

CONSOLIDATED REVENUE DEFICIT FUNDING.

No. 4 of 1949.

AN ACT to authorise the Funding of the Deficit accumulated in the Consolidated Revenue Fund during the financial years ended the thirtieth days of June, 1928 to 1944. [12 April, 1949.]

BE it 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 *Consolidated Revenue Deficit Funding Act 1949*.

Power to borrow £244,244 5s. 11d. to fund accumulated deficits 1927-28 to 1943-44.

2 The Treasurer may borrow any sums of money, not exceeding £244,244 5s. 11d., for the purpose of funding the deficit accumulated in the Consolidated Revenue Fund during the financial years ended on the thirtieth days of June, 1928 to 1944.

NEW TOWN MOTHERCRAFT HOME.

No. 5 of 1949.

AN ACT to validate an Agreement made between the National Executors and Trustees Company of Tasmania Limited of the first part the Minister of the second part and the Officers of the Child Welfare Association of Hobart of the third part with respect to the transfer to the Minister of the Institution situated at New Town and known as the Mothercraft Home; and to make provision for certain matters in connection with the carrying out of the said agreement. [12 April, 1949.]

PREAMBLE.

WHEREAS by an Agreement dated the twenty-third day of September, 1948, between the National Executors and Trustees Company of Tasmania Limited of the first part the Honourable *Reginald John David Turnbull*, being and as

the Minister for Health for the time being, of the second part and certain officers therein named of the Child Welfare Association of Hobart of the third part (in this Act called "the Agreement"), provision is made for the transfer to the Minister of the institution situated at New Town in the City of Hobart and known as the Mothercraft Home (in this Act called "the said institution"), together with the furniture, fittings, and contents of the said institution and also for the surrender to the Crown of certain lands referred to in the Agreement:

And whereas the Minister has agreed that the Crown will accept the surrender of the said land and in consideration therefor that the Crown will undertake the control and management of the said institution and will maintain it as an up-to-date institution for the care and treatment of mothers and infants and as a training school in infant welfare and mothercraft and that in the event of this property being sold the proceeds will be devoted entirely to providing another Mothercraft Home in Hobart:

And whereas it is provided in the Agreement that the same shall not have any force or effect and shall not be binding on any of the parties thereto unless and until it is validated by Parliament:

And whereas it is desirable to approve the Agreement and to make provision for the carrying out of the same:

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:—

1 This Act may be cited as the *New Town Mothercraft Home Agreement Act 1949*. Short title.

2—(1) The Agreement is hereby validated.

Approval of Agreement.

(2) The Agreement shall be deemed to have been sealed and delivered by the parties of the second and third parts at the time they signed it and the Minister shall within one month after the commencement of this Act deposit his part of the Agreement with the Registrar of Deeds.

(3) Upon the Minister depositing with the Registrar of Deeds, in pursuance of subsection (2), his copy of the Agreement, a copy of the Agreement shall be deemed to be, and at all times to have been, contained in this Act as a schedule thereto.

3—(1) The Minister may do, or cause to be done, all such acts and things as may be necessary for carrying out and giving effect to the provisions of the Agreement on the part of the State, and shall be deemed to have, and always to have had, power to enter into the Agreement on behalf of the State.

Power to Minister to give effect to Agreement.

(2) The Minister may by order published in the *Gazette* constitute a committee of management for the said institution, giving himself or any other person power to appoint or choose the members thereof, and in the same manner delegate to the committee of management such powers and duties as he may think proper.

Financial provision.

4 All payments to be made by the Minister under the Agreement shall be made out of moneys to be provided by Parliament for that purpose.

Vesting of certain gifts, &c., in the Minister.
11 & 12 Geo. VI. No. 87, s. 5.

5 Any devise or bequest made by or under any will or codicil (whether the same is executed or proved before or after the commencement of this Act) and any gift made otherwise than by testamentary disposition (whether the same is made before or after such commencement) to, or on behalf or for the benefit of, the said institution, howsoever styled (whether such devise, bequest, or gift is expressed to vest in or pass to the said institution directly or after the death of some person or persons or the fulfilment of some condition) shall, unless the contrary intention appears in the will, codicil, or other instrument effecting the devise, bequest, or gift, be deemed, by virtue of this section and without further authority, to be a devise, bequest, or gift to, or on behalf or for the benefit of, the Minister for the time being administering this Act for the purposes of any institution maintained by the Minister under this Act and the Agreement, and the same, or the beneficial enjoyment thereof, as the case may be, shall vest in the Minister accordingly.

No remedy against the trustees, &c., in respect of anything done for the purposes of this Act or the Agreement.
Ibid., s. 6.

6 No action, claim, suit, or demand whatsoever shall lie or be allowed by or in favour of any person whomsoever against the National Executors and Trustees Company of Tasmania Limited, or against any member or officer of the Child Welfare Association of Hobart, for or in respect of the execution of the Agreement, or any transfer or other assurance of any lands, furniture, or effects made or effected by them or any of them in pursuance of or for the purposes of the Agreement, or for or in respect of any act, matter, or thing done or carried out by them or any of them, or any person authorised or directed by them or any of them to do or carry out the same, in pursuance of, or for the purposes of giving effect to, this Act or the Agreement.
