



Queensland

Legacy Trust Fund Act 2001

Reprinted as in force on 1 July 2009

Reprint No. 1A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2009 Act No. 4 s 120

Information about this reprint

This Act is reprinted as at 1 July 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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Legacy Trust Fund Act 2001

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Legacy Trust Fund Act 2001

[as amended by all amendments that commenced on or before 1 July 2009]

An Act to provide for the money standing to the credit of the Legacy Trust Fund and related accounts and funds of the department

1 Short title

This Act may be cited as the *Legacy Trust Fund Act 2001*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in the schedule defines particular words used in this Act.

4 Application of Act and relationship with the Trusts Act 1973

- (1) This Act applies to the amount standing to the credit of the fund immediately before the commencing day (the *fund money*).
- (2) If there is an inconsistency between this Act and the *Trusts Act 1973*, this Act prevails to the extent of the inconsistency.

5 Fund money is a controlled receipt on and after commencing day

On and after the commencing day, the fund money is a controlled receipt of the department for this Act and any other Act.

6 Limitation on spending the fund money

The Minister may spend all or part of the fund money only for the following purposes—

- (a) a purpose that benefits persons with a vision impairment, including, for example, children and workers with a vision impairment;
- (b) another purpose the Minister reasonably considers is consistent with any stated condition or purpose related to an amount comprising the fund money.

7 Declaration, prohibition and barring of actions

(1) The following matters relating to the fund and the fund money end—

- (a) a right, other than the right of the State, to the fund or the fund money;
- (b) a liability or fiduciary obligation of the State or a State entity, relating to the fund or the fund money.

(2) A person may not make—

- (a) an application under the *Trusts Act 1973* relating to the fund or fund money; or
- (b) another application or a claim relating to the fund or fund money against the State or a State entity for an act, omission or decision, or apprehended act, omission or decision, of the State or the State entity, done or made in the exercise or purported exercise of a power conferred by law or by an instrument creating a trust.

(3) If a proceeding arising out of an application or claim mentioned in subsection (2) started before the commencing

day, the proceeding is stayed and the court concerned must dismiss it without making an order as to costs.

Schedule Dictionary

section 3

commencing day means the day section 5 commences.

controlled receipt see *Financial Accountability Act 2009*, section 7(2).

fund means—

- (a) the departmental account of the department under the *Financial Accountability Act 2009* called ‘Legacy Trust Fund’; or
- (b) another account or fund of the department, however called—
 - (i) established or operated for the benefit of persons with vision impairment; and
 - (ii) into which a bequest, contribution, donation, gift or grant has been received.

Examples of other accounts—

- 1 Queensland Talking Book Library Trust Fund
- 2 Queensland Talking Book Library-Legacy Trust Account
- 3 Queensland Industrial Institution for the Blind Legacy Trust Account
- 4 Department of Health and Home Affairs (Legacy Trust Account).

fund money see section 4(1).

stated condition or purpose means a stated condition or purpose in a trust or will, or as part of a bequest, contribution, donation, gift or grant.

State entity means—

- (a) a Minister or a person who was a Minister; or
- (b) a person employed or previously employed by the State; or

- (c) another person who is or was an agent of the State in relation to the fund.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2009. Future amendments of the Legacy Trust Fund Act 2001 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1 rv	none	3 August 2001	6 September 2001

Reprint No.	Amendments included	Effective	Notes
1A	2009 Act No. 9	1 July 2009	

5 List of legislation

Legacy Trust Fund Act 2001 No. 48

date of assent 28 June 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 3 August 2001 (2001 SL No. 130)

amending legislation—

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

6 List of annotations

SCHEDULE—DICTIONARY

def “**controlled receipt**” amd 2009 No. 9 s 136 sch 1

def “**fund**” amd 2009 No. 9 s 136 sch 1