

Authorised Version No. 006
Prahran Mechanics' Institute Act 1899

No. 1617 of 1899

Authorised Version incorporating amendments as at
28 June 2012

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An Act to provide for the Incorporation and Government of the
Prahran Mechanics' Institute.

Preamble

WHEREAS by two several indentures respectively bearing date the eighth day of January One thousand eight hundred and fifty-five and the twenty-fourth day of December One thousand eight hundred and fifty-five, certain lands and premises specified in the Schedule to this Act, situate in Chapel-street in the city of Prahran, were conveyed to and vested in Frederick James Sargood, James Stokes, and George William Rusden, as trustees of the Prahran Mechanics' Institute:

AND WHEREAS James Stokes and George William Rusden are now the survivors of them the said trustees, the said Frederick James Sargood having died on the fifteenth day of January One thousand eight hundred and seventy-three:

AND WHEREAS the said premises have been used for the purpose of a Mechanics' Institution and Circulating Library and there have been expended grants of public and private moneys to that end:

AND WHEREAS the said James Stokes and George William Rusden in view of the uncertainty of human life are desirous of providing for the permanent appropriation of the said premises so held by them as such trustees as aforesaid for the purposes of Mechanics' Institution and Circulating

Library and of having the same incorporated and of providing for the future management of the said institution:

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):

1 Short title

This Act may be cited as the **Prahran Mechanics' Institute Act 1899**.

2 Incorporation of the Prahran Mechanics' Institution and Circulating Library

All persons who are for the time being members of the society known as the Prahran Mechanics' Institution and Circulating Library shall be a body corporate (hereinafter in this Act referred to as the ***said incorporated body***) by the name of "The Prahran Mechanics' Institution and Circulating Library incorporated," and shall by that name have perpetual succession and a common seal and be capable in law of suing and being sued and shall have power to compound or to prove in any competent court all debts due to the said incorporated body; and, for the purposes of the said institution and library, the said incorporated body shall be capable in law of taking purchasing and holding all goods chattels and personal property whatsoever and of granting leases of any lands held by or vested in it or any buildings on those lands, and of granting licences and permits for the use of those lands and buildings.

S. 2
amended by
No. 8/2007
s. 3.

2A Objectives of said incorporated body

S. 2A
inserted by
No. 31/2010
s. 4.

For the purposes of this Act, the objectives of the said incorporated body are to—

- (a) provide a circulating and reference library which includes works on State history and in particular the history of State places; and
- (b) organise and conduct educational activities for the benefit of the members of the said incorporated body and for the general public; and
- (c) encourage and facilitate historical and educational research.

3 Transfer of property and debts

- (1) All property of the said society in the possession or control of the trustees office-bearers or committee thereof shall become the property of the said incorporated body, and all moneys owing to the said trustees office-bearers or committee shall be recoverable by the said incorporated body as successors to the trustees office-bearers and committee of the said society.
- (2) All debts and liabilities of the said society legally and properly incurred by the trustees office-bearers or committee thereof outstanding at the commencement of this Act shall by the operation of this Act become the debts and liabilities of the said incorporated body as successors to the trustees office-bearers and committee of the said society.

4 Vesting

The lands hereditaments and premises set out in the Schedule hereto shall be and are hereby vested in the said incorporated body, and the two indentures specified in the Schedule to this Act shall be the property of the said body, and the

Registrar-General shall without further or other authority than this Act on the production to him of each of the said indentures make an indorsement thereon stating that the said lands hereditaments and premises are by virtue of this Act vested in the said incorporated body, and he shall also make a like entry on the registered memorial of such indentures in his office.

5 Management

The committee of the said incorporated body may from time to time make rules and regulations for the management and control of the said institution, and the said rules and regulations upon being approved by the Governor in Council and after publication in the Government Gazette shall be the rules and regulations of the institution.

6 Constitution of governing committee

S. 6(1)
amended by
No. 10071
s. 4(a),
substituted by
No. 4/2006
s. 4(1).

- (1) The said incorporated body is to have a governing committee consisting of 7 members, of whom—
 - (a) one is to be a person appointed by the Stonnington City Council; and
 - (b) 6 are to be elected by the members of the said incorporated body.

S. 6(2)
amended by
No. 10071
s. 4(b),
substituted by
No. 4/2006
s. 4(1).

- (2) A member appointed under subsection (1)(a) holds office for the term specified by the Stonnington City Council.

S. 6(2A)
inserted by
No. 4/2006
s. 4(1).

- (2A) An election of a member under subsection (1)(b) must be held at an annual general meeting.

S. 6(2B)
inserted by
No. 4/2006
s. 4(1).

- (2B) A member elected under subsection (1)(b) holds office for 4 years in accordance with the rules and regulations of the said incorporated body.

(3) The time and mode of election and manner of resignation and all matters relating to the office of the members of the committee elected by the members of the said incorporated body shall, subject to the provisions of this Act, be provided for by rules and regulations of the said incorporated body made pursuant to this Act.

(4) If a member of the committee is not—

(a) appointed by the Stonnington City Council;
or

(b) elected by the members of the said incorporated body—

at the time required by this Act or the rules and regulations of the said incorporated body, the Governor in Council may appoint a member who will be deemed on that appointment to have been appointed or elected by the Stonnington City Council or the members of the said incorporated body (as the case may be).

S. 6(4)
inserted by
No. 4/2006
s. 4(2).

7 Extraordinary vacancies

(1) If the office of a member of the governing committee becomes vacant before the end of the term of the office—

(a) in the case of a member appointed under section 6(1)(a), the Stonnington City Council may appoint a person to fill the vacancy; or

(b) in the case of a member elected under section 6(1)(b), the governing committee may appoint a person to fill the vacancy.

(2) A member appointed under this section holds office for the remainder of the term of the member whose place he or she fills.

S. 7
amended by
No. 10071
s. 4(c),
substituted by
No. 4/2006
s. 5.

* * * * *

S. 8
repealed by
No. 4/2006
s. 6.

S. 9
amended by
No. 4/2006
s. 7.

9 Quorum

Any four members of the committee of the said incorporated body (whether or not there is any vacancy in the full number of members of such committee) may at any meeting exercise all or any of the powers of the said committee.

10 Present rules and regulations

The rules of the Prahran Mechanics' Institution and Circulating Library, as revised on the twenty-eighth day of May One thousand eight hundred and eighty-one and in force at the commencement of this Act, shall except in so far as is inconsistent with any of the provisions of this Act be and be deemed to be the rules and regulations of the said incorporated body until revoked by rules and regulations made pursuant to this Act.

S. 11
amended by
No. 8/2007 s. 4
(ILA s. 39B(1)).

11 Power to demand rents etc.

- (1) The said incorporated body may demand recover and receive all such rents fees tolls and charges as may be determined upon by the committee from any person coming in or upon any lands held by or vested in the said incorporated body or any part thereof or into or upon any building standing or being upon the said lands.
- (2) Without limiting subsection (1), the said incorporated body may, for the purposes of the Prahran Mechanics' Institution and Circulating Library—
 - (a) grant leases of any lands held by or vested in the said incorporated body or any part of those lands or any building standing or being upon those lands; and
 - (b) grant licences or permits for the use of those lands and buildings.

S. 11(2)
inserted by
No. 8/2007
s. 4.

11A Power to acquire land

S. 11A
inserted by
No. 31/2010
s. 5.

- (1) For the purposes of its objectives, the said incorporated body may make 3 separate acquisitions of land.
- (2) For the purposes of subsection (1), an acquisition of land includes, but is not limited to, an acquisition of more than one parcel of land if the parcels of land are adjoining, whether or not that land is described in a single folio of the Register.
- (3) Subsection (1) has effect until—
 - (a) the said incorporated body makes the third acquisition of land under that subsection; or
 - (b) 5 years after that subsection comes into operation—whichever is the earlier.
- (4) The said incorporated body is not capable of disposing of a fee simple interest in any land acquired under subsection (1) and the title to that land is subject to that restriction.

Note

The said incorporated body may grant a lease of land acquired under subsection (1) or grant a licence or permit for the use of such land under section 2.

- (5) The Registrar may make any recordings in or amendments to the Register that are necessary to give effect to any provision of this Act.

11B Power to sell or dispose of land

S. 11B
inserted by
No. 31/2010
s. 6.

- (1) For the purposes of its objectives, the said incorporated body may sell or dispose of—
 - (a) land vested in the said incorporated body under section 4;
 - (b) the High Street property.

-
- (2) The said incorporated body must apply all money resulting from any sale or disposal of land under subsection (1) for the purposes of its objectives.
- (3) Subsection (1) has effect until—
- (a) the said incorporated body sells or disposes of all land referred to in that subsection; or
 - (b) 5 years after the subsection comes into operation—
- whichever is the earlier.

12 Security of officers

Before any person intrusted with the custody or control of moneys whether secretary collector or other officer of the said incorporated body enters upon his office the said committee shall take sufficient security from him for the faithful execution of his office.

13 Accounts

The committee shall cause full and accurate accounts to be kept of all sums of money received or expended on account of the said incorporated body and of the matters and things for which such sums of money shall have been received or expended.

14 Annual balance

The accounts of the said incorporated body shall before the thirty-first day of March in each and every year be balanced up to and inclusive of the thirty-first day of December in the year preceding; and forthwith on the accounts being so balanced an annual account shall be made up which shall exhibit a true statement of the total receipts and expenditure respectively of the said incorporated body during the year immediately preceding with the statement of the balance of such account, and all books accounts and vouchers of the said

S. 14
amended by
Nos 10071
s. 4(d),
43/2012
s. 3(Sch.
item 40).

incorporated body shall be examined and audited by an auditor and the balance and account shall be certified by the treasurer of the said incorporated body and by the auditor.

15 Validation of certain actions of governing committee

S. 15
inserted by
No. 4/2006
s. 8.

Anything done or purported to have been done by the governing committee of the said incorporated body under this Act, before the commencement of the **Prahran Mechanics' Institute (Amendment) Act 2005**, that would have been validly done had the governing committee been validly constituted at the time the thing was done or purported to be done, has, and is deemed always to have had, the same force and effect as it would have had if the governing committee had been validly constituted at the time the thing was done or purported to be done.

16 Saving

S. 16
inserted by
No. 4/2006
s. 8.

The governing committee is deemed to be the same body despite the change in its membership.

17 Ownership of High Street property

S. 17
inserted by
No. 8/2007
s. 5.

To avoid doubt, it is declared that the said incorporated body had the power to purchase the land described in folio of the Register volume 3699 folio 623 (the High Street property) at the time that the said incorporated body purchased that land.

18 Said incorporated body does not represent the Crown

S. 18
inserted by
No. 31/2010
s. 7.

The said incorporated body does not represent the Crown.

SCHEDULE

Section 4.

1 *Conveyance*

Part of allotments C and D on plan of subdivision of part of portion 41, parish of Prahran. Dated eighth January One thousand eight hundred and fifty-five. Ephraim Dunnett to F. J. Sargood, Jas. Stokes, and G. W. Rusden, the trustees of the Prahran Mechanics' Institute. Land twelve feet to Chapel-street by a depth of ninety-nine feet (commencing at a point sixty-six feet from Chatham-street). Consideration One hundred pounds.

2 *Conveyance*

Part of portion 41, parish of Prahran, part lot 1 on plan of subdivision, by Arthur O'Mullane. Dated twenty-fourth December One thousand eight hundred and fifty-five. James Mason to F. J. Sargood, James Stokes, and G. W. Rusden, trustees of the Prahran Mechanics' Institute. Land thirty-seven feet six inches to Chapel-street (commencing at a point forty-one feet from Greville-street) by a depth of sixty-one feet. Consideration One hundred pounds.

ENDNOTES

1. General Information

The **Prahran Mechanics' Institute Act 1899** was assented to on 27 October 1899 and came into operation on 27 October 1899.

Prahran Mechanics' Institute Act 1899
No. 1617 of 1899

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Prahran Mechanics' Institute Act 1899** by Acts and subordinate instruments.

Prahran Mechanics' Institute Act 1984, No. 10071/1984

Assent Date: 15.5.84
Commencement Date: 15.5.84: s. 3
Current State: All of Act in operation

Prahran Mechanics' Institute (Amendment) Act 2006, No. 4/2006

Assent Date: 7.3.06
Commencement Date: 8.3.06: s. 2
Current State: All of Act in operation

Prahran Mechanics' Institute Amendment Act 2007, No. 8/2007

Assent Date: 23.4.07
Commencement Date: 24.4.07: s. 2
Current State: All of Act in operation

Prahran Mechanics' Institute Amendment Act 2010, No. 31/2010

Assent Date: 8.6.10
Commencement Date: Ss 4, 6, 7 on 30.6.10: s. 2(3); s. 5 on 1.6.11: s. 2(2)
Current State: All of Act in operation

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 40) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **Prahran Mechanics' Institute Act 1899**

3. Explanatory Details

No entries at date of publication.