



**INDEPENDENT ORDER OF RECHABITES
(AGREEMENT) ACT 1981**

No. 5 of 1981

TABLE OF PROVISIONS

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Short title. 2. Commencement. 3. Interpretation. 4. Execution of agreement ratified. 5. Establishment and application of Temperance Trust Account. | <ul style="list-style-type: none"> 6. Rate of interest. 7. Costs of administration. 8. Annual statement of accounts, audit, &c. |
|---|--|
- SCHEDULE 1—AGREEMENT**



AN ACT to provide for the ratification of an agreement entered into between the Tasmanian District Independent Order of Rechabites and the Government of the State with respect to proceeds of the sale of certain land of the Order and for related matters.

[Royal Assent 1 April 1981]

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—This Act may be cited as the *Independent Order of Rechabites (Agreement) Act 1981*. Short title.

Commence-
ment.

2—This Act shall commence on the seventh day after the date of assent to this Act.

Interpretation.

3—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“agreement” means the agreement, a copy of which, as executed on behalf of the State, is set out in Schedule 1;

“Northern Tasmania” means the Northern Division within the meaning of section 43 (1) of the *Acts Interpretation Act* 1931;

“trustees” means the trustees for the time being of the Tasmanian District Independent Order of Rechabites.

Execution of
agreement
ratified.

4—The execution, on behalf of the State, of the agreement is ratified.

Establishment
and application
of Temperance
Trust Account.

5—(1) There shall be kept in the Treasury an account, to be called the Temperance Trust Account.

(2) There shall be credited to the Temperance Trust Account—

(a) all sums of money received by the Minister from the trustees pursuant to paragraphs 1 and 2 of the agreement; and

(b) any interest which accrues under section 6.

(3) The Minister is responsible for the administration of the Temperance Trust Account and shall apply any money in that Account to the furtherance of the cause of temperance in Northern Tasmania.

Rate of
interest.

6—Interest on any money in the Temperance Trust Account shall accrue—

(a) for the period beginning on the date of the commencement of this Act and ending on 30th June 1981—at a rate to be determined by the Treasurer within one month after the date of that commencement; and

(b) for each financial year, commencing after 30th June 1981, at a rate to be determined for that year by the Treasurer not later than 31st July in each year.

7—Any expenses incurred by the Minister in the administration of the Temperance Trust Account shall be defrayed out of any money standing to the credit of that Account. Costs of administration.

8—(1) The Minister shall, as soon as practicable after the end of each financial year— Annual statement of accounts, audit, &c.

(a) prepare a statement of accounts in respect of the Temperance Trust Account for that financial year; and

(b) submit that statement to the Auditor-General for audit.

(2) The Auditor-General has, in respect of the statement of accounts referred to in subsection (1), all the powers conferred on him by any law for the time being in force relating to the audit of accounts.

(3) The Minister shall cause a copy of the statement of accounts referred to in subsection (1), together with a copy of the Auditor-General's certificate in respect of that statement, to be laid on the table of each House of Parliament within the first 15 sitting days of the House after that statement is received by him.

SCHEDULE 1

Section 3

AGREEMENT

AN AGREEMENT made the Fifteenth day of July One Thousand Nine Hundred and Eighty BETWEEN THE HONOURABLE BRIAN KIRKWALL MILLER being and as the Attorney-General for the State of Tasmania (hereinafter called "the Minister" which expression shall include his successors in office) of the one part and ALEX STJOHN McLEAN of Launceston in Tasmania Plumber ALLAN THOMAS ORR of Launceston aforesaid Builder REGINALD ERIC PINKARD of Ulverstone in Tasmania Accountant and LAWRENCE JAMES ROTHWELL of Riverside in Tasmania Retired Salesman (hereinafter referred to as "the Trustees") being the present Trustees of the Tasmanian District Independent Order of Rechabites (hereinafter referred to as "the Order") of the other part WHEREAS Section 1 of the Launceston Temperance Hall Vesting Act 1903 (hereinafter referred to as "the Act") vested in the Trustees for the time being of the Tasmanian District Independent Order of Rechabites in fee simple the allotment of land situated in York Street Launceston aforesaid more particularly described in Schedule (1) of the Act to be held by the Trustees together with the Hall erected thereon upon the conditions and subject to the restrictions set forth in the following sections of the Act AND WHEREAS Section 6 of the Act authorised the Trustees of the Order to sell the said allotment of land and to devote the proceeds arising from

such sale in and towards the purchase of another allotment of land in the City of Launceston and in and towards the erection thereon of a Hall for the purposes of the Act and in and towards no other purpose whatsoever AND WHEREAS in 1957 the Trustees at that time caused the Hall to be demolished and a new building to be erected on the said allotment AND WHEREAS in 1977 the Trustees at that time sold the said allotment and building and the proceeds of sale have not been applied in accordance with Section 6 of the Act AND WHEREAS those proceeds have been invested since the 16th day of May 1977 and the Trustees have indicated the Order proposes to wind up its affairs AND WHEREAS doubts have arisen whether the Order is in breach of the conditions and restrictions contained in the Act and it is open to the Minister under Section 4 of the Act to bring an action against the Order in the Supreme Court of Tasmania AND WHEREAS the Minister having regard to all the circumstances has determined not to bring such an action but negotiations should be entered into with the Order for the purpose of reaching a just and equitable solution AND WHEREAS it has now been agreed that the Order will pay to the Minister from the proceeds of sale a certain sum to be applied by the Minister for temperance purposes in Northern Tasmania AND WHEREAS the District Council of the Tasmanian District Independent Order of Rechabites has sanctioned the Trustees entering into this Agreement NOW IT IS HEREBY AGREED as follows:—

1. The Trustees shall pay to the Minister the sum of \$26,500·00 being the unimproved value assessed by the Valuer-General for the State of Tasmania of the said allotment as at the date of its sale by the Order namely the 16th day of May 1977.
2. The Trustees will pay interest to the Minister on the said sum of \$26,500·00 from the 16th day of May 1977 until payment at the average earning rate disclosed in the next quinquennial valuation of the Order's finances to be carried out by the Australian Government Actuary.
3. The payment to the Minister under this Agreement shall be made within 14 days of the passage by the Parliament of Tasmania of a bill ratifying and approving this Agreement.
4. The monies paid by the Trustees to the Minister will be deposited in a Trust Account in the Treasury under the control of the Minister and shall be applied to further the cause of temperance in Northern Tasmania.
5. This Agreement shall come into effect when the same is ratified and approved by the Parliament of the State of Tasmania as aforesaid and the same shall be wholly conditional upon such ratification and approval by Parliament either in its present form or with such variations and amendments as the parties hereto shall assent to in writing and in default of such ratification and approval the same shall be wholly void and of no effect whatsoever.

IN WITNESS whereof the parties hereto have executed this Agreement the day and year first hereinbefore written.

SIGNED by THE HONOURABLE BRIAN }
KIRKWALL MILLER in the presence of:— } B. K. MILLER
D. BARTON, Public Servant

SIGNED by ALEX STJOHN McLEAN }
in the presence of:— } A. J. McLEAN
L. R. PAGE, District Secretary
Launceston

SIGNED by ALLAN THOMAS ORR in }
the presence of:— } ALLAN ORR
L. R. PAGE

SIGNED by REGINALD ERIC PINKARD }
in the presence of:— } R. E. PINKARD
M. R. RAWSON, Public Accountant
54 Victoria St, Ulverstone

SIGNED by LAWRENCE JAMES ROTH- }
WELL in the presence of:— } L. J. ROTHWELL
L. R. PAGE

