

Act No. 52, 1902.

An Act to consolidate enactments relating to the Prince Alfred Hospital. [26th August, 1902.]

PRINCE ALFRED
HOSPITAL.
—

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 :—

1. This Act may be cited as the "Prince Alfred Hospital Act, Short title. 1902."

2. (1) The several enactments mentioned in the First Schedule to this Act to the extent therein expressed are hereby repealed.

Repeal.
First Schedule.

Prince Alfred Hospital.

(2) All persons appointed under or by virtue of any Act hereby repealed, and holding office at the commencement of this Act, shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

(3) All by-laws, rules, and regulations duly made and any matter or thing duly done under or in accordance with any of the provisions of any Act hereby repealed and in force and operative at the commencement of this Act shall be deemed to be and to have been duly made or done under the corresponding provisions of this Act, and as if this Act had been in force when the same were made or done respectively.

Interpretation.
36 Vic. s. 20.

3. In the interpretation of this Act, unless the subject-matter or context otherwise indicates or requires,—

“Body corporate” means the corporation of the Prince Alfred Hospital.

“The hospital” means the said hospital so incorporated as an establishment for all the purposes of an hospital.

“Treasurer” means the treasurer of the hospital, and includes any person appointed to act and for the time being acting in the capacity of treasurer for the hospital.

Subscribers to
hospital to be
corporation.
Ibid. s. 1.

4. All persons who contribute annually to the support of the hospital for so long and during such time as they continue to be such contributors, and also all persons who have paid or hereafter pay one entire sum of fifty pounds towards either the erection, completion, or support of the hospital, subject to the provisions in this Act contained, shall be members of and continue to be the body corporate entitled “The Prince Alfred Hospital,” by which name such body corporate shall continue to have perpetual succession and a common seal, and in the same name may sue and be sued, implead or be impleaded, proceed or be proceeded against in all Courts, and may prefer, lay, and prosecute any indictment, information, and prosecution against any person for any offence, and in all indictments, informations, and prosecutions it shall be lawful to state any property of the said corporate body to be the property of the said corporate body in its corporate name, and to allege any intent to defraud the said corporate body or any of its officers to be an intent to defraud the said corporate body in its corporate name.

Power to hold and
deal with lands.
Ibid. s. 3.

5. The body corporate may take, purchase, hold, and enjoy not only such lands, buildings, and hereditaments as may from time to time be required, used, or occupied for the immediate requirements and purposes of the hospital, but also any other lands and hereditaments whatsoever, wheresoever situate, and also take, purchase, receive, hold, and enjoy any goods, chattels, and personal property, and also sell, grant, convey, assure, demise, or otherwise dispose of either, absolutely, or by way of mortgage, any of the property, real, or personal, belonging to the body corporate :
Provided

Prince Alfred Hospital.

Provided that the body corporate shall not sell, grant, convey, assure, demise, or dispose of the land granted for the purpose of the hospital, and described in the Second Schedule to this Act or any part thereof, or any land which, since the third day of April, one thousand eight hundred and seventy-three, has been or may at any time hereafter be granted to the body corporate by the Crown by way of free gift unless with the approval of the Governor, to be testified by writing under his hand, countersigned by the Colonial Secretary, except by way of lease for any term not exceeding twenty-one years from the time of the granting of any such lease in and by which there shall be reserved and made payable during the whole of the term to be thereby granted the best yearly rent that can be reasonably gotten for the same without any fine or premium.

6. (1) The hospital and the property of the body corporate shall be governed, managed, and disposed of by the board of directors thereof, subject to the by-laws, rules, and regulations of the hospital. Hospital and property to be managed by directors.

(2) The said board of directors shall consist of fifteen directors made up of ten directors elected by the members, and of the Chancellor of the University of Sydney, the Dean of Faculty of Medicine of the said University, and three persons appointed by the Governor. 36 Vic. ss. 4, 6, 9.

(3) Six directors shall form a quorum of such board for the doing any act or performing or transacting any business which may, under the provisions of this Act, or the by-laws, rules, and regulations of the body corporate, be done, performed, or transacted.

(4) When and so often as any person appointed by the Governor ceases to be a director, the Governor shall appoint some other person to be a director in his place.

7. A meeting of the members shall be held in every year, and shall be called by the board of directors by advertisement in any one or more of the newspapers published in Sydney. Annual meeting. Ibid. s. 7.

8. At every annual meeting five of the ten directors elected by the members shall retire in rotation, the directors so retiring being eligible for re-election, and five persons shall be elected directors according to the provisions of this Act in the room of the directors so retiring, and if there are more than five candidates such election shall be by ballot. Appointment of directors in place of retiring directors. Ibid. s. 8.

9. The hospital shall be entirely unsectarian in character, and open to persons of all shades of religious opinion and belief, and ministers of religion shall, subject and according to the provisions of the by-laws, rules, and regulations to be made by the board of directors, have free admittance to the hospital for the purpose of giving and administering religious instruction and consolation to any patients in the hospital of such minister's own denomination, but in no case shall any minister of religion of any denomination be capable of being elected a director of the hospital. Hospital to be unsectarian, and ministers of religion to have free access to hospital, but not capable of being elected directors. Ibid. Preamble s. 10.

Prince Alfred Hospital.

Power to make
by-laws.
36 Vic. s. 11.

10. The board of directors may make by-laws, rules, and regulations for regulating the times and mode of meetings of members and their own times and mode of meetings and transacting business, for fixing the number of votes of contributors in proportion to the amount of their contributions, for determining the qualification, disqualification, change, retirement, election, and appointment of directors (except as herein provided for), medical officers, auditors, executive and other officers, and nursing staff, and subcommittees of the hospital, and generally for the support, management, and government of the hospital, and of all officers, servants, and patients thereof :

Provided that no such by-laws, rules, or regulations shall be in any way repugnant to or inconsistent with the provisions of this Act.

Copy of by-laws to
be evidence.
Ibid. s. 12.

11. A copy of any such by-laws, rules, and regulations sealed with the seal of the body corporate, and purporting to be certified by the secretary of the hospital as being correct, shall be received in any court as conclusive evidence of such by-laws, rules, and regulations.

Power of directors
to invest funds.
Ibid. s. 13.

12. The board of directors may invest any of the funds of the body corporate, which may not, in the opinion of such board of directors, be required for the current expenses of the hospital, and any moneys given or bequeathed to the hospital or arising from the sale of property granted, devised, bequeathed, or given to the hospital according to the discretion of such board of directors in any Government funds or debentures of the Commonwealth of Australia, or any of the States thereof, or in any debentures or debenture stock of any municipal corporation in the said Commonwealth, or of any bank or incorporated company carrying on business in the said Commonwealth, or, by way of purchase, mortgage, or otherwise, in any freehold estate in the said Commonwealth, with power from time to time and at any time to vary and transfer any such investment for or into any other investment of a like kind :

Provided always that the board of directors may in their absolute discretion resort to any such investments and realise the same for the purpose of applying the moneys to arise from the sale and realisation of the same in or towards any then current or immediate expense or requirement of the hospital.

Directors to appoint
sub-committees.
Ibid. s. 14.

13. The board of directors shall from time to time elect and appoint from amongst such board a house committee and such and so many sub-committees as they may think fit for transacting the affairs and business of the hospital with and subject to such powers, privileges, provisions, and conditions as are provided and declared by the by-laws, rules, and regulations.

Power to appoint
medical and nursing
staff.
Ibid. s. 15.

14. The board of directors may from time to time make provision for the appointment and support of a medical school and a nursing and training staff for the hospital.

15.

Prince Alfred Hospital.

15. No irregularity, informality, or illegality in the election or appointment of any director or officer of the hospital shall be taken or construed to render illegal or invalid any act, deed, matter, or thing done or executed or suffered to be done or executed by such director or officer in pursuance of such election or appointment, but any such election or appointment may, in such way as is provided for in the said by-laws for the time being, be determined to be good or bad, and if bad the vacancy supplied in such way as is provided for in such by-laws, and the provisions of the said by-laws for the time being as to the validity of any such election or appointment and the acts, deeds, and things done by any director or officer in pursuance of any such election or appointment shall have the force and effect of law.

Informality of election of director or officer not to invalidate this Act.
36 Vic. s. 16.

16. The said board of directors may change or alter the common seal of the body corporate.

Power to alter common seal.
Ibid. s. 17.

17. The treasurer at any time may institute and prosecute on behalf and in the name of the said body corporate proceedings in any court against any person who has received medical or surgical care and attention, or both, in the hospital, or against the executors or administrators of any such person, or against the curator of the estate of any such person, for the recovery of fees and remuneration for such care and attention, and any amount recovered in any such proceeding shall be applied in such way as is provided in the said by-laws.

Proceedings may be instituted for recovering remuneration for treatment in the hospital.
Ibid. s. 18.

18. All unclaimed moneys of patients who die in the hospital shall be the property of the body corporate, and shall form a distinct and separate fund to be called the "Samaritan Fund," which fund shall be managed and disposed of in such manner as by the by-laws is provided for the benefit of the necessitous outgoing patients.

Unclaimed moneys of deceased patient to form "Samaritan Fund."
Ibid. s. 19.

19. The land described in the Second Schedule hereto, containing by admeasurement eleven acres three roods and twenty-six perches, more or less, subject to the conditions, reservations, and provisions hereinafter contained, is hereby declared to be vested in the body corporate.

Land vested in the "Prince Alfred Hospital."
36 Vic. No. 28, s. 1.
Second Schedule.

20. (1) The body corporate shall hold the said land subject to the conditions, reservations, and provisions following, that is to say—

Conditions on which land is to be held.
Ibid. s. 2.

- (a) the hospital shall be open for the reception of all persons without any distinction whatsoever ;
- (b) the body corporate shall reserve for the medical school established by the University of Sydney in connection with the hospital a portion of the said land not being less than two nor more than three acres ;
- (c) the body corporate shall make proper provision for the drainage and sewerage of the hospital, and carry out the same subject to the approval of the Senate of the University ;

(d)

Prince Alfred Hospital.

(d) the body corporate shall submit for approval of the said Senate all plans and elevations for the hospital and for all buildings connected therewith, and also all plans for laying out the grounds to be used in connection with the hospital and buildings;

(e) there shall be reserved for the use of the public a road or pathway through the said land of the width and between the points prescribed by the Governor.

(2) Upon the breach of any of the said conditions the Governor may resume the said land together with all buildings erected thereon for the use of His Majesty, his heirs, and successors.

Power to appoint medical and surgical officers of hospital.
36 Vic. No. 28, s. 3.

21. Notwithstanding anything to the contrary herein contained all appointments of the medical or surgical officers of the hospital shall be vested in a board, to consist of the Senate of the said University and the directors of the hospital, acting conjointly, and the power of making any such appointment may be exercised at any meeting or adjourned meeting of such board by a majority of the members thereof, at which meeting there shall be present not fewer members than a quorum of such Senate as defined by section thirteen, subsection three of the University and University Colleges Act, 1900, or any enactment amending or consolidating the same, and a quorum of the directors of the hospital as herein provided.

By-laws regulating appointments, &c., in medical school course of studies in hospital, &c.
Ibid. s. 4.

22. The Senate of the said University may make by-laws regulating the mode of appointment of the professors and lecturers on the staff of the said medical school, and the board described in the next preceding section may make by-laws regulating the mode in which the students of the said medical school shall have access to and the course of studies to be pursued in the hospital. And such by-laws shall on approval by the Governor be binding on the said University and on the body corporate, and shall be laid before Parliament within fourteen days after such approval, if Parliament be then sitting, and if not, then within fourteen days after the commencement of the next ensuing session thereof.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Short title.	Extent of repeal.
36 Vic. ...	Prince Alfred Hospital Act ...	The whole.
36 Vic. No. 28 ...	Prince Alfred Memorial Hospital Site Dedication Act, 1873.	The whole.

Savings Bank of New South Wales.

SECOND SCHEDULE.

Eleven acres three roods six perches, county of Cumberland, parish of Petersham (portion of the University lands): Commencing on the eastern building-line of the Missenden-road, at the southern corner of the St. John's College grant; and bounded thence on the west by that building-line bearing south twenty-four degrees twenty-six minutes east eight chains and nine links; on the south by a line bearing sixty-five degrees thirty-four minutes east nine chains and fifty-four links to the left bank of a watercourse; on the east by that watercourse downwards to its intersection therewith by the north-easterly prolongation of the south-eastern boundary of the aforesaid St. John's College grant; and on the north-west by a line partly forming the south-eastern boundary of that grant bearing south thirty-four degrees thirty-five minutes west thirteen chains and forty-four links, to the point of commencement.
