

Version No. 001
Victorian Sanatoria for Consumptives Act
1911

Act No. 2316/1911

Version incorporating amendments as at 17 August 2001

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An Act relating to the Philanthropic Institution known as the
Victorian Sanatoria for Consumptives.

Preamble

WHEREAS in or about the year One thousand eight hundred and eighty-nine a certain philanthropic institution known as the Victorian Sanatorium for Consumptives was formed in Victoria having for its object the prevention and cure of tuberculosis:

AND WHEREAS for the purposes of the said institution certain land at Echuca was acquired and vested in trustees for the said institution and certain sums of money were received on behalf of the said institution from grants made by Parliament and from other sources:

AND WHEREAS the said institution was by Order in Council dated the thirteenth day of January One thousand nine hundred and four¹ declared incorporated under the provisions of section four of the **Hospitals and Charities Act 1890** with the style and title of the "Victorian Sanatoria for Consumptives" (hereinafter referred to as "the said Corporation"):

AND WHEREAS upon such incorporation all real and personal estate held in trust for the institution aforesaid was pursuant to section thirteen of the said Act transferred to and vested in the said Corporation:

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AND WHEREAS the said Corporation for the purposes thereof acquired certain other land at Echuca and also certain land at Macedon in the State of Victoria described in this Schedule to this Act:

AND WHEREAS the said Corporation received certain sums of money from grants made from time to time by Parliament and from other sources:

AND WHEREAS the said Corporation pursuant to the powers conferred by section ten of the said Act made by-laws published in the Government Gazette on the ninth day of March One thousand nine hundred and four² providing inter alia for certain matters affecting the management of the said Corporation by a committee of governors, and for the election of such committee by the governors at the annual general meeting of the governors and for the continuance in office of the committee so elected until the next annual meeting:

AND WHEREAS the said Corporation carried on for several years the purposes for which it was incorporated:

AND WHEREAS at an annual general meeting of the governors thereof held on the thirtieth day of July One thousand nine hundred and eight a resolution was carried that "in view of the conditions laid down by the Government for the continuance of its financial assistance and the lack of further support by the public, it is expedient to close the institution at a date not later than August thirty-first, and that the retiring committee be re-appointed and empowered to take the necessary steps to carry this resolution into effect":

AND WHEREAS the institution has been closed:

AND WHEREAS all the land at Echuca vested in or acquired by the said Corporation has been sold by the said Corporation and the moneys arising from such sale have been applied in part satisfaction of the debts thereof:

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Preamble

AND WHEREAS the land at Macedon described in the Schedule to this Act is still vested in the said Corporation:

AND WHEREAS under the wills and codicils of certain persons deceased (probate whereof was granted before the commencement of this Act) certain sums of money are directed to be paid to the institution or to the said Corporation (however styled in the said wills or codicils thereto) which have not yet been so paid in full:

AND WHEREAS on the fourteenth day of March One thousand nine hundred and ten the Treasurer of Victoria paid to the London Bank of Australia Limited Three hundred and ninety-four pounds twelve shillings and four-pence in payment of overdraft and interest to date of the said Victorian Sanatoria for Consumptives:

AND WHEREAS the said Corporation cannot further continue to carry out the purposes for which it was incorporated:

AND WHEREAS it is expedient to provide for the conveyance and transfer to His Majesty of the land described in the Schedule to this Act and for the conveyance and transfer to His Majesty of all other real and personal property of the said Corporation including any sums directed to be paid as aforesaid under the said wills or codicils thereto to the extent to which the same have not been so paid:

AND WHEREAS it is expedient further to provide for the disposal of any surplus moneys arising from the sums to be so received on behalf of His Majesty and from the sale or other disposition of any property to be so transferred to His Majesty after deducting therefrom the said amount of Three hundred and ninety-four pounds twelve shillings and fourpence paid by the Treasurer of Victoria to the London Bank of Australia Limited and after deducting also any costs charges or expenses arising under this Act:

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AND WHEREAS it is expedient further to provide for relieving the governors the committee the members and officers of the said Corporation from any further liability or responsibility in connexion therewith and for the dissolution of the said Corporation and for authorizing any executor or executors trustee or trustees to give effect to any such will or codicil in manner hereinafter provided with respect to any sums of money directed by any such will or codicil to be paid as aforesaid which have not yet been so paid:

AND WHEREAS the committee of governors of the said Corporation last elected desire that provision be made for the transfer of such property and the disposal of such surplus and the dissolution of the said Corporation as aforesaid:

BE IT THEREFORE ENACTED by the King'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):

1. *Short title*

This Act may be cited as the **Victorian Sanatoria for Consumptives Act 1911**.

2. *Transfer to the Crown of land at Macedon*

As soon as practicable after the commencement of this Act the Victorian Sanatoria for Consumptives shall without any consideration other than that referred to in this Act convey and transfer to His Majesty—

- (a) the land at Macedon described in the Schedule to this Act; and
- (b) all other property of the said Corporation including all property real and personal and all things in action and all privileges and

rights which have any pecuniary value and all records books deeds and documents and any estate or interest legal or equitable in any such property.

3. *Conveyances and transfers how made*

Any such conveyance or transfer shall be valid and sufficient for all purposes if made in writing under the seal of the said Corporation attested by any two or more of the persons elected to be members of the committee of management of the said Corporation at the last election of any such committee made by the governors of the said Corporation.

4. *Power to Governor in Council to dissolve the Corporation*

When all the said conveyances and transfers have been duly made and completed the Governor in Council may by Order published in the Government Gazette declare that as from the date of such Order or from a date specified therein the Corporation of the said Victorian Sanatoria for Consumptives shall be dissolved, and upon such date the said Corporation shall by virtue of this Act be dissolved and cease to exist.

5. *Indemnity to the governors and committee of management etc. of the Sanatoria*

From the date on which the said Corporation is dissolved the said Corporation and the governors and the committee of management thereof and all officers and members thereof shall jointly and severally be and are hereby indemnified freed and discharged from any liability arising (whether before or after the commencement of this Act) in any manner in respect of the said Corporation or any act matter or thing in connexion therewith or any act matter or thing under this Act.

6. *Vesting of land and other property transferred to the Crown*

- (1) All land conveyed or transferred to His Majesty pursuant to this Act shall by virtue of this Act vest in His Majesty freed and discharged from all trusts limitations and restrictions whatsoever and shall be deemed to be and may be dealt with as unalienated land of the Crown and may in whole or in part be reserved or sold by auction or otherwise disposed of under the Land Acts as the Governor in Council may direct.
- (2) All other property conveyed or transferred to His Majesty pursuant to this Act shall vest in and become the property of the Crown.

7. *Application of proceeds from sale etc. of property and from certain gifts legacies and bequests*³

- (1) Any proceedings arising from any sale or other disposition of any such land or other property together with all sums which under any will or codicil thereto are directed to be paid to the said Corporation, but which have not been so paid and are pursuant to this Act received by the Treasurer of Victoria shall be applied—
 - (a) in repayment to the consolidated revenue of the sum of Three hundred and ninety-four pounds twelve shillings and fourpence being the amount paid by the Treasurer of Victoria on the fourteenth day of March One thousand nine hundred and ten to the London Bank of Australia Limited for overdraft and interest to that date of the Victorian Sanatoria for Consumptives; and
 - (b) in payment of any costs charges or expenses arising under this Act; and

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s. 8

(c) any surplus shall be paid into the Consolidated Fund.

S. 7(1)(c)
substituted by
No. 9861
s. 3(1)(Sch. 2).

(2) Any moneys standing to the credit of the said fund shall be available and used only for the payment thereout of such sums as the Governor in Council may from time to time direct in aid of any institution in Victoria which makes provision for the prevention and cure of tuberculosis.

8. *Constructions of certain wills and codicils under which gifts etc. have been given to or in favour of Sanatoria*

Where under any will or codicil thereto of which probate was granted before the commencement of this Act any sums are directed to be paid to the philanthropic institution known as the Victorian Sanatorium for Consumptives or the said Victorian Sanatoria for Consumptives (however styled in the said will or any codicil thereto) such sums so far as the same have not been so paid at the commencement of this Act shall be paid to the Treasurer of Victoria for the time being as if they had been directed to be paid to him in lieu of the said philanthropic institution or the said Corporation, and every such will or codicil thereto shall for the purpose of making such payment be read and construed accordingly; and the receipt of the said Treasurer for any such sum shall be a sufficient discharge to the executor or executors trustee or trustees paying the same to the said Treasurer.

9. *Save as expressly provided no liability to attach to the Crown*

Save as otherwise expressly provided in this Act no person and no body of persons (whether incorporated or not) shall be entitled to or shall

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receive from or on behalf of His Majesty any money or consideration or compensation in respect of or in any manner whatsoever arising out of any act matter or thing under this Act.

Section 2.

SCHEDULE

**LAND AT MACEDON VESTED IN THE VICTORIAN
SANATORIA FOR CONSUMPTIVES PROPOSED TO BE
TRANSFERRED TO THE CROWN**

- (1) All those pieces of land containing two hundred and six acres or thereabouts, being Crown allotments 240, 242, 243, 247, 248, 248A, 250, parish of Kerrie, county of Bourke, and being the land more particularly described in the certificate of title registered in the register book in the Office of Titles, volume 3081, folio 616107.
 - (2) All that piece of land containing nineteen acres three roods and one perch, more or less, and being allotment 244, in the parish of Kerrie, county of Bourke, and being the land more particularly described in the Crown grant registered in the register book in the Office of Titles, volume 1936, folio 387012.
 - (3) All that piece of land containing twenty acres, more or less, being allotment 244A, in the parish of Kerrie, county of Bourke, and being the land more particularly described in the Crown grant registered in the register book in the Office of Titles, volume 2327, folio 465230.
 - (4) All that piece of land containing nineteen acres two roods and thirty-three perches, more or less, being allotment 241, in the parish of Kerrie, county of Bourke, and being the land more particularly described in the Crown grant registered in the register book in the Office of Titles, volume 1807, folio 361387.
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ENDNOTES

1. General Information

The **Victorian Sanatoria for Consumptives Act 1911** was assented to on 4 September 1911 and came into operation on 4 September 1911.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Victorian Sanatoria for Consumptives Act 1911** by Acts and subordinate instruments.

Public Account (Trust Funds) Act 1982, No. 9861/1982

Assent Date: 5.1.82

Commencement Date: Sch. 2 on 1.7.82: s. 3(2); rest of Act on 12.1.83:
Government Gazette 12.1.83 p. 81

Current State: All of Act in operation

3. Explanatory Details

¹ Preamble: Government Gazette 20 January 1904 page 162.

² Preamble: Government Gazette 9 March 1904 page 862.

³ S. 7: The amendment proposed to section 7 of this Act by section 3(1)(Sch. 2) of the **Public Account (Trust Funds) Act 1982**, No. 9861/1982 is not included in this publication due to an incorrect reference to section 7(3).