



ANNO VICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 34 of 1975

An Act to amend the Collections Act 1966–1973 in certain particulars

[ASSENTED TO 17TH SEPTEMBER, 1975]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Collections Act Amendment Act 1975*.

(2) The *Collections Act 1966–1973* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Collections Act 1966–1975*.

2. Commencement. This Act shall commence on a day to be fixed by Proclamation.

3. Amendment of s. 5. Section 5 of the Principal Act is amended by inserting after the term "Promoter" and its meaning the following term and meaning:—

" "Public Curator"—The Public Curator within the meaning of the *Public Curator Act 1915–1974*; ”.

4. **Amendment of s. 35.** Section 35 of the Principal Act is amended by omitting the words " of Queensland " wherever occurring.

5. **New s. 35A.** The Principal Act is amended by inserting after section 35 the following section:—

" **35A. Disaster Appeals Trust Fund and Committee.** (1) The Public Curator shall establish and keep in the accounts of the Public Curator an account titled the " Disaster Appeals Trust Fund ".

(2) There is hereby established a committee to be called the " Disaster Appeals Trust Fund Committee ", hereinafter in this section and in section 35B referred to as " the Committee ".

(3) The Public Curator shall be, *ex officio*, one of the members of the Committee.

(4) There shall be four other members of the Committee, appointed by the Governor in Council by notification published in the Gazette (hereinafter in this section referred to as " the appointed members ").

(5) Subject to this section, the appointed members shall hold office for three years and shall be eligible for re-appointment.

(6) The Public Curator may, either generally or in respect of a particular meeting or in respect of a period of time, under his hand and seal of office, designate the Senior Deputy Public Curator or a Deputy Public Curator to be his delegate on the Committee.

(7) The Governor in Council shall, by notification published in the Gazette, designate one of the members of the Committee to be chairman of the Committee and, where the member so designated is one of the appointed members and whilst he remains a member of the Committee, he shall be chairman during his term of office, but he may resign his office as chairman by writing under his hand addressed to and delivered to the Minister.

(8) The members of the Committee shall elect from among their number a person to be deputy chairman of the Committee and, where the member so elected is one of the appointed members and whilst he remains a member of the Committee, he shall be deputy chairman during his term of office, but he may resign his office as deputy chairman by writing under his hand addressed to and delivered to the Minister.

(9) (a) A member of the Committee who is one of the appointed members shall be deemed to have vacated his office if he—

- (i) dies or suffers mental illness;
- (ii) resigns his office by writing under his hand addressed to and delivered to the Minister;
- (iii) is absent from three consecutive meetings of the Committee and is not excused by the Committee for his absence, either in advance or at its meeting next following his third absence;
- (iv) is removed from office by the Governor in Council.

(b) The Governor in Council may, for any cause that appears to him to be sufficient, remove a member of the Committee who is one of the appointed members from his office as such a member.

(10) When a vacancy occurs in the office of any of the appointed members of the Committee before the expiration of his term of office, the Governor in Council shall, by notification published in the Gazette, appoint another person to hold office, subject to this section, either for three years or until the time when his predecessor's term would have expired, and in either case the appointee shall be eligible for re-appointment.

(11) (a) The Committee shall meet at such times and places and conduct its business in such manner as it determines from time to time and, without limiting the foregoing, the chairman of the Committee or the deputy chairman or, if neither of them is available, the Minister may convene a meeting of the Committee.

(b) The chairman or, if the chairman is not present, the deputy chairman shall preside at all meetings of the Committee, but if neither of them is present at a meeting, the members present at that meeting shall elect a member from among those present to preside at the meeting during the absence of the chairman and the deputy chairman, and the person so elected shall have, during such absence, all the powers of the chairman.

(12) Any three members of the Committee shall be a quorum for the purposes of a meeting of the Committee and shall be competent to transact the business of the Committee and to perform its functions pursuant to this section.

(13) Any matter before a meeting of the Committee shall be determined by vote of the majority of the members of the Committee (being a quorum) present at the meeting, and in the event of an equality of votes upon any matter the person who presides at the meeting at the time of the taking of the vote shall have a second or casting vote.

(14) A member of the Committee who, being present at a meeting and entitled to vote on a matter, abstains from voting on that matter shall be taken to have voted in the negative.

(15) No act or proceeding of the Committee shall be invalidated or prejudiced by reason of the fact that at the time when such act or proceeding was done or taken there was a vacancy in the office of any member or there was a defect in the appointment of any member.

(16) An officer of the Public Service of Queensland may be appointed a member of the Committee and may hold office as such member in conjunction with his holding office as an officer of the Public Service.

(17) (a) Members of the Committee shall be paid such fees and allowances, if any, as the Governor in Council may from time to time determine and subject to such conditions, if any, as the Governor in Council may from time to time determine.

(b) Fees and allowances with respect to any member may differ, according to class or rate or both class and rate, from fees and allowances with respect to any other member."

6. New s. 35B. The Principal Act is amended by inserting after section 35A, as inserted by this Act, the following section:—

“ 35B. Disaster relief funds and their application. (1) In this section the term “disaster relief fund” means any fund raised by or resulting from any appeal for support for the purpose of

assisting persons suffering distress, whether physical, mental or financial, as a result of any catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence.

(2) In any case where the Governor in Council is satisfied that—

- (a) a fund is a disaster relief fund;
- (b) moneys (whether invested or not) in or belonging to that fund have remained unexpended for a period of two years or more;
- (c) those moneys do not appear likely to be applied for the benefit or relief of any of the persons for whose benefit or relief that fund was established,

he may, by Order in Council, vest all or any of such moneys (whether invested or not) in the Public Curator who shall—

- (d) in the case of moneys not invested, pay such moneys to the credit of the Disaster Appeals Trust Fund, hereinafter in this section referred to as “the Trust Fund”;
- (e) in the case of invested moneys, realize the investments when directed to do so by the Committee and pay the proceeds of such realization to the Trust Fund, and in the meantime hold such investments on behalf of the Trust Fund.

(3) The moneys shall vest in the Public Curator on the day of publication of the Order in Council in the Gazette save where some other day for vesting is stipulated in the Order in Council, in which case the moneys shall vest on the day so stipulated.

(4) Moneys vested in the Public Curator under this section shall vest freed and discharged from all trusts to which they are or may be subject.

(5) Every Order in Council made under this section shall have the force of law, and payments and transfers shall be made and effected to carry out the directions of the Governor in Council thereunder.

(6) (a) In any case where an Order in Council is made under this section with respect to a fund which the Governor in Council is satisfied is a disaster relief fund and—

- (i) there is an insubstantial variation between the name of the fund indicated in the Order in Council and the name in which the fund is held; and

- (ii) the Public Curator is satisfied that the fund indicated in the Order in Council is the same fund as that so held,

a certificate under the hand and seal of the Public Curator that, in the circumstances as aforesaid, the funds so named are one and the same fund shall, until the contrary is proved, be sufficient evidence of the matters stated and be acted upon by any person required to make any payment or transfer with respect thereto.

(b) In this subsection the expression “the name in which the fund is held” includes the name—

- (i) of any account relating to the fund;
- (ii) in which any fund moneys are invested; and
- (iii) in which any security is held in respect of moneys so invested.

(7) The receipt of the Public Curator shall be a full and sufficient discharge to any governing body or any persons paying or transferring any moneys or investments in pursuance of this section as to the moneys or investments made or transferred, and such governing body or persons shall not thereafter be liable or accountable therefor or be bound to see to the application, distribution or appropriation thereof.

(8) The Committee may from time to time direct the Public Curator (who shall comply with such direction)—

(a) to invest any moneys standing to the credit of the Trust Fund in any authorized trustee investment nominated by the Committee;

(b) to realize any investment so made,

and income arising from any such investment shall be paid into and form part of the Trust Fund.

(9) The Committee may from time to time, with the approval of the Governor in Council, direct the Public Curator to pay or apply the whole or any part of the moneys standing to the credit of the Trust Fund, including moneys derived from the realization of investments, to or for the use or benefit of any other fund that in the opinion of the Committee is a disaster relief fund, and in any such case the Public Curator shall pay or apply the moneys the subject of the direction in accordance with such direction.”.

7. Amendment of s. 36. Section 36 of the Principal Act is amended by—

(a) in the note to and occurring at the commencement of the section, omitting the words “ of Minister ”;

(b) inserting after the words “ Minister to the Court ” the words “, which application may be so made whether or not the requirement, direction or order was notified, given or made by the Minister,”.