

Effect of  
s. 3 of Long  
Service  
Leave Act  
(No. 2)  
1963.

**2** Section three of the *Long Service Leave Act (No. 2)* 1963 has effect and shall be deemed always to have had effect so as to exclude the operation of paragraph (b) of subsection (2) of section six of the Principal Act in relation to the computation of the entitlement of any employee to long service leave under the Principal Act and to the determination of the right of any person to, and the amount of, any sum payable under that Act in respect of any such entitlement, unless—

- (a) that employee had, at any time before the sixteenth day of May 1966, become entitled to thirteen weeks' long service leave under the Principal Act;
- (b) that employee had, at any time before that date, taken any long service leave under that Act; or
- (c) that sum became due to be paid before that date.

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**ALLPORT LIBRARY AND MUSEUM OF FINE  
ARTS AGREEMENT.**

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**No. 41 of 1966.**

AN ACT to approve an agreement with respect to the variation of certain of the trusts under the will of *Henry Allport* late of Hobart in this State, Solicitor, deceased, relating to the vesting and management of collections in the fields of literature and art, and to make provision for matters connected therewith.

[11 November 1966.]

Preamble.

**W**HEREAS pursuant to the provisions of the will of *Henry Allport* late of Hobart in this State, Solicitor, deceased, the Government of this State accepted a bequest of the land and premises situated in Hobart and known as Cedar Court, together with certain collections in the fields of literature and art, upon the terms and conditions set forth in that will:

And whereas under that will the management of those collections and of the institution required by the will to be established and carried on at Cedar Court under the name of the Allport Library and Museum of Fine Arts was vested in the Tasmanian Library Board:

And whereas the Board has advised the Government of the State that, for the reasons recited in the agreement referred to in this Act, it is desirable to vary the provisions of the will:

And whereas the trustees of the will and the next of kin of the late *Henry Allport* concur in the advice so given by the Board and have requested the Government to seek the approval of Parliament to a variation of the trusts under the will, as set forth in that agreement:

And whereas on the seventh day of September 1966 an agreement was entered into between the Chief Secretary of the first part, the trustees of the second part, the Tasmanian Library Board of the third part, and the next of kin of the fourth part with respect to the variation of the trusts under the will, as set forth in that agreement:

And whereas it is expedient that the agreement be approved:

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 *Allport Library and Museum of Fine Arts Agreement Act 1966*. Short title.

**2** In this Act—

Interpretation.

“agreement” means the agreement referred to in the preamble to this Act, a copy of which is set forth in the schedule;

“Board” means the Tasmanian Library Board constituted under the *Libraries Act 1943*;

“trustees” means the trustees of the will and codicil of *Henry Allport*, late of Hobart in this State, Solicitor, deceased;

“will” means the will referred to in the preamble to this Act.

**3**—(1) The agreement is approved.

Approval of agreement.

(2) Notwithstanding any other law, such of the provisions of the agreement as authorize or require the doing of any act or thing by the trustees or the Board have effect as if they were expressly enacted in this Act.

**4** The trustees and the Board, respectively, may do all such acts and things as may be required or necessary for the carrying out of, and giving effect to, the agreement on the part of the trustees and the Board or for the exercise and performance of the powers, discretions, authorities, or duties conferred or imposed on them respectively by the agreement. Power to carry out the agreement.

Trustees and Board to give effect to the will as nearly as possible.

**5** Subject to this Act and to the agreement, the trustees and the Board, respectively, shall give effect to the provisions of the will, so far as those provisions are applicable to the trustees and to the Board, as nearly as is practicable in order to effect the general purposes of those provisions.

## THE SCHEDULE.

(Section 2.)

AGREEMENT made the 7th day of September 1966 BETWEEN the Honourable BRIAN KIRKWALL MILLER being and as Chief Secretary for the time being of the State of Tasmania (hereinafter referred to as the Minister) of the first part THE TASMANIAN LIBRARY BOARD constituted under the Libraries Act 1943 (hereinafter called the Board) of the second part HENRY DOBSON of Hobart in Tasmania Solicitor KENNETH JOHN McWILLIAMS of Hobart aforesaid Accountant and HELEN BEATRICE BRETTINGHAM MOORE of Hobart aforesaid Married Woman (hereinafter referred to as the Trustees of the third part) and EILEEN ISOBEL BRETTINGHAM MOORE of Hobart aforesaid Widow (hereinafter called the Next of Kin) of the fourth part.

WHEREAS pursuant to the provisions of the Will of the late HENRY ALLPORT formerly of Cedar Court Hobart in Tasmania Solicitor who died at Hobart aforesaid on the 21st day of May 1965 the Government of Tasmania accepted a bequest of the land and premises known as Cedar Court situate at 16 Maning Avenue Hobart aforesaid together with collections in the fields of literature and art as the same are more particularly described in the said Will upon the terms and conditions therein set forth.

AND WHEREAS the Board in whom under the terms of the Will was vested the management of the said collections and the Institution thereby required to be established and to be known as the Allport Library and Museum of Fine Arts has advised the Government that because of the general unsuitability of the premises known as Cedar Court both as a building and a site the full implementation of the terms and conditions of the will would be unduly costly both in terms of capital outlay and annual expenditure and in any case largely ineffectual to fulfil the desires of the Testator.

AND WHEREAS the trustees and the next of kin concur in the advice tendered by the Board and join in requesting the Government to seek Parliamentary approval for a variation of such terms

AND WHEREAS the trustees and the next of kin have requested the Government to obtain Parliamentary sanction for the establishment as a further memorial to the testator of a public charitable trust for the benefit of the Citizens of Hobart which trust the testator contemplated as an alternative to the acceptance by the Government of the bequest referred to with its accompanying terms and conditions, but which would in any event have failed legally to take effect because of formal invalidity.

AND WHEREAS the consent of the next-of-kin to these proposals has been sought and is forthcoming as fully representing those who would have been entitled as on an intestacy in the event of the failure of all trusts in the will contained.

NOW THIS AGREEMENT WITNESSETH that pursuant to the requests herein recited and in consideration of the premises the Government of the State of Tasmania will seek Parliamentary approval

(a) Authorizing the Board physically to transfer the Allport Library and Museum of Fine Arts constituted under the Will and all its contents to the building to be built as the second stage of the State

Library at Hobart as the same is more particularly described in a Report of the Public Works Committee of the Parliament of this State dated the third day of August 1965 when the same is completed.

- (b) Requiring the Board physically to maintain the separate identity and integrity of the said Library and Museum of Fine Arts and its collections (but not so as to forbid the Board to sell or dispose of any surplus or redundant articles which under the Will they were empowered to sell or dispose of) on one or more contiguous floors of the said building, the whole to be maintained, so far as possible, as a separate floor or wing containing a comprehensive and representative display of the collections bequeathed by the Will in their full diversity.
- (c) Authorizing the Board notwithstanding anything contained in the last paragraph temporarily to lend or to display any item or items included in the said collections to or in such other Institutions in the State of Tasmania for such time and upon such terms as the Board may see fit. The power hereby conferred as well as the power to sell or otherwise dispose of surplus or redundant articles shall only be exercised with the consent of the member of the Board appointed for the time being to represent the Trustees on the Board under the provisions of 5(2)(f) of the Libraries Act 1966.
- (d) Authorizing and requiring the Trustees, in lieu of the endowment provision in the said Will contained out of the estate of the deceased to endow the Board with a capital fund of \$250,000 for the equipment, maintenance of and additions to the collections in the manner contemplated by the Will of the Testator. The Trustees shall be at liberty to allocate to such capital fund a fair and just proportion of such stocks, shares and other investments held by the Estate at the values ascribed to the same at the date of the testator's death. In the management of such trust funds the trustees shall have all the powers of investment conferred by the Will.
- (e) Authorizing and requiring the Trustees upon the transfer mentioned in paragraph (a) to sell in manner appropriate to their function the house and property known as Cedar Court and such of its contents as shall not have been included under the terms of the Will in the collections included in the Allport Library and Museum of Fine Arts and to add the proceeds thereof to the balance of the estate.
- (f) Authorizing and requiring the Trustees to hold the balance of the estate as a perpetual charitable trust to be known as the "Allport Bequest" upon trust to apply the income thereof in providing donations or gifts of money for such public charitable objects for the citizens of Hobart as they shall in their absolute discretion decide to help, conforming in so doing to the directions as to publication in the Will contained.
- (g) Subject to the foregoing requiring all parties hereto in all other respects to give effect to the provision of the Will as nearly as practicable so as to effect its general purposes.

IT IS FURTHER AGREED that this agreement shall cease to have any force or effect unless a Bill to give effect to its provisions shall have been introduced within six months from the date hereof.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

SIGNED SEALED AND DELIVERED by the Honourable Brian Kirkwall Miller in the presence of:  
(Sd.) John Driscoll  
Crown Solicitor Hobart

(Sd.) B. K. Miller (L.S.)

THE Common Seal of the Tasmanian Library Board has been hereunto affixed pursuant to a resolution of the said Board passed the 7th day of September 1966 in the presence of:

- (Sd.) Peter Crisp Chairman
- (Sd.) M. F. Chesterman
- (Sd.) Bruce O'Connor
- (Sd.) A. E. Browning

Members of the Board  
Secretary to the Board

(Seal)

SIGNED SEALED AND DELIVERED by the said Henry Dobson in the presence of:

- (Sd.) J. Morriss Law Clerk  
Hobart

(Sd.) Henry Dobson

(L.S.)

SIGNED SEALED AND DELIVERED by Kenneth John McWilliams in the presence of:

- (Sd.) J. Morriss

(Sd.) K. J. McWilliams

(L.S.)

SIGNED SEALED AND DELIVERED by the said Helen Beatrice Brettingham-Moore in the presence of:

- (Sd.) C. G. Brettingham-Moore

(Sd.) H. Brettingham-Moore  
(L.S.)

SIGNED SEALED AND DELIVERED by the said Eileen Isobel Brettingham-Moore in the presence of:

- (Sd.) C. G. Brettingham-Moore

(Sd.) Eileen Brettingham-Moore  
(L.S.)

**PUBLIC SERVICE.**

**No. 42 of 1966.**

AN ACT to amend the *Public Service Act 1923.*  
[11 November 1966.]

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, citation, and commencement.

1—(1) This Act may be cited as the *Public Service Act 1966.*

(2) The *Public Service Act 1923*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the first day of September 1966.