

VAUCLUSE HOSPITAL.

No. 17 of 1963.

AN ACT to vest in the Crown the land on which the Vaucluse Infectious Diseases Hospital is situated, to provide for the payment of compensation in respect of the vesting of that land, to regulate the purposes for which that land may be used, and to provide for matters incidental thereto. [2 May 1963.]

WHEREAS by an indenture dated the eleventh day of ^{Preamble.} November 1908 and made between the Perpetual Trustees Executors and Agency Company of Tasmania Limited of the first part, the Mayor, Aldermen, and Citizens of the city of Hobart (in this Act referred to as "the corporation") of the second part, and *Daniel Freeman* of Hobart in this State, Esquire, *Charles Ball* of Hobart in this State, Solicitor, and *Edward Albert Counsel* of Hobart in this State, Esquire of the third part the Company (being and as the trustee and executor of the will of *Joseph Solomon* late of Hobart in this State, Esquire, deceased, and acting pursuant to the trusts in that behalf contained in that will) conveyed the land described in the schedule to this Act (in this Act referred to as "the hospital land") unto and to the use of the parties of the third part as trustees upon trust for the corporation and its successors and assigns to erect, provide, equip, and maintain upon that land a building or buildings to be used in perpetuity as a hospital under the provisions of the *Public Health Act 1903* for the purposes of the reception and treatment of persons suffering from infectious diseases:

And whereas by a further indenture bearing even date with the first-mentioned indenture the warden, councillors, and electors of the municipalities of New Town, Queenborough, Clarence, and Glenorchy agreed to combine with the corporation for the purpose of providing and maintaining that hospital on certain terms set forth in that indenture:

And whereas by the first-mentioned indenture it was provided that in the event of the corporation or those municipalities at any time determining to discontinue the hospital erected on that land for those purposes, or in the event of that hospital being rendered unnecessary for any reason, the trustees should sell and dispose of that land or any part thereof and stand possessed of the proceeds upon trust to be disposed of in such manner and in such proportions or shares and upon such terms and conditions as the corporation and those municipalities, or any two of them, might direct:

And whereas each of the trustees has died and the municipalities of New Town and Queenborough have become part of the city of Hobart:

And whereas by order-in-council dated the twenty-first day of January 1938 the hospital was declared to be a public hospital under the provisions of Part II of the *Hospitals Act* 1918 and has, since that date, been maintained at public expense by the board of the Hobart public hospitals district:

And whereas it is desirable that the hospital should continue to be maintained at public expense and that the purposes for which it is maintained be extended:

And whereas for the better maintenance and use of the hospital it is expedient that that land be vested in the Crown:

And whereas the corporation agrees that that land should be vested in the Crown and desires to transfer it to the Crown but doubts have arisen as to whether the corporation has any power to sell that land or whether such a power could be conferred on the corporation by the Supreme Court:

And whereas it is expedient, for the removal of those doubts and for the better maintenance and use of the hospital, that provision be made for the vesting of that land in the Crown, for regulating the purposes for which the hospital may be used, and for other matters connected therewith:

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 *Vauchuse Hospital Act* 1963.

Interpretation.

2 In this Act, unless the contrary intention appears—

“corporation” means the body corporate consisting of the Lord Mayor, Aldermen, and Citizens of the city of Hobart;

“hospital land” means the land that is described in the schedule.

Vesting of the hospital land.

3—(1) The hospital land, by force of the operation of this section, reverts to and is revested in Her Majesty absolutely, freed and discharged from all estates, interests, trusts, restrictions, reservations, obligations, contracts, licences, and charges that, but for this section, would or might subsist in favour of any person other than Her Majesty.

(2) The provisions of section eighteen of the *Lands Resumption Act* 1957, with the necessary adaptations and modifications, apply to and in relation to the revesting of the hospital land pursuant to this section, as if that land had been acquired compulsorily under the provisions of that Act, and as if this section were a notification under section thirteen of that Act, and as if a reference in those provisions to the Minister were a reference to the Minister administering this Act.

4 Notwithstanding any other law or rule of law to the contrary or anything contained in any instrument executed before the commencement of this Act, the hospital land may be used for the maintenance, or erection and maintenance, thereon of—

Purposes for which the hospital land may be used.

- (a) an infectious diseases hospital;
- (b) a convalescent hospital;
- (c) buildings for use for the purpose of providing medical attention or nursing attention, or both, for aged persons or for persons suffering from injuries resulting from accidents;
- (d) quarters for the accommodation of resident medical officers employed in any such hospital or building; and
- (e) such other hospital purposes, or purposes connected with the provision of medical attention or nursing attention, or both, as the Governor may, by order-in-council, approve.

5 Where any part of the hospital land is, in the opinion of the Minister, no longer required for any of the purposes referred to in section four, that part of that land may, with the approval of the Governor, be disposed of—

Power to dispose of surplus land.

- (a) on such terms and conditions, and to such person, as the Governor may approve; or
- (b) by the Commissioner of Crown Lands, under and in accordance with the provisions of the *Crown Lands Act 1935*.

6 The Minister shall pay to the corporation, by way of compensation for the revesting of the hospital land in Her Majesty, such sum (not exceeding ten thousand pounds) as may be provided by Parliament out of the Loan Fund.

Compensation.

THE SCHEDULE.

(Section 2.)

CITY OF HOBART.

SECTION L3.

3 acres and 22 perches, being the whole of 3 acres and 22 perches granted to Thomas Hewitt and now owned by the Lord Mayor, Aldermen, and Citizens of the city of Hobart as shown in conveyance Volume 11 folio 9655.

Commencing at the intersection of Macquarie and Gore Streets and bounded on the south-east by 340 feet 8½ inches north-easterly along Macquarie Street aforesaid on the north-east by 472 feet 6½ inches north-westerly along 2 acres 2 roods 3 perches granted to Edward Markham to the Hobart Rivulet thence by that Rivulet to Gore Street aforesaid and thence on the south-west by 478 feet 6 inches south-easterly along that street to the point of commencement.