



# Deed of Settlement and Release

Dated 4th day of August 2022

**The Royal Society of Tasmania** (“the Society”)

and

**The Board of Trustees of the  
Tasmanian Museum and Art Gallery** (“the Board”)

# Deed of Settlement and Release

## Details

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### Parties

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<b>The Society</b>	Name	<b>The Royal Society of Tasmania</b>
	Address	GPO Box 1166 HOBART TAS 7001
<b>The Board</b>	Name	<b>The Board of Trustees of the Tasmanian Museum and Art Gallery</b>
	Address	C/- Office of the Solicitor-General (Litigation)  Level 5, 15 Murray Street HOBART TAS 7000

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### Recitals

- A** The *Tasmanian Museum and Art Gallery Act 2017* (the Act) provides for the continuation of the Board of Trustees of the Tasmanian Museum and Art Gallery established under the *Tasmanian Museum Act 1950* (repealed).
- B** The Board of Trustees of the Tasmanian Museum and Art Gallery (hereinafter referred to as "the Board") is constituted a body corporate pursuant to s 6 of the Act. The Board may sue and be sued in its corporate name and is an instrumentality of the Crown.
- C** Pursuant to s 8 of the Act, the Board is to oversee the control and management of the Tasmanian Museum and Art Gallery being the institution formerly known as the Tasmanian Museum (hereinafter referred to as "TMAG"). Pursuant to s 9 of the Act, the Board is empowered to acquire, hold, dispose of and otherwise deal with property and enter into contracts.
- D** The Royal Society of Tasmania (hereinafter referred to as "the Society") is constituted a body corporate pursuant to s 3 of the *Royal Society Act 1911*. The Society is capable in law to sue and be sued in all courts and to take, purchase, and hold land and personal estate, and to alienate the same for any estate, term, or interest.
- E** The Society was founded in 1843 and from its earliest years built up collections of both art and natural history specimens which were housed in The Royal Society of Tasmania Museum.

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- F** The collections housed in The Royal Society Tasmania Museum became the basis of TMAG's collection when, in 1885, the Society relinquished ownership over some of its collection to that body which later became the Board.
- G** The Society contends that, in 1965, a number of art works were placed by it on long-term loan with what became the Board.
- H** The Society contends that, in 1965, TMAG staff had prepared a list of works that were on loan from the Society. This list is hereinafter referred to as the "1965 Loans List".
- I** At the time of the contended loan and the preparation of the 1965 Loans List, Dr William Bryden was the director of TMAG and had occupied this position since 1953. At that time (between 1953 and 1972), Dr Bryden was also the Honorary Secretary and Honorary Editor of the Society.
- J** TMAG and the Society shared a close association and there was some intermingling of their resources.
- K** The Board contends that the 1965 Loans List is a record of works from both the Society's and the TMAG's collections.
- L** Discussions and investigations regarding the provenance of works on the 1965 Loans List went on for several years.
- M** On or about 10 May 2019, the Society and TMAG agreed to form a joint working committee in an attempt to resolve issues relating to the provenance and future management of the works on the 1965 Loans List.
- N** The Society's members of the joint working committee prepared a report of its findings and recommendations dated 15 June 2021.
- O** The investigations of the Society's members of the joint working committee discovered that there were additional artworks not on the 1965 Loans List that were contended by the Society to be owned by it.
- P** The recommendations put forward by the Society's members of the joint working committee were not accepted by the Board.
- Q** With the exception of about 45 artworks by Meredith contended to be from the Fish Folio (AG809.1-AG809.7;

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AG1322-1356; AG1494-1495), the parties have reached an agreement in respect of all matters in contention between them whereby:

- i. The works identified in Schedule 1 are agreed as owned by the Society;
- ii. The works identified in Schedule 2 are agreed as owned by TMAG; and
- iii. The works identified in Schedule 3 are agreed as jointly owned by the parties.

# Operative Part

- 1.** The Recitals form part of this Deed.
- 2.** The parties agree to the ownership of artworks, including the items on the 1965 Loans List, in accordance with Schedules 1, 2 and 3 of this Deed.
- 3.** The parties agree:
  - a)** That they accept the current condition of the works identified in Schedules 1, 2 and 3 of this Deed;
  - b)** That the works set out in Schedule 3 will be insured by the Board;
  - c)** In respect of the works set out in Schedule 3, there will be an attribution as to the Society's joint ownership of the items when displayed;
  - d)** In respect of the works set out in Schedule 3, the intention is for these works to remain in TMAG's care however the Society and the Board will jointly exercise all rights of and incidental to ownership including but not limited to copyright, control of use of the works and images, exhibition and storage.
- 4.** The Society agrees:
  - a)** Not to bring any action, claim or demand to or in any Court, Tribunal, Commission or person in respect of any item set out in Schedule 2 of this Deed;
  - b)** That all claims it has as to ownership of the works in Schedule 2 are extinguished on execution of this Deed by the Society; and
  - c)** That the Society will be responsible for valuing and insuring its collection (as set out in Schedule 1);
- 5.** The Board agrees:
  - a)** Not to bring any action, claim or demand to or in any Court, Tribunal, Commission or person in respect of any item set out in Schedule 1 of this Deed;
  - b)** That all claims it has as to ownership of the works in Schedule 1 are extinguished on execution of this Deed by the Board;
  - c)** That it will exhibit, display, reproduce or otherwise publish the works in Schedule 1 only with the written consent of the Society;
  - d)** That it will acknowledge the works in Schedule 1 as works from "The Royal Society of Tasmania Art Collection" when they are exhibited, displayed or reproduced with the written consent of the Society;

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6. The terms of this Deed bind the parties, their successors, heirs and assignees and for the avoidance of doubt enure for the benefit of the State of Tasmania, its instrumentalities including the *Board* and their servants and agents (past, present and future) and any and all of them may rely upon the terms of this Deed in resistance to any action, claim, demand or complaint made or to be made by the Society or any one of the parties to this Deed against the other and/or their representatives.

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## Schedule 1: RST Collection

Item No.	Description/Name	AG Reference No.	Quantity
1	Allport	AG1573-74	2
2	Basire	AG1591	1
3	Bock	AG1597	1
4	Boycs	AG1598 – 1606	9
5	Bull	AG1613.1	1
6	Gascoyne	AG1683	1
7	Duke	AG1684	1
8	Hood	AG1685	1
9	Hudspeth	AG1686-87	2
10	Haller (attributed)	AG1688	1
11	Jack	AG1689-95	7
12	Mace	AG1713-15	3
13	Maguire	AG1716	1
14	Mault	AG1717-20	4
15	Meredith	AG1721 (folio including 88 drawings)	1
16	Meredith	AG1722 (sketch book including 89 drawings)	1
17	Meredith	AG1723 (sketch book including 46 drawings)	1
18	Mace	AG1774	1
19a	Prout	AG1854-1899	46
19b	Prout	AG1900-1928	29
20a	Stanley	AG1932-2011	80
20b	Stanley	AG2012-13	2
21	Story	AG2014	1
22	Tweedie	AG2015	1
23	Unknown	AG2017	1
24	Unknown	AG2023	1
25	Unknown	AG2025	1
26	Cochran	AG2026	1
27	Walker	AG2041	1
28	de Wesselow	AG2042-2249, minus AG2066	207
29	Dawson	AG2254	1
30	De Gruchy	AG1662	1
31	KWN	AG1696	1
32	Von Guerard (Ben Lomond lithograph)	AG2028	1

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## Schedule 1: RST Collection

Item No.	Description/Name	AG Reference No.	Quantity
33	Barlow	AG1575-1590 & AG1930-1931	18
34	Bateman	AG1592	1
35	Blackman	AG1593-95	3
36	Bock	AG1596	1
37	Buckland	AG1607-12	6
38	Chapman	AG1614-1657	44
39	Chapman	AG2252-53	2
40	Clark	AG1658	1
41	Cochran	AG1659	1
42	Cooke	AG1660	1
43	D'Emden	AG1661	1
44	Dowling	AG1663	1
45	Duke	AG1664	1
46	Dunnet	AG1665-66	2
47	Duterrau	AG1667-1676	10
48	Eyre	AG1677-1682	6
49	Duke	AG1664	1
50	Le Breton	AG1698	1
51	Lucas	AG1699-1706	8
52	Lycett	AG1707-1712	6
53	Meredith	AG1724-1734	11
54	Meredith	AG1735-AG1773	39
55	Nixon AM	AG1775-1815	41
56	Philp	AG1816-1818	3
57	Piguenit	AG1824-1851	28
58	Podmore	AG1852	1
59	Prinsep	AG1853	1
60	Richmond	AG1929, AG1929.2	2
61	Unknown	AG2016 AG2018 AG2021 AG2022 AG2024 AG2027	6
62	Dunnett	AG2251	1
63	Gould	AG5433-AG5435 AG5437	4
64	Legge	AG728, AG729	2
65	Meissonier	(after ) AG151 – AG151.9, AG152 – AG152.3, AG153, AG154	14
66	Forrest	AG2023	1
67	Alexander Scott, Sir James Ross	AG2311	1
68	Somerset House, Strand	AG2312	1



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## Schedule 2: TMAG Collection

Item No.	Description/Name	AG Reference No.	Quantity
1	Piguenit	AG1819	1
2	KWN	AG1697	1
3	Piguenit	AG1820-1823	4
4	Von Guerard	AG2029-2040	12
5	Story	AG2653	1
6	Boyes	AG702-705, A6707 and AG709	6
7	Cumberland	AG679, AG1253-1263	7
8	Douglass	AG689, AG691, AG1266	3
9	Martens	AG1431-1455	25
10a	Meredith	AG3208-3211	4
10b	Meredith	AG8722	1
11	Paterson	AG607	1
12	Jarman	AG2317.1-73	73
13	Beauchamp	Unknown	1
14	Chapman	Unknown	13
15	Evans	AG1271	1
16	Nixon	Unknown	5
17	Sir John Franklin on Swan Island	AG5477	1
18	Chapman	AG1430	1

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## Schedule 3: Joint Ownership

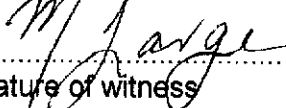
Item No.	Description/Name	AG Reference No.	Quantity
1	Wiggins	AG2250	1
2	Rodway	AG31	1

# Signing Page

Dated: 4<sup>th</sup> day of August 2022

Signed by The Royal Society of Tasmania

in the presence of:

  
Signature of witness

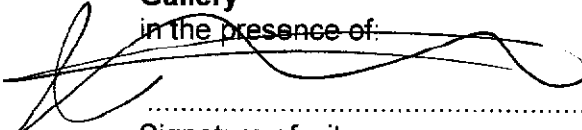
MARLEY LARGE  
Name of witness (block letters)

32 Hampden Road  
Address of witness

HONORARY SECRETARY RST  
Occupation

Signed for The Board of Trustees of The Tasmanian Museum and Art Gallery

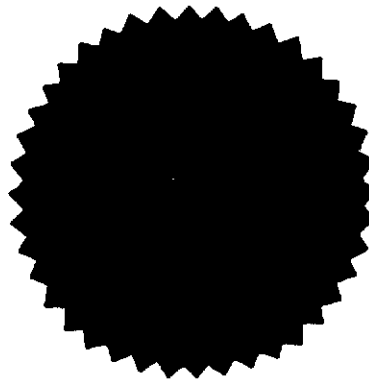
in the presence of:

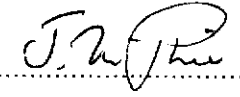
  
Signature of witness

Heather Doff  
Name of witness (block letters)

22 Osborne St, K. Beach  
Address of witness

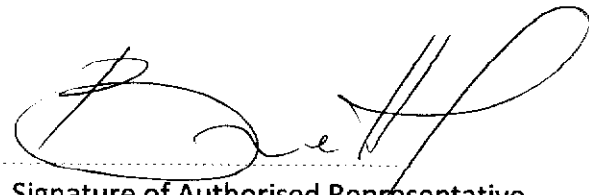
ARTIST  
Occupation



  
Signature of President

JOCELYN MCPHIE  
Name of President

4 AUGUST 2022  
Date

  
Signature of Authorised Representative

BRETT TOROSSI  
Name of Authorised Representative

CHAIR OF TRUSTEES  
Title of Authorised Representative

16/8/22  
Date