

Queensland Veterans' Council Bill 2021

Explanatory Notes

Short title

The short title of the Bill is the Queensland Veterans' Council Bill 2021.

Policy objectives and the reasons for them

The objective of the Bill is to establish the Queensland Veterans' Council (QVC) as a statutory body. The QVC will have three areas of responsibility:

- trustee of Anzac Square under the *Land Act 1994* (Land Act) and the ongoing management and operation of Anzac Square;
- the functions of the Board of Trustees under the *Anzac Day Act 1995* (AD Act); and
- providing advice to government on veterans' matters.

Anzac Square

Anzac Square was dedicated on Remembrance Day 1930 as Queensland's State war memorial. It is on Crown land reserved under the Land Act for purposes of cultural purposes, historical and parks, and is listed on the Queensland Heritage Register. On 5 December 1974, by Order in Council, the land was placed under the control of Brisbane City Council (BCC) as trustee.

Between 2014 and 2019, significant restoration work was undertaken on Anzac Square with funding provided by the Australian Government, Queensland Government and BCC.

The restoration project included a major redevelopment of the undercroft to create modern gallery spaces (memorial galleries) fitted with digital technology that provide a platform for educational and interactive exhibitions. The restoration project has allowed Anzac Square to expand its original purposes to include education.

The governance arrangements for Anzac Square have been reviewed, taking into account the importance of Anzac Square as the State's war memorial, the expanded purpose created by the memorial galleries, the ongoing management requirements and approaches adopted in other jurisdictions.

Establishing a statutory body for Anzac Square will support the future strategic direction and operation of the State's war memorial, particularly to the extent that the memorial galleries educate and inform visitors about the service and sacrifice of Queenslanders and Australians in war, peacemaking and peacekeeping.

Functions of the Board of Trustees under the AD Act

The Anzac Day Trust Fund (Trust Fund) was initially established under the *Anzac Day Act 1921* and is continued under the AD Act. The Trust Fund is administered by the Anzac Day Trust, a statutory body governed by a four-member Board of Trustees (the Board).

The Trust Fund is funded predominately by a grant appropriated from the Queensland Government in accordance with the formula prescribed in the AD Act. It provides annual payments to institutions, organisations or associations to assist ex-servicemen and women and their dependants.

With the establishment of a new statutory body, the opportunity arises to consolidate the role of the Board of Trustees in providing governance of the Trust Fund and the governance of Anzac Square into one statutory body.

Advice to government on veterans' matters

The Queensland Veterans' Advisory Council (QVAC) is a ministerial advisory committee established administratively to provide a forum for communication between Queensland's veterans' community and the Queensland Government, and to provide advice to the Queensland Government on veterans' matters.

The establishment of the QVC provides the opportunity to formalise the functions of QVAC. It is acknowledged that the Queensland veterans' community is large and diverse. A veterans' reference group, established to support the QVC in the performance of its advisory function, would assist the QVC in consulting with a broad range of veterans' organisations.

Achievement of policy objectives

The Bill achieves its policy objectives by establishing the QVC as a statutory body and amending the AD Act to transfer responsibility for the Trust Fund from the Board to the QVC.

Functions

The Bill provides that the QVC will have responsibility for:

- Anzac Square in accordance with the role of trustee under the Land Act, including the ongoing management and operation of Anzac Square;
- the functions of the Board under the AD Act; and
- providing advice to government on veterans' matters.

Membership of the QVC

The QVC will have a membership of up to eight people (no more than six members appointed by the Governor in Council ('appointed members') and two ex-officio members).

The appointed members will include not more than two members nominated by veterans' organisations. A veterans' organisation is defined as an organisation that represents veterans, their partners and/or dependants, and includes organisations such as the Returned and Services League of Australia (Queensland Branch) and Legacy Clubs in Queensland.

The appointed members will also include not more than four people nominated by the Minister if the Minister is satisfied the people have the qualifications or experience in at least one of the following areas: corporate governance, business or financial management, heritage conservation, or another area the Minister considers relevant or necessary to support the QVC in performing its functions.

The proposed structure allows both veterans and non-veterans with the necessary skills and expertise to be appointed as members of the QVC. Providing the opportunity for non-veteran members of the community with the appropriate skills and experience to be appointed to the QVC reflects the historical origins of Anzac Square as the broader community's response to the First World War and Anzac Square's purpose as a war memorial for all Queenslanders.

Reporting and accountability

As a statutory body, the QVC will be required to report annually to Parliament. In addition, the Bill provides that the QVC will be required to prepare a conservation management plan for Anzac Square.

The Bill provides that the Minister will have the power to issue a statement of expectations to the QVC and give a notice to the QVC requiring the production of a document or information. Such powers may be used, for example, for the Minister to set expectations around the level of consultation and engagement with the Queensland veterans' community or if the Minister requires specific information about the performance of the QVC's functions. Any written notice to give a document or information will be required to be reported in the QVC's annual report.

Administrative support to the QVC

Given the functions of the QVC and the size and complexity of its operations, the Bill provides that administrative support will be provided by the relevant department (currently the Department of the Premier and Cabinet). Under the proposed model, the chief executive of the department with administrative responsibility for the QVC will be required to ensure that the QVC receives appropriate administrative support to enable it to perform its functions.

Alternative ways of achieving policy objectives

Legislation is the only way to establish the QVC as a statutory body. In addition, legislative amendment to the AD Act is the only way to abolish the Anzac Day Trust as a statutory body and transfer the governance of the Trust Fund to the QVC.

Estimated cost for government implementation

As part of the 2019-20 State Budget, the Queensland Government committed \$2.7 million over five years and \$2.4 million per annum ongoing to establish the Office for Veterans and provide for the ongoing curation and oversight of Anzac Square .

The cost of maintaining the Anzac Square parklands is currently met by BCC. With the establishment of the QVC, these costs will be met by the State Government through the existing funding allocation noted above.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles. Potential breaches of fundamental legislative principles are addressed below.

Power to obtain criminal history

Clause 23 of the Bill provides the Minister with the power to obtain criminal history information about prospective and current QVC members. Clause 24 imposes an obligation on appointed members to, unless they have a reasonable excuse, immediately give notice to the Minister if they are convicted of an indictable offence.

The power to obtain a person's criminal history potentially breaches the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals (*Legislative Standards Act 1992* (LSA), section 4(2)(a)). However, the power for the Minister to obtain criminal history information is necessary to ensure the suitability of individuals appointed to government bodies. Similarly, the obligation imposed on appointed members to disclose if they are convicted of an indictable offence is necessary to ensure the integrity of the QVC.

The Bill includes safeguards to protect an individual's criminal history information. The Bill provides that the Minister may only exercise the power under clause 23 with the written consent of the individual (clause 23(2)).

In addition, clause 25 of the Bill provides safeguards to protect an individual's criminal history information and operates to prevent further disclosure, limits the purpose for which the criminal history information may be used, and provides that the criminal history report obtained under clause 23 and any notice provided in accordance with clause 24 must be destroyed as soon as practicable after it is no longer needed.

Offences

Legislation should have sufficient regard to the rights and liberties of individuals (LSA, section 4(2)(a)). Any new offence must be appropriate and reasonable in light of the conduct that constitutes the offence.

Offence - Failure to disclose certain information

Under the Bill, a person is disqualified from being a member of the QVC if they have been convicted of an indictable offence, are an insolvent under administration, or disqualified from managing corporations under the *Corporations Act 2001* (Cth) (Corporations Act), part 2D.6.

Clauses 20 and 24 impose an obligation on appointed members of the QVC to, unless they have a reasonable excuse, immediately give notice to the Minister if they are convicted of an indictable offence, become insolvent under administration, or are disqualified from managing corporations under the Corporations Act, part 2D.6. Failure to comply with this obligation is an offence with a maximum penalty of 100 penalty units.

Requiring the notice to be given 'immediately' is an appropriate timeframe. While 'immediately' is a subjective term, it is a stronger expression than 'as soon as practicable'. This is an appropriate timeframe for compliance with this requirement, particularly given that clause 19 of the Bill operates to automatically end the person's term of appointment, should such circumstances arise.

The obligation for members to disclose certain matters that relate to their suitability reinforces the expectation that members are to behave ethically and legally and ensures that the Minister is aware of matters that may impact on the integrity of the statutory body. Imposing such an obligation on members is reasonable and there is a strong public interest in ensuring that there is appropriate oversight and accountability imposed on people who seek appointment, or are appointed, to public office.

It is noted that similar provisions requiring a person to disclose certain matters are found in other Queensland legislation including for example, *Health and Wellbeing Queensland Act 2019*; *Hospital Foundations Act 2018*; *Jobs Queensland Act 2015*; and *Cross River Rail Delivery Authority Act 2016*, all of which impose a penalty where a person fails to disclose a conviction relating to an indictable offence. In addition, Queensland university legislation such as *University of Queensland Act 1998* and *Queensland University of Technology Act 1998* include provisions that impose a penalty where a person fails to disclose a conviction relating to an indictable offence or a disqualification from managing corporations under the Corporations Act. Including the offences in the Bill is considered appropriate and reasonable and not a breach of the fundamental legislative principles.

Offence - Disclosing criminal history information

Clause 25(2) creates a new offence for a person who possesses criminal history information because the person is, or has been a member of the QVC, or another person involved in administration of the Act to disclose another person's criminal history information other than as provided for under the provision. The maximum penalty for breach of this provision is 100 penalty units. This offence is included in the Bill to protect the rights of the person about whom the information relates and provide an important safeguard against the unnecessary disclosure of a person's protected information. The penalty is set at a level to provide the appropriate deterrence and is consistent with the similar offences in Queensland legislation. On this basis the inclusion of the offence in the Bill is considered appropriate and reasonable and not a breach of the fundamental legislative principles.

Reversing the onus of proof

Legislation should not reverse the onus of proof in criminal proceedings without adequate justification (LSA, section 4(3)(d)). A reversal may be justified if the relevant fact is something impractical to test by alternative evidential means and the facts giving rise to a reasonable excuse are within the particular knowledge of the defendant.

As outlined above, clauses 20 and 24 impose an obligation on appointed members of the QVC to, unless they have a reasonable excuse, immediately give notice to the Minister if they are convicted of an indictable offence, become insolvent under administration, or are disqualified from managing corporations under the Corporations Act, part 2D.6.

Including a reasonable excuse provision in these clauses allows a person who is subject to the offence to raise a defence of a reasonable excuse for failing to comply with the obligation. The clauses are drafted on the assumption that section 76 of the *Justices Act 1886* applies to place both the evidential and legal onus on the member of the QVC to prove the existence of a reasonable excuse for failing to comply with the obligation to disclose. Reversing the onus of proof in these circumstances is appropriate as the person subject to the offence is best placed to provide the relevant information that would support the reasonable excuse defence. In these circumstances and having regard to the underlying policy intent of the offence provisions to ensure the integrity of the membership of the QVC reversing the onus of proof is considered appropriate and reasonable and not a breach of the fundamental legislative principles.

The reasonable excuse provision is included in similar provisions requiring a person to disclose certain matters in other Queensland legislation including for example: *University of Queensland Act 1998*; *Health and Wellbeing Queensland Act 2019*; *Hospital Foundations Act 2018*; *Jobs Queensland Act 2015*; and *Cross River Rail Delivery Authority Act 2016*.

Protection from civil liability

Clause 50 of the Bill provides protection from civil liability for the Minister and members of the QVC for an act or omission made honestly and without negligence in the performance of their functions under the proposed legislation. This potentially breaches the fundamental legislative principle that legislation should not confer immunity from proceedings or prosecution without adequate justification (LSA, section 4(3)(h)). However, the potential breach of this fundamental legislative principle is justifiable on the basis that the provision operates to attach civil liability to the State instead. This is the standard approach to immunity found in Queensland legislation.

Termination of appointment

Clause 81 of the Bill will terminate the appointment of the members of the Board for the Anzac Day Trust and the former members are not to be compensated. Currently, members of the Board do not receive any remuneration associated with their appointment, but they are entitled to be paid out of pocket expenses associated with their duties.

Consultation

Consultation on the options for the future governance of Anzac Square has occurred at various times between 2017 and 2021 with the former Anzac Square Steering Committee (a committee established to oversee the restoration project), the former Queensland Advisory Committee for the Commemoration of the Anzac Centenary (now ceased), QVAC and BCC.

Briefings on the establishment of the QVC were provided to the Board, Returned and Services League of Australia (Queensland Branch), Legacy Club of Brisbane, Australian War Widows (Queensland), Mates4Mates, Australian Federation of Totally and Permanently Incapacitated Ex Servicemen and Women (Queensland Branch), Defence Force Welfare Association (Queensland), Partners of Veterans' Association of Australia (Queensland Branch), Veterans' of Australia Association – Hervey Bay Branch, and individual veterans' stakeholders including the former chair of QVAC and the former Deputy Chair of the Queensland Advisory Committee for the Commemoration of the Anzac Centenary.

A consultation version of the Bill was released to BCC and a verbal briefing was provided to BCC officers to support BCC's consideration of the proposals in the Bill.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State or Territory. However, Victoria and New South Wales have established statutory bodies with responsibility for their respective State war memorials. While there are some similarities between the Victorian and New South Wales models and the model established in the Bill, the approach adopted in Queensland is specific to achieving the policy objectives.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Queensland Veterans' Council Act 2021*.

Clause 2 provides for the Act to commence on a day to be fixed by proclamation.

Clause 3 provides that the main purposes of the Act is to establish the Queensland Veterans' Council (QVC) to manage, maintain, preserve and develop Anzac Square as the State's war memorial; administer the Trust Fund, including making payments from the fund; and advise the Minister about veterans' matters.

Clause 4 states that the dictionary in schedule 1 defines particular words used in the Act.

Part 2 Queensland Veterans' Council

Division 1 Establishment

Clause 5 states that the QVC is established.

Clause 6 provides the legal status of the QVC as a body corporate that may sue and be sued in its corporate name.

Clause 7 states that the QVC represents the State and has the status, privileges and immunities of the State.

Clause 8 states that the QVC is a statutory body under the *Financial Accountability Act 2009*; and the *Statutory Bodies Financial Arrangements Act 1982* (SBFA Act). Subsection (2) provides that the SBFA Act, part 2B sets out the way in which the QVC's powers under this Act are affected by the SBFA Act. Subsection (3) provides that the QVC is a unit of public administration under the *Crime and Corruption Act 2001*.

Division 2 Functions and powers

Clause 9 states the functions of the QVC in relation to Anzac Square. The clause provides that the QVC functions include:

- the role of trustee under the *Land Act 1994* (Land Act);
- to manage, maintain, preserve and develop Anzac Square as a memorial;
- to approve and oversee the staging of ceremonial activities and events at Anzac Square;
- to approve, manage and promote public programs at Anzac Square to inform, educate and promote understanding about the history, experiences, service and sacrifice of Queenslanders and other Australians in war, conflict, peacekeeping and peacemaking;

- to manage and maintain the cultural heritage significance of the parks and gardens of Anzac Square.

Clause 10 states the functions of the QVC in relation to the Trust Fund under the *Anzac Day Act 1995* (AD Act).

Clause 11 states the other functions of the QVC. Clause 11(1) provides for the advisory function of the QVC which includes:

- monitoring matters affecting the veterans' community;
- investigating and reporting on any aspect of veterans' matters referred to it by the Minister;
- consulting with the veterans' community when developing advice for the Minister; and
- advising the Minister about veterans' matters and any other matter relevant to the performance of the QVC's functions.

Clause 12 specifies the powers of the QVC. The QVC has all the powers of an individual and may for example enter into contracts or agreements; deal in land or other property; appoint agents and attorneys; engage consultants or contractors; charge a fee for services or facilities it supplies; accept a gift of property to the Anzac Day Trust Fund (the Fund), deal with property of the Fund that is not in the form of money and pay money into the Fund; and do anything else necessary or convenient for the performance of its functions.

Division 3 Membership

Clause 13 provides that the QVC comprises the following members:

- a) the chief executive or an employee of the department nominated by the chief executive;
- b) the chief executive officer of Brisbane City Council (BCC) or an employee of BCC nominated by the chief executive officer;
- c) not more than six other members (appointed by the Governor in Council) comprising
 - not more than two persons nominated by a veterans' organisation under section 14; and
 - not more than four persons nominated by the Minister.

The clause provides that in nominating a person for appointment under subsection 2(b), the Minister must be satisfied that the persons have qualifications or experience in at least one of the following areas: corporate governance, business or financial management; heritage conservation; or another area the Minister considers relevant or necessary to support the QVC in the performance of its functions.

Clause 14 provides how the Minister may seek nominations for membership from veterans' organisations.

Clause 15 provides that a person is not eligible for appointment as a member of the QVC if the person is a member of the Legislative Assembly; or a councillor of a local government.

Clause 16 provides that an appointed member is appointed for a term of not longer than four years stated in the appointed member's instrument of appointment, and appointed members may be reappointed.

Clause 17 states that an appointed member is to be paid the remuneration and allowances decided by the Governor in Council. In addition, if a matter is not provided for under the Act, the appointed member holds office on the terms and conditions decided by the Governor in Council.

Clause 18 provides for the appointment of the chairperson of the QVC. In accordance with the clause the Governor in Council may appoint an appointed member recommended by the Minister to be the chairperson. Clause 18(5) provides that a person appointed as chairperson, may resign from the office of chairperson and continue to be an appointed member for their remaining term of appointment.

Clause 19 prescribes the circumstances that will disqualify a person from becoming, or continuing as, a member. In accordance with the clause a person is disqualified from becoming, or continuing as, an appointed member if the person:

- has a conviction, other than a spent conviction, for an indictable offence;
- is an insolvent under administration;
- is disqualified from managing corporations because of the Corporations Act, part 2D.6.

Clause 19(4) provides a mechanism whereby the Minister may consider the circumstances of an offence or insolvency and give approval for the person to become, or continue as, a member despite the conviction or insolvency.

Clause 20 requires that an appointed member must, unless they have a reasonable excuse, immediately give notice to the Minister if they are disqualified from managing corporations because the person becomes an insolvent under administration or is disqualified from managing corporations because of the Corporations Act, part 2D.6. Failure to give notice is an offence with a maximum penalty of 100 penalty units.

Clause 21 enables the Minister to approve a leave of absence for a member and to appoint another person to act in the office of the member on leave.

Clause 22 provides for when the office of a member becomes vacant.

Division 4 Criminal history

Clause 23 provides the Minister with the power to ask the commissioner of the police service for a written report about the criminal history of a person and a brief description of the circumstances of a conviction mentioned in the criminal history, to decide whether the person is disqualified from becoming or continuing as an appointed member of the QVC. The use of this power is limited to circumstances where the person has given the Minister written consent for the request.

Clause 24 requires that an appointed member of the QVC must, unless they have a reasonable excuse, immediately give notice to the Minister if they are convicted of an indictable offence

during their term of appointment. Failure to give notice is an offence with a maximum penalty of 100 penalty units.

Clause 25 provides that the criminal history information is confidential. Disclosure, except as permitted under clause 25(3), is an offence with a maximum penalty of 100 penalty units.

Division 5 Council meetings

Clause 26 provides that subject to this division, the QVC may conduct its business in the way it considers appropriate.

Clause 27 provides that the chairperson may convene a meeting at a time and place decided by the chairperson. Further the chairperson must convene a meeting at least four times a year and as often as necessary for the QVC to perform its functions; and if requested in writing by the Minister or three or more members.

Clause 28 provides that the chairperson is to preside at all QVC meetings at which the chairperson is present. If the chairperson is absent from the meeting, the member of the QVC chosen by the members present is to preside.

Clause 29 prescribes the quorum for meetings of the QVC.

Clause 30 provides the procedure for deciding questions at meetings of the QVC. The provision also allows members to participate in meetings using modern communication technology, such as teleconferencing.

Clause 31 provides for the authentication of the documents of the QVC.

Clause 32 states that the QVC must keep minutes of its meetings.

Clause 33 provides for the disclosure of conflicts of interest at QVC meetings and how the conflicts of interest are to be managed.

Division 6 Veterans' Reference Group

Clause 34 states that the Minister may establish a veterans' reference group and approve the terms of reference for the group. Before approving the terms of reference, the Minister must consult with the QVC.

Clause 35 states the functions of the veterans' reference group are: to advise the QVC on veterans' matters referred to the group; to help the QVC to identify and consult with the veterans' community, veterans' organisations and other community organisations when preparing advice for the Minister; and to help the QVC to advise the Minister about veterans' matters.

Clause 36 provides that the Minister decides the membership of the veterans' reference group. The clause provides the veterans' reference group has the following members:

- a) the two appointed members under section 13(2)(a) of the Act; and

- b) not more than eight other members of the veterans' community having knowledge of, or skills and experience in one or more of the following: veterans' welfare; veterans' health; military service; veterans' transition from military service; veterans' employment; veterans' aged care; matters that affect veterans' partners, widows and dependants; or other matters that affect the wellbeing of the veterans' community.

Clause 37 provides that the members of the QVC appointed under section 13(2)(a) are the co-chairpersons of the veterans' reference group and that a member of the group, other than a member appointed to the QVC under section 13(2)(a), holds office for a term of no longer than two years. In accordance with clause 37(4), a member of the veterans' reference group is not entitled to remuneration. Further a person stops being a member of the veterans' reference group if the veterans' organisation that nominated the person gives the Minister a notice stating the person no longer represents the organisation.

Division 7 Miscellaneous

Clause 38 provides that the QVC may establish one or more committees, as the QVC considers appropriate to advise on matters relating to the QVC's functions.

Clause 39 provides that the chief executive must ensure the QVC has the administrative support services reasonably required for the QVC to perform its functions effectively and efficiently. This provision ensures the department has the appropriate powers to support the QVC in the administration and performance of its functions.

Part 3 Minister's powers

Clause 40 enables the Minister to ask the QVC to carry out a review of a matter relevant to the QVC's functions and give the Minister a written report after completing the review. The report may include particulars about the outcome of the review and the QVC's recommendations. The QVC must comply with the Minister's request and the Minister may publish the report.

Clause 41 provides that the Minister may give the QVC a statement of expectations regarding the performance of the QVC's functions. The QVC must have regard to the statement of expectations in performing its functions. The section provides that the statement of expectations may:

- a) apply for a particular period stated in the statement; and
- b) provide for any of the following:
 - the QVC's strategic or operational activities;
 - the nature and scope of the QVC's activities proposed to be carried out;
 - information required to be given to the Minister by the QVC;
 - the way the QVC must report to the Minister about its activities;
 - the sharing of information with a government entity.

Clause 42 enables the Minister, by written notice, to ask the QVC to give the Minister information or a document. The QVC must comply with the request.

Part 4 Reports and budgets

Clause 43 prescribes additional matters that must be included in the annual report prepared under the *Financial Accountability Act 2009*. The additional matters include details of each statement of expectations given by the Minister under section 41 and any action taken by the QVC; and a document or information requested by the Minister under section 42.

Clause 44 provides that, for each financial year, the QVC must develop and adopt a budget and give it to the Minister at least two months before the start of the financial year. Subsection (4) provides that the budget has no effect until the Minister approves it and subsection (5) provides that the QVC must comply with its approved budget.

Part 5 Anzac Square reserve

Clause 45 provides that the QVC is the trustee of Anzac Square under the Land Act.

Clause 46 provides that Anzac Square is taken to be a public place for any Act that confers or imposes on a police officer or an authorised person under the *City of Brisbane Act 2010* powers or functions in respect of a public place, or that provides for offences committed in a public place. The purpose of this provision is to ensure that police officers and BCC continue to have powers in relation to Anzac Square.

Clause 47 provides that the chief executive of the department that administers the Land Act must without charge register the QVC as the trustee of Anzac Square and make any other necessary change to the land registry.

Clause 48 imposes an obligation on the QVC to prepare and implement a plan to conserve and manage the cultural heritage significance of Anzac Square. This clause is essential to ensuring the appropriate heritage oversight of Anzac Square. The clause provides that the plan developed under this section must be reviewed every five years. In addition, the clause provides that the QVC must give the plan to the Queensland Heritage Council (QHC). The QHC may endorse the plan or any revision of the plan. Following endorsement of the Plan, the QVC must provide the plan to the Minister within two months after the plan or the revision is endorsed. The QVC must also report to the Minister and the QHC about the implementation of the plan.

Clause 49 provides that a local law made by BCC applies to Anzac Square except if a regulation provides that the local law does not apply or applies with stated changes. The clause ensures that appropriate BCC local laws will continue to apply to Anzac Square.

Part 6 Miscellaneous

Clause 50 provides that the Minister, or members of the QVC are protected from civil liability for acts done, or omissions made, honestly and without negligence under the Act. Liability instead attaches to the State.

Clause 51 provides for the protection of information acquired by a person through administering or performing a function under the Act. A person must not directly or indirectly disclose the confidential information unless the use or disclosure is permitted under

subsection (2). The maximum penalty for failing to comply with this requirement is 100 penalty units.

Clause 52 provides that the Governor in Council may make regulations under the Act.

Part 7 Transitional provisions for Queensland Veterans' Council Act 2021

Clause 53 provides that on commencement, BCC is removed as trustee of Anzac Square.

Clause 54 provides that the QVC is the successor in law of the Anzac Day Trust.

Clause 55 states that on commencement the QVC becomes responsible for the administration of the Trust Fund. This transfers responsibility for the Trust Fund to the QVC.

Clause 56 states that on commencement the assets and liabilities of the former Trust immediately before commencement become the assets and liabilities of the QVC. This transfers the assets and liabilities of the Trust to the QVC.

Clause 57 provides that on commencement the QVC becomes a party to the instruments and contracts in place of the Trust.

Clause 58 provides that a proceeding that, immediately before commencement, could have been started by, or against, the former Trust may be started by, or against, the QVC. Subsection (2) provides that the QVC may continue and finish a proceeding started by, or against, the Trust.

Clause 59 provides that on commencement, the records of the former Trust become the records of the QVC.

Clause 60 states that in an Act or a document a reference to the former Trust is taken to be a reference to the QVC if the context permits.

Clause 61 states that anything done by the former Trust under an Act is taken to have been done by the QVC.

Clause 62 provides that on written application from the QVC, a registering authority must, without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this part. The QVC must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing. For the purposes of the provision a registering authority is defined as the registrar of titles under the *Land Title Act 1994* or another entity required or authorised by law to register or record transactions affecting assets, liabilities or instruments.

Clause 63 makes specific provision to support the QVC's first budget under section 44 to allow the budget to start on commencement and end at the end of the financial year in which the commencement occurred. It also allows the Minister and the QVC to agree on a time in which the QVC must prepare the budget and give it to the Minister.

Clause 64 provides that the QVC must prepare and give to the QHC a conservation management plan within 2 years after commencement.

Clause 65 provides that for section 49 of the Act, a reference to a local law made by BCC is taken to include a reference to a local law made by BCC before commencement.

Part 8 Amendment of legislation

Division 1 Amendment of this Act

Clause 66 states that the division amends this Act.

Clause 67 amends the long title of the Act to remove the references to other legislation amended by the Act.

Division 2 Amendment of the *Anzac Day Act 1995*

Clause 68 provides that the division amends the AD Act.

Clause 69 amends the definitions in section 2 to omit the definition of 'Board' and 'Trust' and insert the definition of 'council' to refer to the QVC.

Clause 70 amends the heading for Part 3 so that it refers to the Trust Fund.

Clause 71 replaces the heading for Part 3, Division 1. This is a consequential amendment to reflect that with the abolition of the Trust, the division will only deal with the administration of the Trust Fund.

Clause 72 omits sections 4 to 6 of the AD Act which will abolish the Anzac Day Trust.

Clause 73 replaces section 7 of the AD Act to provide that the QVC has the function to administer the Trust Fund under the AD Act and the Queensland Veterans' Council Act.

Clause 74 makes consequential amendments to replace reference to the Trust with reference to the QVC.

Clause 75 omits section 10 of the AD Act which is redundant because the Trust is abolished.

Clause 76 makes consequential amendments to section 12 of the AD Act to replace reference to the Trust with reference to the QVC.

Clause 77 makes consequential amendments to replace reference to the Trust with reference to the QVC.

Clause 78 omits Part 3, Divisions 3 to 6 of the AD Act. As the Trust is abolished these parts are no longer required.

Clause 79 amends the heading of Part 5 of the AD Act so that it refers to transitional provisions.

Clause 80 inserts a new heading for Part 5 Division 1 to clarify the division applies to the transitional provisions for the AD Act.

Clause 81 inserts transitional provisions into the AD Act for this Act.

New section 33 states that the definition of former Trust to be used in the division refers to the Anzac Day Trust under the AD Act immediately before commencement.

New section 34 provides that on commencement the former Trust and Board is abolished and that each person holding office as the Chairperson, a trustee, or secretary goes out of office. The provision also provides that no compensation is payable to a member of the Board or the secretary.

New section 35 provides that applications made to the former Trust immediately before the commencement that had not been decided are taken to be applications to the QVC.

Division 3 Amendment of Public Sector Ethics Regulation 2010

Clause 82 states that the division amends the *Public Sector Ethics Regulation 2010*.

Clause 83 amends the schedule to remove reference to the 'Anzac Day Trust' and the 'Queensland Veterans' Advisory Council' and insert the QVC. As a result, the QVC will be an entity prescribed as a public service agency for the purposes of the *Public Sector Ethics Act 1994*.

Division 4 Amendment of Statutory Bodies Financial Arrangements Regulation 2019

Clause 84 states that the division amends the *Statutory Bodies Financial Arrangements Regulation 2019*.

Clause 85 removes the reference to AD Act from the list of statutory bodies allocated category 1 investment powers. This is consequential to the abolition of the Anzac Day Trust as a statutory body.

Clause 86 amends schedule 4 to insert reference to the QVC which will allow the QVC category 2 investment powers.

Schedule 1

Schedule 1 contains definitions for terms used in the Act.