notice in writing to every member of the General Committee of such nomination.

(3) The General Committee at the meeting held next after the expiration of seven days from such nomination shall determine whether such candidate shall be so elected or not.

7 The General Committee shall have power, from time to time, to appoint such persons as they shall consider fit to be honorary members of the Association for such period and subject to such conditions as the General Committee may deem fit. Any such appointment as honorary member may be revoked by the General Committee as and when they shall deem fit. Unless otherwise determined by the General Committee, no honorary member shall have any vote at any meeting of the Association, or the right to take part in any meeting or discussion dealing with the management or control of the Association.

Honorary
members.

8 All present ordinary, life, and honorary members of the Queen Victoria Hospital for Women or of the said Launceston Baby Health Association shall be ordinary, life, or honorary members, as the case may be, of the Association, and subject to all the provisions of this Act relating to members elected in accordance with this Act.

Existing members.

9 The objects of the Association are:—

- I. To promote general public interest in mothers' and babies' welfare:
- II. To uphold and assist the Department of Public Health in its undertakings for the benefit of women and children:
- III. To instruct mothers in ante-natal and post-natal work, care, and attention:
- IV. To establish, acquire, and conduct hospitals, nursing establishments, buildings, lands, and clinics for the care and advancement and nursing of expectant mothers, mothers, and other women, and babies:
- V. To provide nurses, if deemed advisable, to carry on bush nursing and to visit, instruct, and attend any outpatient or other person desirous of receiving assistance from the Association:

Objects of
Association.

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VI. To train nurses in midwifery and nursing generally:
and

VII. To carry out anything conducive to, or in the further-
ance of the above objects.

Transfer of
property.

10—(1) All the estate and interest in any real and personal property belonging or appertaining to, or held by or vested in, any person in trust for or on behalf of the Queen Victoria Hospital for Women, or the said Launceston Baby Health Association, shall forthwith by virtue of this Act, and without the necessity of any conveyance or transfer, vest in the Association for the purposes of its objects aforesaid.

Saving of
liabilities.

(2) All such property shall continue to be subject to all contracts, leases, mortgages, and other debts or charges for the time being affecting the same, and the Association shall be liable for the payment of such mortgages, debts, and other charges.

Existing contracts.

(3) All contracts, agreements, and securities legally entered into or executed before the commencement of this Act by any trustee, committee, or other body or person for and on behalf of the Queen Victoria Hospital for Women or the said Launceston Baby Health Association and which are then still in force, shall take effect, and may be proceeded on and enforced, as nearly as circumstances will permit, in favour of, by and against, and with reference to the Association.

Saving.

(4) Except as aforesaid, nothing in this Act shall confer on any person any further or other remedy or right than he would have had if this Act had not been passed.

Power to acquire
and dispose of
property.

11—(1) The Association is hereby empowered to take, hold, and enjoy for its objects and purposes, all the real and personal property by this Act vested in it (freed from any trusts created by the deed of grant or other muniment of title relating to such property), and may, for such objects and purposes, take, purchase, and hold any other real or personal property whatsoever, and may sell, grant, convey, demise or otherwise dispose of, absolutely or by way of mortgage, any real or personal property by this Act vested in or hereafter to be acquired by the Association:

Provided always that no sale, mortgage, demise, or other disposition whatsoever of any such real property shall be lawful unless the same shall have been previously sanctioned by resolution of a general or special meeting of the members of the Association.

(2) The moneys arising from any such sale, mortgage, demise, or disposition aforesaid shall be held by the Association for its objects and purposes aforesaid.

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12—(1) For the purposes of carrying out the provisions of this Act there shall be constituted a General Committee of Management as hereinafter provided.

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General
Committee.

(2) The General Committee shall consist of—

- I. Ten members of the Association to be appointed annually by the Governor from persons nominated for that purpose by the annual general meeting, and failing any such nomination, from such members of the Association as the Governor shall deem fit: and
- II. Twenty members of the Association and the President and Vice-Presidents to be elected annually in manner hereinafter provided.

(3) The first election shall be held in the month of February, one thousand nine hundred and twenty-nine, and the appointments by the Governor shall be made at the same time. Until such election and appointment the powers and duties by this Act conferred upon the General Committee shall be exercisable and be performed by the members of the Committees of the said Queen Victoria Hospital for Women and the said Launceston Baby Health Association acting conjointly.

13—(1) The nomination of members to be appointed by the Governor as aforesaid, and the election of the remaining twenty members of the General Committee, and of the President and Vice-Presidents shall be by ballot and shall be conducted in accordance with the provisions hereinafter set out, but the Governor may, whenever the necessity arises, by proclamation, supplement the said provisions or make such other provisions as he may deem desirable to enable an election to be carried out.

Nomination and
election of General
Committee,
Presidents, &c.

(2) An alphabetical roll of all members (distinguishing those in office) shall be prepared by the Secretary of the Association, and shall be open for inspection by any such member at least twenty-one days prior to the annual general meeting.

(3) Any member may nominate any other member whose name is entered on such roll as a candidate for nomination or election as aforesaid by giving notice thereof in writing, accompanied by the written consent of the person so nominated, to the Secretary at least fourteen days prior to the annual general meeting, and only those members of the Association whose names appear on such roll shall be entitled to vote at any such election:

Provided always that any member retiring from office shall, if still qualified, be eligible for, and be taken as having been duly nominated for, re-nomination or re-election, without any

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such notice or written consent, unless his resignation in writing be handed to the Secretary fourteen days prior to the annual general meeting.

(4) Any company, corporation, or other body may become a member of the Association, and may by writing under the hand of its secretary or manager appoint some person to vote and act for it in the affairs of the Association.

(5) The Secretary of the Association shall forthwith, after the close of the nominations prepare a list setting forth the names of candidates and their nominators, together with the offices for which they are nominated, and a copy of such list, together with particulars of the time and place for the holding of such election, shall be sent by post or served by the Secretary to or upon each member of the Association.

(6) The ballot shall take place on the day of the annual general meeting or any adjournment thereof under the direction of the Secretary or such other person or persons and at such time and place as the General Committee may appoint, and each member voting shall place his vote in the ballot-box.

(7) In the event of any equality of votes, it shall be decided by lot which of the candidates having such equal number of votes, shall be declared nominated or elected as aforesaid.

(8) The result of the election shall be announced by the Chairman at such annual general meeting, or at any adjournment thereof, and such announcement, except in case of fraud, shall be final and conclusive.

Insufficient
nominations.

14 In the event of there not being sufficient nominations in accordance with the preceding section the General Committee shall, as soon as such insufficiency is ascertained, nominate the necessary number of members to fill up but not to exceed such insufficiency, and if, in any case, there are only sufficient candidates for any office no ballot therefor shall be held and such candidates shall be deemed declared elected or nominated as the case may be.

Seats on
committees, how
forfeited.

15 Any member of the General or Executive Committee shall cease to be a member of such committee if such member—

- I. Resigns his office by writing under his hand delivered to the Secretary: or
- II. Becomes bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his estate for the benefit of his creditors: or
- III. Becomes permanently incapable of performing his duties: or

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- IV. Becomes of unsound mind: or
 V. Ceases to reside in the State: or
 VI. Absents himself from three consecutive meetings of the General or Executive Committee without sufficient cause or reason in the opinion of the General Committee or Executive Committee, as the case may be.

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16 Casual vacancies in the office of President, Vice-President, or other member of the General Committee may be filled up by the General Committee from members of the Association.

Casual vacancies,
how supplied.

17 The General Committee shall meet at least once each month for the transaction of business at a time and place to be appointed by the Committee. Notice of such meeting shall be posted to each member of the Committee at least twenty-four hours before such meeting. Ten members shall form a quorum. The President shall be Chairman of all such meetings and special meetings as hereinafter provided, and failing such President then such Vice-President as may be then and there elected to be Chairman, and failing any such Vice-President then such other member as shall be then and there so elected. All acts done at any meeting of the General Committee or of the Executive Committee shall, notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of such committee or any member thereof or that any one of them was disqualified, be as valid as if every such person had been duly elected and appointed and was qualified to be a committeeman.

Meetings of
General
Committee.

18 It shall be competent for the President or for any three members of the General Committee, by a written requisition, to request the Secretary to call a special meeting of the Committee, and if the Secretary fail to call such meeting within seven days such President or three members of the Committee may call such meeting, provided twenty-four hours previous notice be posted or handed personally to every member of the Committee.

Special meetings
of General
Committee.

19 Subject to this Act the General Committee may regulate its own procedure.

General
Committee may
regulate its
procedure.
Executive
Committee.

20 The General Committee shall, annually and from time to time where necessary, appoint an Executive Committee of not more than fifteen of its members including the President, Vice-Presidents, Treasurer, and Secretary (if they be members of such General Committee), who shall be members *ex officio* of the Executive Committee, and may from time to time revoke any such appointment of all or any of such members, except

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the *ex officio* members, and may fill up any vacancies caused by such revocation. Such Executive Committee shall meet as and when it may deem fit. Five members of the Executive Committee shall form a quorum for a meeting thereof.

Powers of
Executive
Committee.

21 The General Committee may at any time delegate all or any of its powers (other than the powers contained in the preceding section) to such Executive Committee and may likewise revoke at will any such delegated power. Should any casual vacancy occur in the Executive Committee caused otherwise than by a revocation of appointment by the General Committee then such vacancy may be filled by the Executive Committee from members of the General Committee.

Annual meeting.

22 An annual general meeting of the members of the Association, of which seven days' notice shall be given by advertisement in at least one daily newspaper published in Launceston, shall be held in Launceston in the month of February for the election of officers as hereinbefore provided and for the transaction of the general business of the Association, and at such meeting the report of the preceding year shall be presented to the meeting.

Special general
meeting.

23 A special general meeting of the members of the Association may at any time be called by the Secretary and shall be called by him upon a requisition in writing signed by at least ten members or by the President or any Vice-President of the Association.

Notice of such meeting, stating its objects, shall be advertised in at least one daily newspaper published in Launceston seven days before such meeting.

Voting.

24 Except for the appointment of officers as hereinbefore provided and except where otherwise provided by this Act or the regulations, voting at annual or special general meetings shall be by show of hands, but it shall be competent for the Chairman or any six members to demand a division.

Removal of
members.

25—(1) Any ordinary member whose subscription shall be wholly or in part unpaid for the space of twelve calendar months shall cease to be a member and to hold office.

(2) Any honorary member may for reason sufficient to the General Committee be removed from membership of the Association.

Investment of
funds.

26 The funds from time to time under the control and management of the General Committee may be invested—

- I. Upon deposit with the Treasurer of Tasmania or in any bank carrying on business in Tasmania: or

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- II. Upon first mortgage of the fee simple of land in Tasmania: or A.D. 1928.
- III. Upon Government securities of, or guaranteed by, the Commonwealth or the State of Tasmania: or
- IV. Upon securities of the Municipal Corporations of Launceston or Hobart: or
- V. Upon any other securities authorised by law for the investment of trust funds.

27 The Executive Committee shall have the custody and use of the common seal of the Association, and the form and use thereof, and all other matters relating thereto shall from time to time be determined by a majority of the members of the Executive Committee. Custody of seal.

28—(1) Every woman, who or whose child shall have been maintained or nursed as an inmate in any institution belonging to the Association, or who or whose child shall have received from the Association any relief, aid, medical or surgical attendance, or medicine (in this Act hereinafter referred to as a mother), shall, if and when she is of sufficient means, be liable, upon demand, to pay forthwith to the Association all sums of money as may be reasonably demanded of her for and in respect of such maintenance, nursing, relief, aid, attendance, or medicine. Inmate liable for maintenance.

(2) The husband of such mother shall also be liable, upon demand, to pay to the Association all such sums of money as may be reasonably demanded of such mother for the purposes aforesaid. Liability of husband.

29 The undermentioned relatives of any mother shall, if neither such mother nor her husband is of sufficient means, be liable, if they are of sufficient means, in the order and according to the priority hereinafter mentioned, to pay forthwith to the Association all such sums as aforesaid as are made payable by such mother when of sufficient means, namely:— Liability of relatives.

- I. Father:
- II. Mother:
- III. Grandfather:
- IV. Grandmother.

30 Any such demand as aforesaid may be served upon the person sought to be charged, either by delivering the same personally to him, or by leaving the same at, or posting it to, the usual place or lastnamed place of abode of such person, addressed to him there. Service of demand.

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Appointment of
person to demand
&c., payment.

31 The Executive Committee may appoint some person to demand, sue for, and recover, in any court of law established in Tasmania for the recovery of debts, any sum of money payable by any mother, husband, or relative to the Association whether under any contract or under this Act. Until such appointment or if at any time there shall be no such person so appointed then the Secretary of the Association shall be deemed to have been appointed for that purpose: Provided that nothing herein contained shall debar the Association from instituting any action, suit, or proceedings in its corporate name.

Saving of right to
make contract.

32 Notwithstanding anything to the contrary in this Act, the Association shall be at liberty to make and enforce contracts with or against any person for or in respect of any maintenance, aid, relief, care, attendance, medicine, or other things rendered or supplied to him or any other person, but this provision shall not affect the right of the Association to demand payment from or sue any person for any sum payable under other sections of this Act, notwithstanding that such sum may be payable by virtue of a contract.

Form, &c., of
contracts.

33—(1) Contracts on behalf of the Association may be made as follows, that is to say—

- I. Any contract which if made between private persons would be by law required to be in writing under seal may be made on behalf of the Association in writing under the common seal of the Association, and may in the same manner be varied or discharged:
- II. Any contract which if made between private persons would be by law required to be in writing signed by the parties to be charged therewith may be made on behalf of the Association in writing, signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged:
- III. Any contract which if made between private persons would by law be valid, although made by parole only, and not reduced into writing, may be made by parole on behalf of the Association by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to this section shall be effectual in law, and shall bind the Association and its successors and all other parties thereto, their heirs, executors, or administrators, as the case may be.

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34 A bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of the Association if made, accepted or endorsed in the name of, or by, or on behalf of, or on account of, the Association by any person acting under its authority.

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Bills of exchange,
&c.

35 The statement in any plaint, summons, or other proceedings that any person named therein was duly appointed by the Executive Committee to demand, sue for, and recover any sum of money payable to the Association by any mother, husband, or relative, or under any contract, or that the demands, acts, things, services, relief, aid, or attendances were given, done, rendered, or supplied as alleged in such proceedings shall respectively be deemed and taken to be true, unless the contrary is proved.

Statement in
proceedings.

36 Upon the trial of any action for the recovery from any husband or relative of any sum under this Act the onus of proving that the person sued is not the husband or a relative of the degree alleged, or that such relative is not of sufficient means, or that any mother or other person whose liability would be prior to that of the defendant is of sufficient means, shall lie upon the defendant.

Proof that
relative is not of
sufficient means.

37 Subject to the provisions hereinafter contained, all or any of the provisions of this Act (except this section) may be altered, revoked, or added to by a resolution passed by a two-thirds majority of the members of the Association present at a special meeting called for that purpose, and at which two-thirds at least of the members of the Association are present and vote on such motion. Notice in writing of such proposed alteration, revocation, or addition shall be given to the Secretary of the Association one calendar month prior to such meeting: . Provided that notice of such meeting stating its objects shall be given or sent by post to each member and be advertised in a daily newspaper published in Launceston fourteen days prior to such meeting. Such alteration, revocation, or addition shall not be effective until approved by the Governor in Council by proclamation published in the Gazette.

Alteration of the
constitution.

38 The Association and all persons acting for or on behalf of it shall, in any action, prosecution, or other proceeding commenced against it or them for anything done in pursuance or execution or intended execution of any act or of any duty or authority conferred by this Act or any other Act, or in respect of any alleged neglect or default in the execution of any such act, duty, or authority, be entitled to claim and shall have the benefit of all the provisions of Section Five of the Act of the

Limitation of
actions.

63 Vict. No. 36.

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Parliament of Tasmania, passed in the sixty-third year of the Reign of Her Late Majesty Queen Victoria, Number Thirty-six.

Regulations.

39 The General Committee may, with the approval of the Governor, make regulations for all or any of the following purposes:—

- I. Regulating elections of the General and Executive Committees or any officers, in any matters which are not sufficiently provided for by this Act:
- II. For the conduct of business at the meetings of the General and Executive Committees.
- III. For the management of any institutions or classes under the control of the Association.
- IV. For the admission of women and babies to such institutions:
- V. Prescribing scales of fees and charges payable by mothers and their husbands and relatives in respect of the matters for which they are by this Act made liable to the Association: Provided that until regulations shall be made under this paragraph, or in so far as they may not apply, then the fees and charges that shall be payable for such matters shall be such as may be reasonably demanded therefor: and
- VI. For generally regulating the affairs of the Association, and for regulating all matters touching the objects of this Act, and not sufficiently provided for, and for the effectual carrying out of such objects.