



## SYME TRUSTS ACT 1989

**No. 48 of 1989**

### TABLE OF PROVISIONS

- Preamble
1. Short title
  2. Commencement
  3. Extension of objects of the Trusts
  4. Trusts to be treated as charitable trusts

**AN ACT to extend the objects of a settlement made by John Wemyss Syme in 1886 and to provide that it shall be treated as a trust for charitable purposes**

**[Royal Assent 21 December 1989]**

### Preamble

WHEREAS—

- (a) by an indenture (in this Act referred to as “the Trust Deed”) made on 29th December 1886, John Wemyss Syme of Hobart, a director of The Cascade Brewery Company Limited (in this Act referred to as “the Company”) transferred 5 000 partly paid shares in the Company to himself, William Henry Burgess, Charles Henry Grant, Henry John James and George Parker Fitzgerald all of Hobart, the directors of the Company, to be held by them on certain trusts (in this Act referred to as “the Trusts”) for the benefit of customers of the Company and of the licensed victuallers of Tasmania; and

- (b) John Wemyss Syme died at Hobart on or about 23rd November 1896 and by his will left the whole of his estate to his widow, Jesse Gordon Syme, to his children and to such of his grandchildren as his children might appoint; and
- (c) the only object of the Trusts that is still in force is educational or benevolent purposes in favour of, and in connection with, the licensed victuallers of Tasmania; and
- (d) the Trust Deed made no provision for the devolution of the property of the Trusts on the failure of all or any of them; and
- (e) the persons who are presently entitled by descent to the estate of John Wemyss Syme are not known and cannot be traced without considerable expense; and
- (f) on 31st July 1989 the Trusts were administered by James Richard Hughes of Launceston, Company Director, Kenneth Robert Lawrie of Hobart, Managing Director and Valentine Roy Smith of Hobart, Solicitor as trustees and the property of the Trusts consisted of \$302 677 deposited with the Savings Bank of Tasmania in Hobart; and
- (g) it is in the public interest that the objects of the Trusts be extended so as to include—
  - (i) educational purposes relating to the effect of alcohol consumption on road safety and other harmful effects of alcohol consumption; and
  - (ii) medical research into the effects of alcohol consumption and alcoholism; and
  - (iii) research into road and industrial accidents caused by alcohol consumption and methods of preventing or reducing them; and
  - (iv) research into the effectiveness of methods of preventing road and industrial accidents caused by alcohol consumption; and
  - (v) the provision of financial assistance to organizations providing treatment, counselling and family support to persons suffering from alcoholism; and
  - (vi) the provision of financial assistance for education in the hospitality industry; and
- (h) doubts having arisen as to whether the Trusts are trusts for charitable purposes at common law, it is expedient to provide that they should be treated as such:

**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 *Syme Trusts Act 1989*.

**Commencement**

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

**Extension of objects of the Trusts**

3—On and from the commencement of this Act, the property of the Trusts may be applied for the following purposes in addition to any other purpose for which it may be applied:—

- (a) educational purposes relating to the effect of alcohol consumption on road safety and other harmful effects of alcohol consumption;
- (b) medical research into the effects of alcohol consumption and alcoholism;
- (c) research into road and industrial accidents caused by alcohol consumption and methods of preventing or reducing them;
- (d) research into the effectiveness of methods of preventing road and industrial accidents caused by alcohol consumption;
- (e) the provision of financial assistance to organizations providing treatment, counselling and family support to persons suffering from alcoholism;
- (f) the provision of financial assistance for education in the hospitality industry.

**Trusts to be treated as charitable trusts**

4—(1) For the removal of doubts it is declared that—

- (a) the trustees and all subsequent trustees of the Trusts may administer the property of the Trusts as if the Trusts had been created for charitable purposes; and
- (b) the property of the Trusts shall be treated in law as if the Trusts are and always have been trusts for charitable purposes.

(2) In this section, a reference to property shall be read as including a reference to a legal or an 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 Trusts, whether pursuant to the Trust Deed or pursuant to this Act.