Chapter 167.
***Levien Memorial Act* 1972.**

Certified on: /   /20   .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 167.

Levien Memorial Act **1972.**

ARRANGEMENT OF SECTIONS.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

Levien Memorial Act 1972,

Being an Act to provide for the establishment of a conference centre as a memorial to the late Mrs. M. M. Levien and to clarify the position of certain moneys to be used in the construction of the centre, and for related purposes.

Preamble

WHEREAS by her Will the late MARGARET MAY LEVIEN bequeathed certain money to the Commonwealth of Australia and asked that it should be applied for or towards the advancement of education in New Guinea:

AND WHEREAS that sum was accordingly transferred to the then Administration and placed to the credit of a Trust Account under Section 45 of the pre-Independence *Treasury Ordinance* 1951-1955 under the designation of "M. M. Levien Trust", the purpose for which the Account was established being defined as follows:–

> "For the advancement of education in the Territory of New Guinea. Details of the terms of the trust to be determined by trustees who will be appointed by the Minister for Territories.:"

AND WHEREAS a Deed of Trust was prepared during the year 1957 between the Commonwealth of Australia of the first part, the Administration of the Territory of Papua and New Guinea of the second part and the Administrator of the Territory of Papua and New Guinea, Doris Regina Booth, William Roy McConnon and Lawrence Edward Ashton (in the Deed called "the Trustees") of the third part, by which the moneys arising out of the bequest and the investments representing them were expressed to be transferred to the Trustees upon trust to hold them and apply the income from them for or towards the advancement of education in the Territory of New Guinea:

AND WHEREAS it is not known for certain whether the Deed of Trust was ever executed by all the intended parties:

AND WHEREAS the moneys and the investments representing them have always been credited to the M. M. Levien Trust Account:

AND WHEREAS a sum of $34,157.04 stood to the credit of the M. M. Levien Trust Account as at 30 June 1972:

AND WHEREAS it is desired to apply the moneys standing to the credit of the M. M. Levien Trust Account for and towards the advancement of education in New Guinea in accordance with the request of Margaret May Levien by using them in the construction of a conference centre proposed to be erected at the Lae Technical College and to be known as the "Levien Memorial Conference Centre":

AND WHEREAS the Commonwealth of Australia, the Administration of Papua New Guinea and the Administrator of Papua New Guinea and William Roy McConnon, who are the survivors of the proposed Trustees, have agreed to the moneys being used for that purpose:

1.   **INTERPRETATION.**

        In this Act–

        "the proposed Deed of Trust" means the Deed of Trust referred to in the third and fourth recitals in the Preamble;

        "the Trust Account" means the Trust Account referred to in the second and sixth recitals in the Preamble;

        "the Trust moneys" means the moneys standing to the credit of the Trust Account.

2.   **EFFECT OF THE PROPOSED DEED OF TRUST.**

        In view of the uncertainty as to whether it was ever executed by all of the intended parties, the proposed Deed of Trust shall be conclusively deemed, for the purposes of all laws, never to have been executed by any of the intended parties, and the moneys at any time standing to the credit of the Trust Account shall be deemed to have been properly credited to that Account.

3.   **APPLICATION OF THE TRUST MONEYS.**

        Notwithstanding anything in any other law, the Trust moneys shall be applied in and towards the construction of a conference centre at the Lae Technical College, to be known as the "Levien Memorial Conference Centre".

        Office of Legislative Counsel, PNG