

Queensland



ANNO VICESIMO SEXTO

ELIZABETHAE SECUNDAE REGINAE



No. 48 of 1977

An Act to amend the Collections Act 1966–1975 in certain particulars

[ASSENTED TO 3RD OCTOBER, 1977]

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 1977*.

(2) The *Collections Act 1966–1975* 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 1966–1977*.

2. Amendment of s. 35B. Section 35B of the Principal Act is amended by—

(a) in subsection (2), omitting paragraph (b) and substituting the following paragraph:—

“(b) no payment has been made from moneys (whether invested or not) in or belonging to that fund for a period of one year or more;”;

(b) in subsection (9), omitting all words from and including the words “, to or for the use ” to the end of the subsection and substituting the following words:—

“ —

(a) for the benefit or relief of any of the persons for whose benefit or relief a fund referred to in subsection (2) was established; or

(b) 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 the terms of such direction.”.

3. New ss. 35C and 35D. The Principal Act is amended by inserting after section 35B the following sections:—

“**35C. Donations to disaster relief funds.** (1) In this section the term—

“disaster” means any catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence;

“disaster relief fund” has the same meaning as that assigned to it by section 35B (1).

(2) Where a disaster occurs moneys may be donated to the Disaster Appeals Trust Fund for payment to any disaster relief fund that has been or may be established in respect of the disaster.

The Public Curator shall as soon as possible forward those moneys to the governing body of or persons raising the disaster relief fund for payment into the fund.

(3) Where—

(a) moneys are donated to the Disaster Appeals Trust Fund for payment to a disaster relief fund that as far as the Public Curator can ascertain has ceased to exist or operate;

(b) it is not clear to which disaster relief fund a donor of moneys to the Disaster Appeals Trust Fund intended the moneys to be paid and the Public Curator is unable to clarify the intention; or

(c) a disaster occurs and a disaster relief fund in respect of the disaster is not established within one month after the occurrence of the disaster and moneys are

donated to the Disaster Appeals Trust Fund for the benefit or relief of persons suffering distress, whether physical, mental or financial, as a result of the disaster, those moneys shall as from a date declared by the Public Curator under his hand and seal form part of the Disaster Appeals Trust Fund as if they had vested in the Public Curator by Order in Council pursuant to section 35B (2) freed and discharged from all trusts to which they are or may be subject.

35D. Donations for future disasters. Any person desiring to donate moneys (including any moneys invested in any authorized trustee investment) for the benefit or relief of persons suffering distress whether physical, mental or financial, as a result of any future catastrophe or disaster arising from natural causes, inevitable accident, wilful act or negligence may pay moneys or provide by way of will or trust or otherwise for the payment of moneys to the Disaster Appeals Trust Fund.

Section 35B shall apply to such moneys as if they had vested in the Public Curator by Order in Council pursuant to subsection (2) of that section and the moneys shall vest in the Public Curator on the day they are paid into the Disaster Appeals Trust Fund.”.