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VICTORIA.



ANNO VICESIMO SEXTO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 8980.

An Act to facilitate and effect the amalgamation of the Yooralla Hospital School for Crippled Children and of the Victorian Society for Crippled Children and Adults, and to establish the Yooralla Society of Victoria, a company limited by guarantee, as their successor in law, to amend the *Hospitals and Charities Act* 1958 and for other purposes.

[3rd May, 1977.]

WHEREAS the Yooralla Hospital School for Crippled Children Preamble. is an incorporated institution within the meaning of the *Hospitals and Charities Act* 1958 :

And whereas the Victorian Society for Crippled Children and Adults is a company within the meaning of the *Companies Act* 1961 limited by guarantee :

And whereas the Yooralla Hospital School for Crippled Children and the Victorian Society for Crippled Children and Adults have severally and jointly determined that it is in the interest of each of them and of disabled children and adults and of the public generally that the Yooralla Hospital School and the Victorian Society amalgamate their respective activities with a view to ensuring that a complete and integrated service to disabled children and adults is provided in Victoria by a single entity :

And

And whereas it is expedient to effect that amalgamation by dissolving the Yooralla Hospital School for Crippled Children and the Victorian Society for Crippled Children and Adults and transferring their activities to the Yooralla Society of Victoria, a company within the meaning of the *Companies Act* 1961 limited by guarantee :

Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

- Short title. 1. (1) This Act may be cited as the *Yooralla Society of Victoria Act* 1977.
- Commence- (2) This Act shall come into operation on the day on which
ment. it receives the Royal Assent.
- Interpretation. 2. In this Act, unless the contrary intention appears—
- “Appointed “Appointed day” means the day fixed by proclamation
day.” under section 3.
- “Property.” “Property” includes real and personal property of any
description whether legal or equitable and includes every
estate or interest in property.
- “Victorian “Victorian Society” means the Victorian Society for
Society.” Crippled Children and Adults, a company within the
meaning of the *Companies Act* 1961, limited by
guarantee.
- “Will.” “Will” includes codicil and any other testamentary
disposition.
- “Yooralla.” “Yooralla” means the Yooralla Hospital School for
Crippled Children, an incorporated institution within
the meaning of the *Hospitals and Charities Act* 1958.
- “Yooralla “Yooralla Society” means the Yooralla Society of Victoria,
Society.” a company within the meaning of the *Companies Act*
1961 limited by guarantee.
- Appointed 3. The Governor in Council may, by Order published in the
day. *Government Gazette*, appoint a day for the purposes of this Act.
- Amalgamation 4. (1) On the appointed day—
of Yooralla (a) Yooralla shall be dissolved and the Yooralla Society
and Victorian shall be the successor in law of Yooralla ; and
Society. (b) the Victorian Society shall be dissolved and the Yooralla
Society shall be the successor in law of the Victorian
Society.

(2) Without

(2) Without affecting the generality of sub-section (1), on the appointed day—

- (a) the property which, immediately before the appointed day, was vested in Yooralla shall, by reason of this Act, be transferred to and vest in the Yooralla Society ;
- (b) the property which, immediately before the appointed day, was vested in the Victorian Society shall, by reason of this Act, be transferred to and vest in the Yooralla Society ; and
- (c) all contracts deeds bonds agreements debts liabilities securities duties and obligations and all powers authorities immunities rights and privileges of Yooralla or of the Victorian Society or made by or with or vested in exercisable by or imposed or binding upon or available in Yooralla or the Victorian Society immediately before the appointed day shall be deemed to be the contracts deeds bonds agreements debts liabilities securities duties obligations powers authorities immunities rights and privileges of the Yooralla Society and shall be enforceable or exercisable by or against the Yooralla Society as fully and effectually as they would have been by or against Yooralla or the Victorian Society if this Act had not been enacted.

(3) All property which immediately before the appointed day was vested in Yooralla or the Victorian Society shall, on the appointed day, vest in the Yooralla Society without necessity for any conveyance transfer or other assurance of property.

5. On and after the appointed day—

- (a) a donation, gift, disposition or trust of property made or declared whether by deed or otherwise (other than by a will) before the appointed day ; and
- (b) a bequest, disposition or trust of property under a will made before the appointed day (whether or not the testator died before that day)—

shall have effect, unless a contrary intention is expressly declared, as if—

- (c) a reference in the deed or other instrument or declaration or in the will to Yooralla were a reference to the Yooralla Society ; and
- (d) a reference in the deed or other instrument or declaration or in the will to the Victorian Society were a reference to the Yooralla Society.

Gifts, trusts,
wills, etc.

6. The

Yooralla
Society not
required to
lodge returns
of directors,
etc. under
Companies Act
1961.

6. The provisions of section 134 (6) of the *Companies Act* 1961 do not apply to or with respect to the Yooralla Society.

Yooralla
Society deemed
to be registered
under *Hospitals
and Charities
Act* 1958.

7. The Yooralla Society shall be deemed to be an institution within the meaning of the *Hospitals and Charities Act* 1958 and to have been registered under that Act on the appointed day.

Amendment of
No. 6274
Second
Schedule.
Incorporated
Institutions.

8. In the Second Schedule to the *Hospitals and Charities Act* 1958, the expression—

“ 163. Yooralla Hospital School for Crippled Children ” shall be repealed.