



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 12 of 1969

An Act to vest certain property that constitutes and is known as the Whyalla Hospital in Her Majesty the Queen, to provide for the future control and management of the hospital and for purposes incidental thereto.

[Assented to 27th February, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Whyalla Hospital (Vesting) Act, 1969". Short title.

2. In this Act, unless the contrary intention appears— Definitions.

"the association" means The Whyalla Hospital Incorporated an association deemed by the Associations Incorporation Act, 1956-1965, to be incorporated under that Act :

"the corporation" means the corporation constituted by subsection (2) of section 5 of this Act :

"the hospital" means the land described in the schedule to this Act together with all buildings and structures thereon and all furniture, equipment, stores and moveable property that was or were immediately before the vesting day the property of the association :

"the Minister" means the Chief Secretary :

“the Registrar-General” means the person for the time being holding the office of Registrar-General under the Real Property Act, 1886-1967, or the Registrar-General of Deeds under the Registration of Deeds Act, 1935-1962 :

“the vesting day” means the day fixed as the vesting day pursuant to section 3 of this Act.

Vesting day.

3. The Minister may by notice published in the *Gazette* fix a day as the vesting day for the purposes of this Act.

Vesting of hospital in the Crown.

4. On and after the vesting day the hospital shall cease to be vested in or belong to the association and shall vest in and belong to Her Majesty the Queen and all moneys so vested shall be paid to the Treasurer who shall place the same to the credit of the general revenue of the State.

Continuation of actions by or against the association.

5. (1) On the vesting day the association shall for all purposes be wound up and dissolved and thereafter all claims, actions or proceedings which—

(a) but for that dissolution, could have been made or commenced by or against the association may be made or commenced by or against the corporation in all respects as if the association had not been dissolved and the corporation were the association ;

or

(b) before that dissolution had been made or commenced by or against the association may be continued by or against the corporation in all respects as if the association had not been dissolved and the corporation were the association and the name of the corporation shall be substituted for the name of the association in any such claim, action or proceeding.

(2) For the purpose of this Act, the Minister is hereby constituted a corporation sole by the name of “The Whyalla Hospital” and in that corporate name and capacity may, in the place of or in substitution for the association, sue and be sued, and—

(a) shall be competent to be or to be made a party to any claim, action or proceeding referred to in subsection (1) of this section ;

and

(b) shall have and may exercise any right and shall discharge any liability or obligation of the association whether that right, liability or obligation is vested or contingent.

(3) Where in consequence of a claim, action or proceeding referred to in subsection (1) of this section or the exercise by the corporation of any right of the association or for any other reason a sum of money becomes payable—

(a) to the corporation, then that sum when received by the corporation shall be paid to the Treasurer who shall place the same to the credit of the general revenue of the State ;

or

(b) by the corporation, then that sum shall be paid by the Treasurer out of the general revenue of the State and the general revenue is, hereby, to the necessary extent appropriated accordingly.

(4) Where a judgment other than in a sum of money is given by any court against the corporation, the corporation is hereby empowered to and shall do all things necessary to comply with that judgment.

6. (1) Without limiting the generality of the powers of the corporation under section 5 of this Act, the corporation, may make with The City of Whyalla Commission constituted under the City of Whyalla Commission Act, 1944-1964, arrangements approved by the Treasurer for the repayment of outstanding moneys owed to that Commission by the association including the payment of interest from time to time due on those moneys and unpaid.

Power of corporation to make arrangements with The City of Whyalla Commission.

(2) The moneys required by the corporation for the purpose of subsection (1) of this section shall be paid out of moneys provided by Parliament for the purpose.

7. The Registrar-General shall, on the application of the Minister in relation to land that has become vested in Her Majesty the Queen pursuant to this Act, register that vesting to the extent of the estate so vested.

Alterations of register.

8. On the vesting day the land and buildings comprised in the hospital shall become a public hospital within the meaning of the Hospitals Act, 1934-1967, as if the same had been declared

Hospital to be a public hospital on and from the vesting day.

to be a public hospital pursuant to section 5 of that Act and that Act shall apply to and in relation to that land and buildings accordingly.

Rights of
certain
employees.

9. (1) Where any person was, immediately before the vesting day, employed by the association and on the vesting day that person becomes employed in the service of the Government of the State otherwise than as an Officer within the meaning of the Public Service Act, 1967, as amended, then the Public Service Board, constituted under that Act, may for the purpose of establishing that person's rights to leave of absence determine to what extent and in what circumstances the period of employment of that person with the association shall be deemed to be employment in the service of the Government of the State.

(2) Notwithstanding anything in any Act, where—

(a) any appointment is to be made, to take effect on the vesting day, to an office or employment under the Government of the State in consequence of the vesting of the hospital in Her Majesty the Queen ;

(b) any former employee applies for that appointment ;

and

(c) the qualifications of that former employee for that appointment are, in the opinion of the appointing authority, not inferior to the qualifications of any other applicant for that appointment,

the appointing authority shall appoint or, as the case may be, recommend or decide on, that former employee unless, in the opinion of the appointing authority, reasonable and substantial cause exists for not so appointing, recommending or deciding on that former employee.

(3) In this section—

“appointing authority” means any board or person having power to recommend or decide on the person to be appointed to any office or employment under the Government of the State or if there is no such board or person then the Governor, Minister, board or person having power to make an appointment to any such office or employment :

“former employee” means a person who was, immediately before the vesting day employed by the association.

10. If any doubt or difficulty arises in relation to any matter, situation or circumstance for which adequate provision is not made in this Act the Governor may for the purpose of giving full effect to the objects of this Act by proclamation resolve that doubt or difficulty or give directions for the purpose of removing the doubt or difficulty or declaring what is to be done or omitted and by whom and any such proclamation shall have effect as if it were a provision of this Act.

General power
to remove
doubts.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Governor's Deputy.

THE SCHEDULE.**Section 2.**

The whole of the land comprised in Land Grant Register Book Volume 1674 Folio 140.
The whole of the land comprised in Land Grant Register Book Volume 1719 Folio 72.
The whole of the land comprised in Land Grant Register Book Volume 3566 Folio 77.
The whole of the land comprised in Land Grant Register Book Volume 3566 Folio 78.
The whole of the land comprised in Certificate of Title Register Book Volume 3570 Folio 66.