

- (b) by inserting in sub-paragraph (b) of paragraph VI of subsection (2) after the word "indentures" (first occurring) the words "and their certification in accordance with paragraph VIA of subsection (1) of section nine"; and
- (c) by omitting from that sub-paragraph the words "and assignments" and substituting therefor the words ", assignments, and certifications".

HOBART FREE KINDERGARTEN UNION.

No. 51 of 1960.

AN ACT to make provision with respect to the winding up and dissolution of the Hobart Free Kindergarten Union. [5 December 1960.]

WHEREAS the Hobart Free Kindergarten Union was, on Preamble. the twenty-second day of July 1937, registered under the *Companies Act 1920* as a company limited by guarantee:

And whereas by a licence of the Attorney-General under section twenty-eight of that Act it was directed that the Union be so registered without the addition of the word "limited" to its name:

And whereas the objects for which the Union was established include the promotion of the knowledge of kindergarten principles in Tasmania and the establishment and maintenance of free kindergartens in poor neighbourhoods in Tasmania:

And whereas in the memorandum of association of the Union it is provided that if upon the winding up or dissolution of the Union there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be distributed among the members of the Union but shall be given or transferred to some other institution or institutions having objects similar to the objects of the Union and complying with certain other requirements:

And whereas by a conveyance, registered in the Registry of Deeds under the number 10/8899, and dated the first day of February 1904, certain land in Anglesea Street in the city of Hobart in this State (in this Act referred to as "the Anglesea Street land") was conveyed by *Fanny Maria Butler* to certain trustees (in this Act referred to as "the trustees"):

And whereas by a mortgage dated the second day of June 1904 that land was mortgaged to *John Mitchell* for the sum of one hundred and twenty-five pounds:

And whereas although the mortgage has not formally been discharged it appears that no claim could now be made thereunder:

And whereas before the incorporation of the Union the trustees appear to have allowed the land to be used for the carrying on of clubs and other activities for the benefit of children:

And whereas on the incorporation of the Union it was allowed by the trustees or the survivor of them to occupy the land for the purpose of effecting its objects, and it has continued to occupy the land for that purpose:

And whereas the trustees have since died and no further trustees have been appointed:

And whereas by a conveyance, registered in the Registry of Deeds under the number 20/4683, and dated the thirtieth day of August 1938, certain land in Bathurst Street in the city of Hobart in this State (in this Act referred to as "the Bathurst Street land") was conveyed by the National Executors and Trustees Company of Tasmania Limited to the Union:

And whereas, with assistance from the State, pre-schools, known respectively as the Anglesea Street Pre-School and the Barclay Pre-School, are being carried on by the Union on the Anglesea Street land and the Bathurst Street land:

And whereas in the year 1956 certain mortgages, securities, and other assets were, on the winding-up of the Hobart Children's Aid Association, transferred from that association to the Union and have been lodged for safe custody with the National Executors and Trustees Company of Tasmania Limited:

And whereas the Union has certain other funds deposited in the Commonwealth Savings Bank of Australia:

And whereas by a special resolution passed on the ninth day of June 1958 it was resolved that the Union should be wound up voluntarily:

And whereas at the meeting at which that resolution was passed it was further resolved that—

- (a) "The properties owned by the Union at 57 Anglesea Street Hobart in Tasmania and 175 and 177 Bathurst Street Hobart be offered as a gift to the Government of Tasmania.";
- (b) "The Union funds deposited with the Commonwealth Savings Bank of Australia be divided equally between the Mothers' Clubs of the respective Pre-Schools (Anglesea Street and Barclay) after all accounts have been paid."; and

- (c) "The Trust Funds received from the former Children's Aid Association and which are in the custody of the National Executors and Trustees Company of Tasmania Limited less expenses of winding up the Union be given to the Kindergarten Union of Tasmania.":

And whereas it appears that effect cannot be given to the said resolutions without the authority of Parliament:

And whereas it is expedient that the other provisions of this Act should be enacted:

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 *Hobart Free Kindergarten Union Act 1960*. Short title.

2 In this Act, unless the contrary intention appears— Interpre-
tation.

"the Anglesea Street land" means the land so referred to in the preamble to this Act;

"the Bathurst Street land" means the land so referred to in the preamble to this Act;

"the said resolutions" means the resolutions passed at the meeting of the members of the Union held on the ninth day of June 1958 that are set forth in the preamble to this Act;

"the trustees" means the trustees so referred to in the preamble to this Act;

"Union" means the Hobart Free Kindergarten Union.

3 By force of this Act, and without further assurance, the Anglesea Street land and the Bathurst Street land revert to and revest in Her Majesty freed and discharged from all estates and interests that are or were vested in the Union or the trustees or their successors in title or any person claiming through or under the Union or the trustees or their successors in title. Surrender of
Anglesea
Street land
and Bathurst
Street land
to the Crown.

4 Subject to section three, and without prejudice to the exercise of any other power or authority under which the property of the Union may be given, transferred, or otherwise disposed of, any of the assets of the Union may, on the winding up or dissolution of the Union, be given, transferred, or otherwise disposed of, as may be determined by the members of the Union at a general meeting of the Union, to— Disposal of
other assets
of Union.

(a) the Kindergarten Union of Tasmania;

(b) any mothers' club carried on in connection with any kindergarten, pre-school, or other school carried on on the Anglesea Street land or the Bathurst Street land; or

- (c) any association, club, or other body carried on wholly or partly for the benefit of, or to provide benefits for, any such kindergarten, pre-school, or school.

Confirmation
of resolutions.

5 Notwithstanding any order or other determination of a court to the contrary made before the passing of this Act, the said resolutions shall be deemed to be of the like force and effect as if this Act had been in force before those resolutions were passed, and without prejudice to the making of any further determination for the purposes of section four those resolutions (except in so far as they relate to the Anglesea Street land and the Bathurst Street land) shall be deemed to be a determination made for the purposes of that section.

Savings.

6 Except as otherwise expressly provided in this Act, nothing in this Act prejudices or affects the rights, duties, liabilities, or obligations of the Union or the liquidator thereof.

SCAFFOLDING.

No. 52 of 1960.

AN ACT to regulate the erection, installation, setting up, and use of scaffolding, amusement devices, and public stands, and to provide for matters incidental thereto, and to amend the *Building Act* 1937. [5 December 1960.]

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
and com-
mencement.

- 1**—(1) This Act may be cited as the *Scaffolding Act* 1960.
(2) This Act shall commence on a date to be fixed by proclamation.

Amendments
of the
Building Act
1937.

- 2**—(1) Section fifty-nine of the *Building Act* 1937 is amended—
(a) by omitting paragraph VII of subsection (4) thereof; and
(b) by omitting subsection (5) thereof.