

HOBART HEBREW CONGREGATION.

No. 77 of 1958.

AN ACT to provide for the incorporation of the Hobart Hebrew Congregation, for the transfer of certain property to, and the application of certain trust funds held for the purposes of, that body, and for purposes incidental thereto.
[19 December 1958.]

Preamble.

WHEREAS for some years past the Hobart Hebrew Congregation has been constituted at Hobart as the Hobart Hebrew Congregation:

And whereas by an order made in the Supreme Court of Tasmania in equity on the thirty-first day of May 1906 in the matter of the trusts of the Will of Joseph Solomon deceased, it was ordered that the Perpetual Trustees Executors and Agency Company of Tasmania Limited, as the trustee under the said Will, should pay to Samuel Benjamin, Henry Ansell, Isaac Benjamin, George Levy, and Meyer Frederic Fincker, being, and as, the governing body for the time being of the organization or body referred to in the said order as the Jewish Church in Tasmania the sum of one thousand pounds, after deducting certain costs therefrom, and that, upon receipt of that sum, the said Samuel Benjamin, Henry Ansell, Isaac Benjamin, George Levy, and Meyer Frederic Fincker should forthwith repay it to the Company, together with the sum of one thousand two hundred and twelve pounds or thereabouts that was then held by the said Samuel Benjamin and Henry Ansell as the trustees of the Hobart Hebrew Congregation, to be invested in the manner specified in the order and held by the Company upon the trusts to be declared by a deed poll to be submitted to, and approved by, the Chief Justice of the Supreme Court of Tasmania:

And whereas by a declaration of trust in the form of a deed poll executed on the sixteenth day of October 1906 and approved by the said Chief Justice on the twenty-fourth day of October 1906 it was declared that the Company should stand possessed of the sums of money so paid to it in accordance with the order upon trust to invest those moneys in investments authorized by law for the investment of trust funds and to pay the interest from time to time in respect thereof to the trustees for the time being of the Hobart Hebrew Congregation:

And whereas by a further declaration of trust executed on the sixteenth day of April 1915 it was declared that the Company should stand possessed of the sum of one hundred and fifty pounds handed to the Company by Samuel Benjamin and Montefiore Moses Benjamin, being, and as, the then trustees of the Hobart Hebrew Congregation upon the same trusts as the moneys referred to in the deed poll executed on the sixteenth day of October 1906:

And whereas the Synagogue of the Congregation in Hobart has fallen into disrepair:

And whereas it is expedient to provide for the incorporation of the Congregation, and to make such provision as is in this Act provided with regard to funds and other property held for, or for the purposes of, the Congregation:

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 Hebrew Congregation Act 1958*. Short title.

2 In this Act, unless the contrary intention appears— Interpretation.

“Company” means the Perpetual Trustees Executors and Agency Company of Tasmania Limited;

“Congregation” means the Hobart Hebrew Congregation;

“declarations of trust” means the declarations of trust referred to in the preamble to this Act;

“governing body” means the governing body of the Congregation constituted in accordance with this Act;

“order” means the order of the Supreme Court referred to in the preamble to this Act;

“trust funds” means the moneys and investments held by the Company subject to the order and the declarations of trust.

3—(1) All persons who are now or who may hereafter become members of the Hobart Hebrew Congregation are hereby constituted a body corporate, with perpetual succession and a common seal, by the name of “The Hobart Hebrew Congregation”. Incorporation of Congregation.

(2) All persons whose names appear at the commencement of this Act on the roll of the members of the Hobart Hebrew Congregation kept at the Synagogue at Hobart shall be deemed to be members of the Congregation at the commencement of this Act.

(3) There shall be a governing body of the Congregation, consisting of not less than three, or more than seven, members of the Congregation appointed or elected in accordance with this Act.

Rules of
Congrega-
tion.

4—(1) The members of the Congregation, or a majority of them present at a meeting convened in that behalf according to the rules of the Congregation, and entitled under those rules to vote at the meeting, may make rules with respect to the following matters:—

- (a) The appointment or election of the governing body and officers of the Congregation;
- (b) The functions and proceedings of the governing body and officers of the Congregation;
- (c) The management and superintendence of the affairs and business of the Congregation and the regulation of matters concerning the property of the Congregation;
- (d) The election, admission, and expulsion of members of the Congregation; and
- (e) The meetings of the Congregation.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section the rules made thereunder may—

- (a) authorize the governing body constituted in accordance with those rules to make rules with respect to any of the matters referred to in that subsection; and
- (b) provide that any rules made under that subsection shall be of no effect in so far as they are inconsistent with any rules made by the governing body under this subsection.

Transfer of
property to
Congrega-
tion.

5—(1) There shall, by virtue of this Act, be transferred to and vest in the Congregation all estates and interests in or attaching to any property which were held immediately before the commencement of this Act by any person for, or for any of the purposes of, the Congregation, and all rights and liabilities to which any such person was entitled or subject immediately before such commencement acquired or incurred in connection with such property.

(2) Subsection (1) of this section shall not apply to the trust funds.

Application
of trust
funds.

6—(1) Notwithstanding anything in the order or the declarations of trust the Company shall, on being required so to do by the governing body of the Corporation—

- (a) pay to the Congregation any money held by the Company which forms part of the trust funds; and
- (b) realize any investments forming part of the trust funds and pay the proceeds thereof to the Congregation after deducting therefrom the costs and expenses incurred by the Company in the realization of the investment.

(2) Any money paid to the Congregation under subsection (1) of this section shall not be applied otherwise than for the purposes of the provision, repair, or maintenance of a synagogue, or of any extension, improvement, or other alteration of a synagogue.

(3) Subject to the provisions of subsection (1) of this section all the rights of the trustees of the Congregation to the payment of any interest in respect of the investment of the trust funds, and their duties, obligations, and liabilities in respect of the application of any such interest shall, by virtue of this Act, be transferred to and vest in the Congregation.

(4) Except as is otherwise expressly provided in this section, nothing in this section shall affect the operation of the order or the declarations of trust in relation to so much of the trust funds as have not for the time being been paid or converted in accordance with this section.

PUBLIC SERVICE TRIBUNAL.

No. 78 of 1958.

AN ACT to make provision with respect to the scales of salaries and conditions of service of employees in the Public Service and the settlement of other matters arising out of employment in the Public Service, and for matters incidental thereto, and to amend certain enactments. [9 January 1959.]

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:—

1—(1) This Act may be cited as the *Public Service Tribunal Act 1958*. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.