

KING GEORGE V AND QUEEN
MARY MATERNAL AND INFANT
WELFARE FOUNDATION ACT.

Act No. 8, 1937.

AN Act to constitute a corporation to be called
the Trustees of the King George V and
Queen Mary Maternal and Infant Welfare
Foundation; to provide for the transfer to
that corporation of certain sums of money
and for the application of the sums of
money so transferred; to amend the Trus-
tees Audit Act, 1912; and for purposes
connected therewith. [Assented to, 7th
October, 1937.]

George VI,
No. 8, 1937.

WHEREAS during the year one thousand nine
hundred and thirty-five an appeal for funds was
made to the public for the purpose of marking the Jubilee
of King George V and Queen Mary, the fund to be known
as the King George V and Queen Mary Maternal and
Infant Welfare Fund, and as the result of such appeal
the sum of eight thousand three hundred and fifty-six
pounds one shilling and five pence is now held, and
whereas the Government of the Commonwealth of Aus-
tralia has granted the sum of fourteen thousand pounds
and the Government of the State of New South Wales
has granted the sum of ten thousand pounds towards the
fund, and whereas it is expedient in order that the fund
may be applied to the purpose for which it was subscribed
and otherwise made available, namely, maternal and
infant welfare, that the said sums of money should be
transferred to and vested in a body corporate with the
powers

Preamble.

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powers, authorities, duties and functions in this Act contained: BE it therefore 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:—

Short title. **1.** This Act may be cited as the "King George V and Queen Mary Maternal and Infant Welfare Foundation Act, 1937."

Definitions. **2.** In this Act, unless the context or subject matter otherwise indicates or requires,—

"Appointed member" means member of the Foundation appointed by the Governor.

"Ex-officio member" means member of the Foundation holding one of the offices referred to in subsection two of section four of this Act.

"Foundation" means the Trustees of the King George V and Queen Mary Maternal and Infant Welfare Foundation.

"Fund" means the sums of money mentioned in the Preamble to this Act.

"Member" means member of the Foundation.

The trustees of the King George V and Queen Mary Maternal and Infant Welfare Foundation. **3.** (1) There shall be constituted a Foundation which shall carry into effect the objects and purposes of this Act, and shall have and may exercise and perform the powers, authorities, duties and functions conferred or imposed upon the Foundation by or under this Act.

(2) The Foundation shall be a body corporate with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3) The corporate name of the Foundation shall be the "Trustees of the King George V and Queen Mary Maternal and Infant Welfare Foundation."

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4. (1) The Foundation shall consist of seven members of whom three shall be ex-officio members, and four shall be appointed members. Members of the Foundation.

(2) The ex-officio members shall be the persons who, for the time being, hold the following offices, namely:—

- (a) the Director-General of Public Health;
- (b) the Professor of Obstetrics at the University of Sydney;
- (c) the Lecturer in Gynaecology at the University of Sydney.

(3) (a) The appointed members shall be appointed by the Governor by notification published in the Gazette.

(b) Of the appointed members—

- (i) one shall be a member of the Hospitals Commission of New South Wales, and shall be appointed on the nomination of that Commission;
- (ii) three (two of whom shall be women) shall be appointed on the nomination of the Minister.

(4) The person for the time being holding the office of Director-General of Public Health shall be the chairman of the Foundation.

5. A member shall not be entitled to receive any salary, fee, allowance or remuneration for his services as a member.

Member not entitled to remuneration for his services.
cf. Act No. 34, 1936, s. 7.

6. The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment of any appointed member, and an appointed member shall not be subject to the provisions of any such Act during his term of office.

Public Service Act not to apply.
cf. *Ibid.* s. 8.

7. The office of an appointed member shall become vacant if the member appointed thereto—

Vacation of office of appointed member.

- (a) dies; or
- (b) resigns his office by notice in writing addressed to the Governor; or
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898; or

cf. *Ibid.* s. 9.

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- (d) is absent without the leave of the Foundation from four consecutive ordinary meetings of the Foundation; or
- (e) is removed from office by the Governor; or
- (f) being a member of the Hospitals Commission of New South Wales ceases to hold office as such.

Power of Governor to remove from office. cf. Act No. 34, 1936, s. 10.
Proceedings of the Foundation. cf. *Ibid.* s. 13.

8. The Governor may, for any cause which appears to him to be sufficient, remove any appointed member from office.

9. (1) No act or proceeding of the Foundation shall be invalidated or prejudiced by reason only of the fact that, at the time when such act or proceeding was done, taken or commenced, there was a vacancy in the office of any member.

(2) The procedure for the calling of meetings of the Foundation and for the conduct of business at such meetings shall, subject to any by-laws in relation thereto, be as determined by the Foundation.

(3) The by-laws shall fix the number of members who shall form a quorum at any meeting of the Foundation.

(4) Any meeting of the Foundation at which a quorum is present shall be competent to transact any business of the Foundation, and shall have all the powers and authority by this Act conferred upon the Foundation.

(5) At any meeting of the Foundation the chairman, if present, shall preside.

If the chairman is absent from any meeting the members present shall elect one of their number to preside at the meeting.

(6) At any meeting of the Foundation the decision of a majority of the members present shall be the decision of the Foundation.

If at any meeting of the Foundation the members present are equally divided in opinion on any matter, the matter shall be decided on the casting vote of the chairman or of the member presiding at the meeting as the case may be.

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10. (1) The fund is hereby vested in the Foundation and shall be transferred by the persons who immediately before the commencement of this Act hold the moneys comprising the same to the account of the Foundation at a bank or banks to be nominated by the Foundation. The fund.

The receipt of the bank shall be a good discharge for the amount of the moneys expressed therein to be received.

(2) The Foundation shall invest the fund, together with any further moneys or securities which may hereafter be acquired by it, in any of the securities authorised by or under the Trustee Act, 1925.

(3) The Foundation may in its discretion invest any income arising from investments and which may be unexpended for the purposes of this Act, in any of the securities authorised by or under the Trustee Act, 1925.

11. (1) The Foundation shall have power to acquire by gift, bequest or devise, any property for any of the purposes of this Act and to agree to the condition of any such gift, bequest or devise. Power to accept gifts, etc.
cf. Act No. 34, 1936,
s. 23.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the Foundation has agreed.

12. The Foundation shall hold the fund and any property which shall after the commencement of this Act be acquired by it upon trust to apply the income therefrom in the work of investigation and research into the causes and treatment of maternal and neonatal morbidity and mortality and for the encouragement of research and post-graduate teaching in relation to maternal and neonatal welfare. Application of fund.

13. The Trustees Audit Act, 1912, is amended by inserting at the end of Schedule Two the following paragraph:— Amendment of Act No. 21, 1912.
(Schedule Two.)

The accounts of the Trustees of the King George V and Queen Mary Maternal and Infant Welfare Foundation.

14. (1) The Foundation may make by-laws not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying this Act into effect. By laws.

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(2) Without prejudice to the generality of the power conferred by subsection one of this section the Foundation may make by-laws—

- (a) regulating the conduct of proceedings at meetings of the Foundation, including the times and places of meetings;
- (b) fixing the number of members who shall form a quorum at any meeting of the Foundation;
- (c) prescribing the circumstances in which and the terms and conditions upon which the income of the fund will be applied for the purposes referred to in section twelve of this Act.

(3) The by-laws shall—

- (a) be submitted to the Governor for his approval;
- (b) after approval be published in the Gazette;
- (c) take effect from the date of publication or from a later date to be specified in the by-laws;
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the by-laws have been laid before such House disallowing any by-law or part thereof, such by-law or part shall thereupon cease to have effect.