

Association for the Blind (Braille and Talking Book Library) Bill

No.

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By Authority L. V. North, Government Printer Melbourne

LEGISLATIVE COUNCIL

Read 1° 6 October 1993

(Brought in by the Honourable Haddon Storey)

A BILL

to provide for the construction of gifts and dispositions of property made in favour of the Braille and Talking Book Library and for other purposes.

Association for the Blind (Braille and Talking Book Library) Act 1993

Preamble

The Association for the Blind Ltd and the Braille and Talking Book Library, having determined that it was in the interests of each of them and of blind and visually impaired people in Victoria, integrated the library services provided by the Braille and Talking Book Library with the general services of the Association for the Blind Ltd.

To that end, the Association for the Blind Ltd and the Braille and Talking Book Library merged and the Association for the Blind Ltd now provides the library services previously provided by the Braille and Talking Book Library.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

It is desirable to make provision for gifts or other dispositions which have been made in favour of the Braille and Talking Book Library to be construed in favour of the Association for the Blind Ltd.

The Parliament of Victoria therefore enacts as follows:

1. Purpose

The purpose of this Act is to provide that gifts and other dispositions made in favour of the Braille and Talking Book Library are construed as gifts and dispositions to the Association for the Blind Ltd.

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Definitions

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In this Act—

“**Association**” means the Association for the Blind Ltd, being a company limited by guarantee within the meaning of the **Corporations Law**;

“**Library**” means the Braille and Talking Book Library being a company limited by guarantee within the meaning of the **Corporations Law**;

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“**merger date**” means 4 October 1990;

“**property**” includes—

- (a) any interest in real or personal property; and
- (b) choses in action;

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“**will**” includes a codicil or any other testamentary disposition.

4. Future gifts and dispositions

If—

(a) before, on or after the commencement of this Act—

(i) a gift, disposition or trust of property is made or declared or is deemed to have been made or declared; or

(ii) a trust fund is created—

(whether by deed, will or otherwise) to, in favour of, for the use of, or for the purposes of the Library; and

(b) the gift, disposition, trust or trust fund takes effect, or may take effect, or the trust fund may be applied, on or after the commencement of this Act—

the gift, disposition, trust or trust fund does not fail only because of the merger of the Library and the Association but—

(c) in the case of a gift, disposition, or trust of property, takes effect as if made or declared to or in favour of the Association for a purpose of the Association which corresponds with or is similar to a purpose of the Library for which it was declared; or

(d) in the case of a trust fund, may be applied as if created in favour of the Association for a purpose of the Association which corresponds with or is similar to a purpose of the Library for which the fund was created.

5. Past gifts and dispositions

If, before the commencement of this Act, but on or after the merger date, a gift, disposition, trust of property or trust fund in favour of the Library has been treated as having taken effect, or has been applied in favour of, or for the use of, or for the purposes of the Association, then the gift, disposition, trust of property or trust fund—

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Association for the Blind (Braille and Talking Book Library)

- (a) does not fail and must be taken never to have failed because of that fact; and
- (b) is deemed to be and always to have been as valid and effectual as if, when it was made and since then section 4 were in operation.

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6. *Application of sections 4 and 5*

Sections 4 and 5 apply to a gift, disposition, trust or trust fund created by will, deed or any other document, whenever executed.

7. *Act has precedence*

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The provisions of this Act have effect despite anything to the contrary in any Act, instrument or rule of law.