South Australia

Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009

An Act to allow for donations for a hydrotherapy pool at Mount Gambier Hospital to be returned to donors or applied for another purpose.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Interpretation

In this Act, unless the contrary intention appears—

Commissioners means the Commissioners of Charitable Funds under the Public Charities Funds Act 1935;

Country Health SA means Country Health SA Hospital Incorporated established under the Health Care Act 2008;

donor means a person who made a donation to the Fund;
Fund means the fund held by the Commissioners under section 11 of the Public Charities Funds Act 1935 comprising donations collected by the Mount Gambier and Districts Health Service Incorporated (now the Mount Gambier and Districts Health Advisory Council Inc) for the purpose of building a hydrotherapy pool at the Mount Gambier Hospital (known as "the Mount Gambier Hospital Hydrotherapy Pool Fund") and interest;

funds proposal means a proposal for the application, at the Mount Gambier Hospital, of that part of the Fund that is not returned to donors in accordance with this Act.

4—Proposal for use of funds

(1) Mount Gambier and Districts Health Advisory Council Inc must develop, as soon as is reasonably practicable after the commencement of this Act, a funds proposal.

(2) Mount Gambier and Districts Health Advisory Council Inc must consult, in such manner as it thinks fit, with Country Health SA and the community in and around Mount Gambier on the proposal.

(3) Notwithstanding any provision in the Public Charities Funds Act 1935 to the contrary, the Commissioners must not apply the remainder of the Fund in accordance with a funds proposal under this Act unless the Commissioners—

(a) reasonably believe that the proposal is generally supported by the community in and around Mount Gambier; and

(b) consider that the part of the Fund that is not returned to donors in accordance with this Act is of an amount sufficient for the implementation of the proposal.

5—Procedures for advertising proposal and return of funds

(1) For the purposes of this Act, the Commissioners must cause to be published in a newspaper circulating generally throughout the State and in a newspaper circulating in Mount Gambier a notice—

(a) describing the proposal; and

(b) offering to return donations and an amount (determined by the Commissioners) as interest earned on the donation to donors who request a return of their donation within the period specified in the notice (being not less than 3 months after the date of publication of the notice); and

(c) informing donors that donations not returned will be held on trust by the Commissioners to be applied for the purposes of the proposal; and

(d) informing donors of any other matter the Commissioners think fit.

(2) If—

(a) the Commissioners are aware of any donor who has, before the publication of the notice—

(i) requested the return of their donation; or

(ii) indicated an intention of having their donation returned if the hydrotherapy pool was not built; and

(b) the Commissioners have, or are reasonably able to obtain, a contact address for the donor,
the Commissioners must, within 7 days of the publication of the notice referred to in subsection (1), send a copy of the notice to the donor.

6—Return of donations

(1) If, during the period specified in the notice published under section 5, a request is received for the return of a donation, the Commissioners must, if reasonably satisfied that the person who made the request is a donor, pay to the person from the Fund—

(a) the amount determined by the Commissioners to be the donation given by the donor; and

(b) an additional amount, determined by the Commissioners, as interest on the donation.

(2) Subsection (1) has effect notwithstanding any provision in the Public Charities Funds Act 1935 to the contrary.

(3) The Commissioners may, for the purpose of determining whether a person is a donor, and the amount donated, require the person to provide evidence of those matters or to verify the claim by statutory declaration.

7—Application of remainder and winding up of trust

Subject to section 4(3), the Commissioners must, once all applications for the return of donations have been dealt with in accordance with section 6, apply the remainder of the Fund in accordance with the funds proposal developed in accordance with section 4.

8—Expiry of Act

The Governor may, by proclamation made at any time after the application of the remainder of the Fund in accordance with this Act, fix a date on which this Act will expire.
Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Repeal of Act

The Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009 was repealed by s 91 of the Statutes Amendment and Repeal (Simplify) Act 2017 on 15.3.2017.

Principal Act

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