

(b) The rate of the annuity shall be increased by an amount ascertained by deducting the prescribed amount from the amount by which the annuity would have been increased by virtue of section two of this Act if, on that day, that annuity had been payable at a rate equal to the sum ascertained in accordance with paragraph (a) of this subsection.

“(3) In paragraph (b) of subsection (2) of this section, ‘the prescribed amount’ means a sum equal to the amount by which the pension under the *Superannuation Act 1938* payable to the annuitant was increased by virtue of the operation of section eight of the *Superannuation Act 1957*.”

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## MUNNEW BEQUEST (APPLICATION OF MONEYS).

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No. 21 of 1958.

AN ACT to authorize the Treasurer to apply certain moneys standing to the credit of the Trust Fund for purposes connected with the establishment, erection, or maintenance of a home for the aged at Devonport.

[ 3 July 1958. ]

WHEREAS by his will *Arthur Munnew* late of Devonport Freamble in this State, Gentleman, deceased, devised to the council of the municipality of Devonport certain lands therein mentioned (including his property known as “Meercroft”) upon certain trusts, including a trust to build and maintain on that property a hospital or convalescent home, and gave, devised, and bequeathed to his trustees all his residuary personal estate to sell, call in, and convert it into money and after payment thereout of certain legacies, expenses, debts, and payments, to hold the net moneys and his ready money and securities to the council in trust for ever for purposes relating to that hospital or convalescent home:

And whereas by an agreement made the first day of September 1947 between the Minister for Health for the time being of the one part and the council of the other part it was agreed that in consideration of the council transferring to the Minister certain lands therein mentioned (including the property known as "Meercroft") together with the buildings erected thereon and certain furniture and fittings the Minister would cause a modern public hospital to be erected at Devonport West:

And whereas that agreement was approved by the *Meercroft Hospital Agreement Act 1947*:

And whereas in the execution and carrying out of that agreement the council paid to the Minister the sum of £6,304 0s. 2d. representing the moneys forming part of the residuary personal estate of the said *Arthur Munnew* together with the sum of £475 14s. 2d. representing the proceeds of the repayment of a mortgage being one of the securities forming part of that residuary personal estate:

And whereas the moneys so paid over to the Minister have been paid into, and form part of, the Trust Fund established under the *Public Account Act 1957*:

And whereas those moneys, together with the accumulations thereof, amounted on the thirtieth day of June 1957 to the sum of £8,674 3s. 3d.:

And whereas those moneys are no longer required for the purposes of a hospital or convalescent home but it is desirable that they be applied for similar purposes in the municipality of Devonport:

And whereas it is proposed to establish in the town of Devonport a home for aged persons and it is desirable that those moneys be applied for the purposes of such a home:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

**1** This Act may be cited as the *Munnew Bequest (Application of Moneys) Act 1958*.

Interpretation.

**2** In this Act, unless the contrary intention appears—

"council" means the council of the municipality of Devonport;

"deceased" means *Arthur Munnew* late of Devonport in this State, Gentleman, deceased;

"Minister" means the Minister for the time being having the administration of the *Hospitals Act 1918*;

“the said moneys” means the moneys paid to the Minister by the council, as mentioned in the preamble to this Act, and includes all accumulations of interest derived from the investment of those moneys or any part thereof, computed to the date of the commencement of this Act;

“Trust Fund” means the Trust Fund established under section nine of the *Public Account Act* 1957.

**3**—(1) Notwithstanding anything in any enactment other than this section or anything in the will of the deceased, the Treasurer may, at the request of the Minister, expend out of the Trust Fund, a sum equal to the sum of the said moneys in or towards such purposes relating to the establishment, erection, or maintenance of a home for aged persons at Devonport in this State as the Minister may approve.

Power to apply certain moneys for the purposes of a home for aged persons.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the sum thereby authorized to be expended out of the Trust Fund may be paid over to any committee or other body formed for the purpose of establishing a home for aged persons at Devonport in this State (being a committee or body approved by the Minister for the purposes of this section), subject to such conditions and directions as to the expenditure thereof by that committee or other body as the Minister may impose or give.

(3) For the purpose of providing any sum required to be expended for the purposes of this section, the Treasurer may sell, realize, and dispose of any securities or investments in his hands standing to the credit of the Trust Fund, or transfer to the Minister, or to any committee or other body to which subsection (2) of this section relates, securities of which the face value is equal to the sum so required.

**4** No action, suit, or demand shall be brought or allowed by or in favour of any person against the council, the Minister, or the Treasurer, or against any officer of the council or of a department of the Public Service, for or in respect of any alleged breach of trust or otherwise in relation to—

Indemnity

- (a) the payment by the council to the Minister of any moneys forming part of the residuary personal estate of the deceased, as mentioned in the preamble to this Act;
- (b) the application of the said moneys by the Treasurer in accordance with the provisions of this Act or the giving of any direction or the imposing of any condition by the Minister in pursuance of this Act; or
- (c) any act, matter, or thing done by the council, the Treasurer, the Minister, or any such officer in pursuance of, or for the purpose of giving effect to, the provisions or objects of this Act.