

Queensland



LEGACY TRUST FUND ACT 2001

Act No. 48 of 2001

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TABLE OF PROVISIONS

Section		Page
1	Short title	4
2	Commencement	4
3	Definitions	4
4	Application of Act and relationship with the Trusts Act 1973	4
5	Fund money is a controlled receipt on and after commencing day	4
6	Limitation on spending the fund money	4
7	Declaration, prohibition and barring of actions	5
	SCHEDULE	6
	DICTIONARY	

Queensland



Legacy Trust Fund Act 2001

Act No. 48 of 2001

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

[Assented to 28 June 2001]

The Parliament of Queensland enacts—**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 Administration and Audit Act 1977*, section 4(2).

“fund” means—

- (a) the departmental account of the department under the *Financial Administration and Audit Act 1977* 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.

