

TASMANIAN MUSEUM AND BOTANICAL GARDENS.

No. 54 of 1950.

AN ACT to provide for the Separation of the Tasmanian Museum and the Botanical Gardens and to amend the *Tasmanian Museum and Botanical Gardens Act 1885* and to provide for its subsequent Repeal. [29 November, 1950.]

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 citation.

1—(1) This Act may be cited as the *Tasmanian Museum and Botanical Gardens Act 1950*.

(2) The *Tasmanian Museum and Botanical Gardens Act 1885**, as subsequently amended, is in this Act referred to as the Principal Act.

Interpretation.

2 In this Act—

“the Gardens Trustees” means the trustees of the Tasmanian Botanical Gardens established by the *Botanical Gardens Act 1950*, and “the Museum Trustees” means the trustees of the Tasmanian Museum established by the *Tasmanian Museum Act 1950*.

Winding up of the trust.

3—(1) The trustees shall without delay and notwithstanding anything contained in the Principal Act dispose of all their property in accordance with this Act.

(2) The trustees shall convey to the Museum Trustees the land described in the first schedule to the Principal Act except the room of which the Royal Society is seised in fee simple by virtue of section four of the Principal Act.

(3) The trustees shall convey to the Gardens Trustees all their right, title, and interest in the land described in the second schedule to the Principal Act and in any land held by them in conjunction therewith.

(4) The trustees shall subject to sections four and six divide between the Museum Trustees and the Gardens Trustees all their chattels, funds, and choses in action in such manner as shall appear to them best calculated to advance the objects of the respective institutions.

* 49 Vict. No. 34. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 491. Subsequently amended by 3 Geo. VI. No. 24.

(5) The trustees may permit the Museum Trustees and Gardens Trustees to control such of their officers, servants, and property as the trustees think fit.

(6) The trustees shall perform their duties under this section at such times and in such order as they think reasonable.

4—(1) The trustees shall in the course of performing their duties under section three discharge all their liabilities in accordance with this section. Liabilities of the trustees.

(2) The trustees shall discharge accrued debts so far as their funds extend, and for any excess may draw on the Treasurer, for which payments the necessary funds are hereby appropriated out of the Consolidated Revenue.

(3) The trustees shall assign all other liabilities to the Museum Trustees or the Gardens Trustees as if they were choses in action of the trustees, with power to apportion them.

(4) Notice in writing to the creditor, with a copy to the Museum Trustees or the Gardens Trustees, as the case may require, shall be sufficient to discharge the trustees from all further liability and to invest the creditor with the same rights against the Museum Trustees or the Gardens Trustees, as the case may be, as he had against the trustees.

5 No duty shall be payable under the *Stamp Duties Act* 1931* on any instrument used by the trustees to convey or transfer any property to the Museum Trustees or the Gardens Trustees in pursuance of this Act. Freedom from stamp duty.

6—(1) The Museum Trustees and the Gardens Trustees may object to any disposition of property under subsection (4) of section three or of liabilities under section four and may appeal to the Minister to decide the disposition. New trustees may object to division of property.

(2) The Minister after hearing all three boards of trustees may direct a different disposition and whichever person then has the property or liability in question shall dispose of it accordingly.

(3) For the purposes of subsection (2) the Museum Trustees and the Gardens Trustees may assign a liability from one to the other as nearly as possible as provided in subsection (4) of section four.

7 The Governor shall not direct any payment under section five of the Principal Act after the first day of July, 1951. Cessation of endowments.

8 Upon his being satisfied that the trustees have disposed of all their property and liabilities in accordance with this Act the Governor may by proclamation repeal the Principal Act and this Act. Repeal of Principal Act.

* 22 Geo. V. No. 19. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 914. Subsequently amended by 6 Geo. VI. No. 28, 7 Geo. VI. No. 52, and 7 & 8 Geo. VI. No. 97.