



TASMANIA

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**BAKER TRUSTS ACT 1993**

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**No. 21 of 1993**

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**AN ACT to provide for the resettlement of money donated as a trust for Sandra Rose Baker and to provide for related matters**

**[Royal Assent 12 May 1993]**

**Preamble****WHEREAS—**

- (a) during 1989 as the result of public appeals numerous public and private donations were made to a trust fund established for the purpose of enabling Sandra Rose Baker of Launceston to undergo a major surgical operation in the United Kingdom; and
- (b) other contributions were made to the trust fund as a result of fund-raising events; and
- (c) the trust fund is known as the Sandy Baker Fund; and
- (d) the trust fund is, and has always been, administered by the Lions Club City of Launceston Inc. as trustee; and
- (e) during August 1989 the medical operation was carried out on Mrs Baker in the United Kingdom and the trust fund was applied to payment of the cost of—
  - (i) the medical operation; and

- (ii) travel from Launceston to the United Kingdom for Mrs Baker, her husband and their children;
  - (iii) their accommodation in the United Kingdom; and
  - (iv) travel from the United Kingdom to Launceston for Mrs Baker's mother; and
- (f) the trust fund was established without formal documentation and no provision was made for distribution of any surplus remaining after the objects of the trust fund were satisfied or in the event of a winding-up; and
- (g) on 19 April 1993 the unexpended balance of the money standing to the credit of the trust fund was \$41 493.98 held by the Commonwealth Savings Bank in account no. 00788761 at Launceston; and
- (h) it is impossible to distribute the balance of the trust fund in an equitable manner among the persons who contributed to it as in many cases the source of contributions cannot be traced without considerable cost and in some cases contributions cannot be traced at all; and
- (i) it is expedient to remove any doubts as to the past application of the trust fund; and
- (j) in view of Mrs Baker's medical condition it is expedient and desirable to discharge the unexpended balance of the trust fund from the trusts to which it is subject and to empower the Public Trustee to administer that balance in accordance with this Act and the *Public Trust Office Act 1930*:

**B**E 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 *Baker Trusts Act 1993*.

### Commencement

2—This Act commences on the day on which it receives the Royal Assent.

## Interpretation

3—(1) In this Act, unless the contrary intention appears—

“**Fund**” means the trust fund referred to in the Preamble;

“**Mrs Baker**” means Sandra Rose Baker referred to in the Preamble;

“**trustee**” means the Lions Club City of Launceston Inc.

(2) In this Act, a reference to property is taken as including a reference to a legal or equitable estate or interest in any property, whether present or future and whether vested or contingent, and an entitlement, power or privilege, if that estate, interest, entitlement, power or privilege arises from the administration of the Fund, whether pursuant to this Act or not.

## Discharge and resettlement of trusts

4—On and from the commencement of this Act, the property of the Fund—

(a) is discharged from any trust arising by way of a resulting trust or otherwise; and

(b) is to be applied to the payment of—

(i) the cost of any medical treatment required for Mrs Baker, for associated costs of travel and accommodation for her, her husband, their children or her mother as may be required for her well-being and support; and

(ii) the cost of support and maintenance for Mrs Baker, her husband, their children or her mother arising from, or incidental to, Mrs Baker’s medical condition or any medical treatment required for her; and

(iii) any expense arising as a direct consequence of Mrs Baker’s medical condition or any medical treatment referred to in this paragraph.

## Validation of investment of Fund

5—The investment by the trustee of any part of the Fund before the commencement of this Act is taken to have been an authorized investment of trust property.

**Immunity for trustee, &c.**

6—No action or legal proceeding may be instituted against any person in respect of any matter arising out of the operation of this Act on the ground that the exercise of a power or the performance of a duty under the trusts to which the Fund was or is subject is inconsistent with the due administration of any trusts provided for by this Act.

**Administration of Fund by Public Trustee**

7—(1) Notwithstanding the trusts which, but for this Act, would apply to the Fund—

- (a) as soon as practicable after the commencement of this Act, the trustee must pay or transfer to the Public Trustee the unexpended balance of the Fund; and
- (b) the Public Trustee is authorized to receive the unexpended balance of the Fund to be held on the trusts as resettled by this Act.

(2) The application of the *Public Trust Office Act 1930*, except section 14, extends to the unexpended balance of the Fund as received by the Public Trustee.

(3) If the Public Trustee is of opinion that the objects of the trusts as resettled by this Act have been satisfied, the Public Trustee must pay or transfer any balance of the Fund then remaining to the National Heart Foundation (Tasmania Division) to be applied for the purposes of the Foundation.

**Administration of Act**

8—Until an order is made under section 4 of the *Administrative Arrangements Act 1990*—

- (a) this Act is administered by the Minister for Justice; and
- (b) the Department responsible to the Minister in relation to the administration of this Act is the Department of Justice.

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*[Second reading presentation speech made in:—  
House of Assembly on 4 May 1993  
Legislative Council on 28 April 1993]*

