

Queensland



ANNO TRICESIMO SEPTIMO
ELIZABETHAE SECUNDAE REGINAE

No. 19 of 1988

An Act to repeal the Patriotic Funds Act 1942-1984 and to amend the Collections Act 1966-1981, the Associations Incorporation Act 1981, The Charitable Funds Acts, 1958 to 1964, the Art Unions and Amusements Act 1976-1984 and the Trusts Act 1973-1986 each in a certain particular or certain particulars as the case may be

[ASSENTED TO 7TH APRIL, 1988]

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:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Arrangement. This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—REPEAL OF PATRIOTIC FUNDS ACT 1942-1984 (s. 4);

PART III—AMENDMENT OF COLLECTIONS ACT 1966-1981 (ss. 5-7);

PART IV—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT 1981 (ss. 8-9);

PART V—AMENDMENT OF THE CHARITABLE FUNDS ACTS, 1958 TO 1964 (ss. 10-11);

PART VI—AMENDMENT OF ART UNIONS AND AMUSEMENTS ACT 1976-1984 (ss. 12-13);

PART VII—AMENDMENT OF TRUSTS ACT 1973-1986 (ss. 14-15);
SCHEDULE.

PART II—REPEAL OF PATRIOTIC FUNDS ACT 1942-1984

4. Repeal. The Acts specified in the Schedule are repealed.

PART III—AMENDMENT OF COLLECTIONS ACT 1966-1981

5. Citation. (1) In this Part the *Collections Act 1966-1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Collections Act 1966-1988*.

6. Amendment of s. 5. Meaning of terms. Section 5 of the Principal Act is amended in the definition "Charitable purpose" by—

(a) in provision (f), after the word "Act", omitting the expression ":", and substituting the expression ",";

(b) omitting the final paragraph.

7. **New s. 19A.** The Principal Act is amended by inserting after section 19 the following section:—

“**19A. Patriotic funds.** (1) For the purposes of this section “patriotic fund” has the meaning which was assigned to it by the *Patriotic Funds Act 1942-1984*.

(2) An association which managed or controlled a patriotic fund at the commencement of section 7 of the *Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988* shall be deemed to be registered as a charity for the purposes of this Act.

(3) Where the trustees of a patriotic fund are the only persons exercising management or control of that fund, the trustees shall be deemed to be the association which managed or controlled the patriotic fund at the commencement of section 7 of the *Patriotic Funds Act Repeal Act and Other Acts Amendment Act 1988* and shall be deemed to be registered as a charity for the purposes of this Act.

(4) Except as otherwise prescribed, the provisions of this Act which apply to a charity granted registration pursuant to section 19 shall also apply to an association deemed to be registered as a charity pursuant to this section.”

PART IV—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT 1981

8. Citation. (1) In this Part the *Associations Incorporation Act 1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Associations Incorporation Act 1981-1988*.

9. **New s. 21A.** The Principal Act is amended by inserting after section 21 the following section:—

“**21A. Rights and liabilities pass to incorporated association.**

(1) Upon the incorporation of an association under this Act, the civil rights and liabilities (whether actual or potential) of the persons who immediately before incorporation were trustees or committeemen of the association, being rights or liabilities had by them in their capacity as such trustees or arising by reason of their being committeemen, shall pass to and become the civil rights and liabilities (actual or potential) of the association to the exclusion of those persons and may be enforced by or against the association accordingly.

(2) Where, before or after the incorporation of an association, a claim has arisen or arises in respect of a deficit in the funds of the association, being a deficit that existed before the incorporation, civil action in a court may be commenced or, if it has already commenced at the time of incorporation, may be proceeded with against any trustee or committeeman of the association who would have been liable on the claim had incorporation not occurred and, if the action is so commenced or proceeded with, rights and liabilities in the action shall be determined and enforced as if incorporation had not occurred.”

PART V—AMENDMENT OF THE CHARITABLE FUNDS ACTS, 1958 TO
1964

10. Citation. (1) In this Part *The Charitable Funds Act of 1958* as subsequently amended is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Charitable Funds Act 1958-1988*.

11. Amendment of s. 2. Meaning of terms. Section 2 of the Principal Act is amended in the definition “Fund” by omitting the words “any Patriotic Fund within the meaning of *The Patriotic Funds Acts, 1942 to 1953*, nor”.

PART VI—AMENDMENT OF ART UNIONS AND AMUSEMENTS ACT
1976-1984

12. Citation. (1) In this Part the *Art Unions and Amusements Act 1976-1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Art Unions and Amusements Act 1976-1988*.

13. Amendment of s. 7. Interpretation. Section 7 of the Principal Act is amended in the definition “patriotic purpose” by omitting the words “within the meaning of *The Patriotic Funds Acts, 1942 to 1953*,” and substituting the words “(being that service in the armed forces of the Commonwealth that is declared by the Governor in Council by Order in Council to be defence service for the purpose of this definition)”.

PART VII—AMENDMENT OF TRUSTS ACT 1973-1986

14. Citation. In this Part the *Trusts Acts 1973-1986* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Trusts Act 1973-1988*.

15. Amendment of s. 105. Occasions for applying property cy-près. Section 105 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:—

“(5) Nothing in this section shall affect the application of the provisions of the *Charitable Funds Act 1958-1988* to the funds to which that Act applies.”.

SCHEDULE

[s. 4]

Year and Number of Act	Short title
6 Geo. VI No. 38	<i>The Patriotic Funds Act of 1942</i>
2 Eliz. II No. 26	<i>The Patriotic Funds Act Amendment Act of 1953</i>
1984 No. 15	<i>Patriotic Funds Act Amendment Act 1984</i>