

THIS PUBLIC BILL has this day been read a Third time and passed

*The Clerk of the Parliament.*

*Legislative Assembly Chamber,  
Brisbane,            October 2021*



Queensland

**No.  
A BILL for**

**An Act to establish the Queensland Veterans' Council and to amend the Anzac Day Act 1995, the Public Sector Ethics Regulation 2010 and the Statutory Bodies Financial Arrangements Regulation 2019 for particular purposes**





Queensland

# Queensland Veterans' Council Bill 2021

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**2021**

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## **A Bill**

for

**An Act to establish the Queensland Veterans' Council and to amend the *Anzac Day Act 1995*, the *Public Sector Ethics Regulation 2010* and the *Statutory Bodies Financial Arrangements Regulation 2019* for particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Queensland Veterans' Council Act 2021*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Main purpose of Act**

The main purpose of this Act is to establish the Queensland Veterans' Council—

- (a) to manage, maintain, preserve and develop Anzac Square as the State's war memorial; and
- (b) to administer the Fund, including by making payments from the Fund; and
- (c) to advise the Minister about veterans' matters.

### **4 Definitions**

The dictionary in schedule 1 defines particular words used in this Act.



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## Part 2 Queensland Veterans' Council

### Division 1 Establishment

#### 5 Establishment

The Queensland Veterans' Council is established.

#### 6 Legal status

The council—

- (a) is a body corporate; and
- (b) may sue and be sued in its corporate name.

#### 7 Council represents the State

- (1) The council represents the State.
- (2) Without limiting subsection (1), the council has the status, privileges and immunities of the State.

#### 8 Application of other Acts

- (1) The council is a statutory body under the *Financial Accountability Act 2009*.
- (2) The council is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

*Note—*

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the council's powers.

- (3) The council is a unit of public administration under the *Crime and Corruption Act 2001*.

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## **Division 2                      Functions and powers**

### **9                      Anzac Square**

The council has the following functions relating to Anzac Square—

- (a) to act as trustee of Anzac Square reserve under the *Land Act 1994*;
- (b) to manage, maintain, preserve and develop Anzac Square as a memorial to honour the service and sacrifice of Queenslanders and other Australians in war, conflict, peacekeeping and peacemaking;
- (c) to approve and oversee the staging of ceremonial activities and events at Anzac Square to commemorate the service and sacrifice of Queenslanders and other Australians in war, conflict, peacekeeping and peacemaking;
- (d) to approve, manage and promote public programs at Anzac Square to inform, educate and promote understanding among Queenslanders and visitors about the history, experiences, service and sacrifice of Queenslanders and other Australians in war, conflict, peacekeeping and peacemaking;
- (e) to manage and maintain the cultural heritage significance of Anzac Square.

### **10                      Administration of the Fund**

The council has the function to administer the Fund under this Act and the *Anzac Day Act 1995* and to decide applications for payments out of the Fund.

*Note—*

See the *Anzac Day Act 1995*, sections 8, 8A and 9.

## **11 Other functions**

- (1) The council has the following functions—
  - (a) to monitor matters affecting the veterans' community;
  - (b) to investigate and report on any aspect of veterans' matters referred to it by the Minister;
  - (c) to consult with the veterans' community when developing advice for the Minister;
  - (d) to advise the Minister about veterans' matters and any other matter relevant to the performance of the council's functions.
- (2) The council also has the other functions given to the council under this Act or another Act.

## **12 Powers**

- (1) The council has all the powers of an individual and may, for example—
  - (a) enter into contracts or agreements; and
  - (b) deal in land or other property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants or contractors; and
  - (e) charge a fee for services or facilities it supplies; and
  - (f) accept a gift of property to the Fund, deal with property of the Fund that is not in the form of money and pay money into the Fund; and
  - (g) do anything else necessary or convenient to be done in the performance of its functions.
- (2) The council also has the powers given to it under this Act or another Act.

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## Division 3                      Membership

### 13            Membership of council

- (1) The council consists of 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 or a council employee nominated by the chief executive officer;
  - (c) 6 other members (each an *appointed member*) appointed by the Governor in Council.
- (2) The appointed members must include—
  - (a) 2 persons nominated by a veterans' organisation under section 14; and
  - (b) 4 persons nominated by the Minister.
- (2A) At least 4 of the appointed members must be veterans or members of the veterans' community.
- (3) For subsection (2)(b), the Minister must be satisfied that the persons have qualifications or experience in at least 1 of the following areas—
  - (a) corporate governance;
  - (b) business or financial management;
  - (c) heritage conservation;
  - (d) another area the Minister considers relevant or necessary to support the council in performing its functions.
- (4) In this section—

*council employee* see the *City of Brisbane Act 2010*, schedule 2.

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## **14 Nominated persons of a veterans' organisation**

- (1) The Minister may give a veterans' organisation a notice stating a reasonable period within which it may nominate a person for appointment to the council.
- (2) If the veterans' organisation does not nominate a person within the period stated in the notice, the Minister may nominate a veteran and, for section 13(2)(a), the veteran is taken to have been nominated for appointment to the council.

## **15 Eligibility**

A person is eligible for appointment as a member if the person is not—

- (a) a member of the Legislative Assembly; or
- (b) a councillor of a local government.

## **16 Term of appointment**

- (1) An appointed member holds office for the term, not longer than 4 years, stated in the member's instrument of appointment.
- (2) Subsection (1) does not prevent an appointed member being reappointed.

## **17 Conditions of appointment**

- (1) An appointed member is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) An appointed member holds office on the terms and conditions, not provided for by this Act, decided by the Governor in Council.

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## **18 Chairperson**

- (1) The Governor in Council may appoint an appointed member recommended by the Minister to be the chairperson of the council.
- (2) A person may be appointed as the chairperson at the same time the person is appointed as an appointed member.
- (3) The chairperson holds office for the term stated in the person's instrument of appointment as chairperson.
- (4) However, the person's appointment as chairperson ends if the person stops being a member.
- (5) If a person resigns from the office of chairperson, the person may continue to be an appointed member for the remaining term of appointment under section 16.

## **19 Disqualification as appointed member**

- (1) A person is disqualified from becoming, or continuing as, an appointed member if the person—
  - (a) has a conviction, other than a spent conviction, for an indictable offence unless the Minister has given the person a notice under subsection (4); or
  - (b) is an insolvent under administration unless the Minister has given the person a notice under subsection (4); or
  - (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6.
- (2) Also, a person is disqualified from becoming, or continuing as, an appointed member if the person does not consent to the Minister requesting a report about the person's criminal history under division 4.
- (3) The Minister may act under subsection (4) if the Minister considers it would be reasonable to do so, having regard to—
  - (a) the circumstances of an offence of which a person has been convicted; or

- 
- (b) the circumstances under which a person became an insolvent under administration.
- (4) The Minister may—
- (a) if the person was a member when the person was convicted or became an insolvent under administration, and the term of the person's appointment as an appointed member has not ended, give the chairperson and the person notice (the *approval notice*) that—
- (i) the person is restored as an appointed member; and
- (ii) the person may be later reappointed, despite the conviction or being an insolvent under administration; or
- (b) otherwise—give written approval for the person to become an appointed member despite the conviction or being an insolvent under administration.
- (5) If a person is given an approval notice under subsection (4)(a)—
- (a) the person is restored as an appointed member on the day the chairperson receives the approval notice; and
- (b) the person's term of appointment as an appointed member ends when it would have ended if the person had not been convicted of the offence or become an insolvent under administration.
- (6) In this section—
- conviction*, for an indictable offence, does not include being found guilty of an offence, on a plea of guilty or otherwise, without a conviction being recorded for the offence.

## 20 Requirement to disclose particular matters about disqualification

- (1) This section applies if a person who is an appointed member is disqualified from managing corporations because the person—
- (a) becomes an insolvent under administration; or

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- (b) is disqualified from managing corporations because of the Corporations Act, part 2D.6.

*Note—*

For a change in a person's criminal history, see section 24.

- (2) The person must, unless the person has a reasonable excuse, immediately give notice to the Minister about being an insolvent under administration or disqualified from managing corporations.

Maximum penalty—100 penalty units.

- (3) The notice must state—
  - (a) the person became an insolvent under administration or was disqualified from managing corporations because of the Corporations Act, part 2D.6; and
  - (b) when the person became an insolvent or was disqualified; and
  - (c) for being disqualified from managing corporations—details adequate to identify the grounds of the disqualification.

## **21 Leave of absence**

The Minister may—

- (a) approve a leave of absence for a member; and
- (b) appoint another person to act in the office of the member during the leave of absence.

## **22 Vacancy in office**

- (1) An appointed member's office becomes vacant if the member—
  - (a) completes a term of office; or
  - (b) resigns office by signed notice given to the Minister; or
  - (c) stops being eligible for appointment under section 15; or



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- (d) is disqualified from continuing as an appointed member under section 19; or
  - (e) does not consent to the Minister requesting a report about the person's criminal history under division 4; or
  - (f) is removed from office; or
  - (g) is absent without permission of the chairperson from 3 consecutive council meetings of which proper notice has been given; or
  - (h) for an appointed member nominated by a veterans' organisation—stops being a representative of the veterans' organisation that nominated the person.
- (2) For subsection (1)(h), the person is not a representative of a veterans' organisation if the organisation gives the Minister a notice stating that the person does not represent the organisation.

## **Division 4                      Criminal history**

### **23                      Criminal history report**

- (1) To decide if a person is disqualified from becoming or continuing as an appointed member, the Minister may ask the commissioner of the police service for—
  - (a) a written report about the criminal history of the person; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.

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## **24 Changes in criminal history must be disclosed**

- (1) This section applies if a person who is an appointed member is convicted of an indictable offence during the term of the member's appointment.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice to the Minister about the conviction.  
Maximum penalty—100 penalty units.
- (3) The notice must state—
  - (a) the existence of the conviction; and
  - (b) when the offence was committed; and
  - (c) details adequate to identify the offence; and
  - (d) the sentence imposed on the person.

## **25 Confidentiality of criminal history information**

- (1) This section applies to a person who possesses criminal history information because the person is or has been a member or another person involved in administering this Act, including, for example, a public service employee.
- (2) The person must not use or, directly or indirectly, disclose to another person the criminal history information unless the use or disclosure is permitted under subsection (3).  
Maximum penalty—100 penalty units.
- (3) The person may use or disclose to another person the criminal history information if the use or disclosure is—
  - (a) in the performance of a function or exercise of a power under this Act; or
  - (b) otherwise required or permitted by law; or
  - (c) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 23 or a notice given to the Minister under section 24 must ensure the report or notice is destroyed as soon as

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practicable after it is no longer needed for the purpose for which it was given.

(5) Subsection (4) applies despite the *Public Records Act 2002*.

(6) In this section—

*criminal history information* means information contained in—

- (a) a report given to the Minister under section 23; or
- (b) a notice given to the Minister under section 24.

## **Division 5                      Council meetings**

### **26            Conduct of business**

Subject to this division, the council may conduct its business, including its council meetings, in the way it considers appropriate.

### **27            Council meetings**

(1) The chairperson may convene a meeting of members (a *council meeting*) at a time and place decided by the chairperson.

(2) The chairperson must convene a council meeting—

- (a) at least 4 times each year and as often as necessary for the council to perform its functions; and
- (b) if requested in writing by—
  - (i) the Minister; or
  - (ii) 3 or more members.

### **28            Presiding at council meetings**

(1) The chairperson is to preside at all council meetings at which the chairperson is present.

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- (2) If the chairperson is absent from a council meeting, the member chosen by the members present is to preside.
- (3) A member does not become the chairperson of the council merely because the member presides at a council meeting under subsection (2).

## **29 Quorum**

A quorum for a council meeting is a majority of the members at the time the meeting is held.

## **30 Voting at council meetings**

- (1) A question at a council meeting must be decided by a majority of the votes of the members present at the meeting and able to vote on the question.
- (2) Each member present at the council meeting has a vote on each question to be decided.
- (3) A member who abstains from voting, other than a member who abstains because of a conflict of interest, is taken to have voted for the negative.
- (4) If the votes of the members present at the council meeting are equal, the member presiding at the meeting has a casting vote.
- (5) The council may hold council meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between members taking part in the meetings.
- (6) A member who takes part in a meeting of the council under subsection (5) is taken to have been present at the meeting.
- (7) A resolution is validly made by the council, even if it is not passed at a council meeting, if—
  - (a) notice of the resolution is given under procedures approved by the council; and
  - (b) a majority of members agree in writing to the resolution.

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### **31 Authentication of documents**

A document made by the council, other than a document required to be sealed, is sufficiently made if it is made or signed by the chairperson or another person at the direction of the chairperson.

### **32 Minutes**

The council must keep minutes of its council meetings.

### **33 Disclosure of interests at council meetings**

- (1) This section applies if—
  - (a) a member has a direct or indirect interest in a matter being considered, or about to be considered, at a council meeting; and
  - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the matter.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest at a council meeting.
- (3) Unless the council otherwise directs, the member must not—
  - (a) be present when the council considers the matter; or
  - (b) take part in making a decision of the council about the matter.
- (4) The member must not be present when the council is considering whether to give a direction under subsection (3).
- (5) The members present are a quorum for making a decision under subsection (3)(b).
- (6) A disclosure under subsection (2) must be recorded in the minutes of the council meeting.
- (7) A contravention of this section does not invalidate a decision of the council.

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- (8) However, if the council becomes aware the member contravened this section, the council must reconsider a decision made by the council in which the member took part in contravention of this section.

## **Division 6                      Veterans' reference group**

### **34            Establishment**

- (1) The Minister must establish a veterans' reference group and approve the terms of reference for the group.
- (2) The Minister must consult with the council before approving the terms of reference.

### **35            Functions**

- (1) The veterans' reference group's functions are—
- (a) to advise the council on any veterans' matter referred to the group; and
  - (b) to help the council to identify and consult with the veterans' community, veterans' organisations and other community organisations when preparing advice for the Minister; and
  - (c) to help the council to advise the Minister about veterans' matters.
- (2) In this section—
- community organisation* means an entity, other than a veterans' organisation, that provides services and support to the veterans' community.

### **36            Membership**

- (1) The veterans' reference group has the membership decided by the Minister.
- (2) However, the Minister must ensure the group consists of—

- (a) the appointed members under section 13(2)(a); and
- (b) not more than 8 other members of the veterans' community having knowledge of, or skills and experience in, 1 or more of the following—
  - (i) veterans' welfare;
  - (ii) veterans' health;
  - (iii) military service;
  - (iv) veterans' transition from military service;
  - (v) veterans' employment;
  - (vi) veterans' aged care;
  - (vii) matters that affect veterans' partners, widows and dependants;
  - (viii) other matters that affect the wellbeing of the veterans' community.

### **37 Other matters**

- (1) The appointed members under section 13(2)(a) are the co-chairpersons of the veterans' reference group.
- (2) A person holds office as a member of the group for the term, not longer than 2 years, stated in the person's instrument of appointment.
- (3) Subsection (2) does not prevent a member of the group being reappointed.
- (4) A member of the group is not entitled to remuneration.
- (5) A person stops being a member of the group if the veterans' organisation that nominated the person gives the Minister a notice stating the person no longer represents the organisation.
- (6) The group is to conduct its business and hold meetings in the way the council considers appropriate.

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## **Division 7                      Miscellaneous**

### **38            Advisory committees**

The council may establish 1 or more committees, as the council considers appropriate, to advise on matters relating to the council's functions.

### **39            Administrative support of council**

The chief executive must ensure the council has the administrative support services reasonably required for the council to perform its functions effectively and efficiently, including, for example, by doing the following—

- (a) implementing council approved policies, procedures and plans relating to the management, maintenance and preservation of Anzac Square and any other operations of the council;
- (b) establishing and maintaining effective connections between the Minister, Brisbane City Council and the council;
- (c) making payments, including payments from the Fund, under the direction and on behalf of the council;
- (d) coordinating the management of the council's functions.

## **Part 3                              Minister's powers**

### **40            Minister may ask council to carry out review**

- (1) If the Minister considers it appropriate, the Minister may ask the council—
  - (a) to carry out a review of a matter relevant to the council's functions; and
  - (b) to give the Minister a written report about the matter after completing the review.



- (2) The council must comply with the Minister's request.
- (3) The report may provide particulars about the outcome of the review and the council's recommendations including, for example, a recommendation to change the council's functions.
- (4) The Minister may publish the report in the way the Minister considers appropriate.

#### **41 Minister may give statement of expectations**

- (1) The Minister may give the council a written statement (a *statement of expectations*) about the Minister's expectations for the performance by the council of its functions.
- (2) A statement of expectations may—
  - (a) apply for a particular period stated in the statement; and
  - (b) provide for any of the following—
    - (i) the council's strategic or operational activities;
    - (ii) the nature and scope of the council's activities proposed to be carried out for a particular period;
    - (iii) information required to be given to the Minister by the council;
    - (iv) the way the council must report to the Minister about its activities;
    - (v) the sharing of information with a government entity.
- (3) The council must have regard to a statement of expectations in performing its functions.
- (4) In this section—

*government entity* see the *Public Service Act 2008*, section 24.

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#### **42 Minister may ask for documents or information**

- (1) The Minister may, by notice, ask the council to give the Minister documents or information related to its functions and stated in the notice.
- (2) The council must comply with the Minister's request.

## **Part 4 Reports and budgets**

#### **43 Annual reports**

The council must include in its annual report prepared under the *Financial Accountability Act 2009*, section 63—

- (a) details of the functions performed by the council during the financial year; and
- (b) information about how effectively and efficiently the council has performed its functions, including identifying its key achievements, during the financial year; and
- (c) details of—
  - (i) each statement of expectations given by the Minister under section 41 during the financial year and any actions taken by the council; and
  - (ii) a document or information requested by the Minister under section 42 during the financial year.

#### **44 Annual budgets**

- (1) The council must develop and adopt a budget for each financial year and give it to the Minister at least 2 months before the start of the financial year.
- (2) The Minister may approve, or refuse to approve, the budget.
- (3) During each financial year, the council may develop, adopt and give the Minister amendments of the approved budget for the year.

- (4) A budget or budget amendment has no effect until the Minister approves it.
- (5) The council must comply with its approved budget, as amended by any approved budget amendment, for the financial year.

## **Part 5                      Anzac Square reserve**

### **45            Council is trustee of Anzac Square reserve**

The council is the trustee of Anzac Square reserve under the *Land Act 1994*.

### **46            Anzac Square taken to be public place**

- (1) Anzac Square is taken to be a public place for any Act—
  - (a) that confers or imposes on a police officer or authorised person powers or functions in respect of a public place;  
or
  - (b) that provides for offences committed in a public place.
- (2) Subsection (1) does not prevent or limit the imposition by the council of conditions of entry for Anzac Square.
- (3) Subsection (1) applies to a local law made by Brisbane City Council subject to section 49.
- (4) In this section—

*authorised person* means a person appointed by the chief executive officer of Brisbane City Council under an Act as an authorised officer or authorised person.

### **47            Register of reserves**

- (1) If asked by the council, the chief executive of the department in which the *Land Act 1994* is administered, or other person responsible for keeping the register of reserves under that Act, must, and without charge—

[s 48]

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- (a) register the council as the trustee of Anzac Square reserve in the register of reserves; and
  - (b) make any other necessary changes to the land registry kept under that Act.
- (2) The council must comply with any relevant procedures required by the chief executive for the purposes of this section.

#### **48 Conservation management plan**

- (1) The council must prepare and implement a plan to conserve and manage the cultural heritage significance of Anzac Square.
- (2) The council must, at least once every 5 years, review the plan.
- (3) The council must give the plan or any revision of the plan to the Queensland Heritage Council.
- (4) The Queensland Heritage Council may, having regard to a conservation management guideline, endorse the plan or any revision of the plan.
- (5) The council must give the plan or any revision of the plan to the Minister within 2 months after the plan or revision of the plan is endorsed.
- (6) The council must report to the Minister and the Queensland Heritage Council about the implementation of the plan within 2 months after the end of each financial year.
- (7) In this section—

*conservation management guideline* means a guideline made under the *Queensland Heritage Act 1992*, section 173 that relates to a plan about the conservation and management of heritage places.

#### **49 Application of local laws within Anzac Square**

- (1) A local law made by Brisbane City Council applies within Anzac Square subject to subsection (3).

- (2) A regulation may provide that a stated local law made by Brisbane City Council does not apply, or applies with stated changes, within Anzac Square.
- (3) If a regulation provides that a stated local law made by Brisbane City Council does not apply, or applies with stated changes, within Anzac Square, the local law does not apply, or applies with the stated changes, within Anzac Square.

## Part 6 Miscellaneous

### 50 Protection from liability

- (1) A protected person does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to the protected person, the liability instead attaches to the State.
- (3) This section does not apply to a protected person if the person is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4).

*Note—*

For protection from civil liability in relation to State employees, see the *Public Service Act 2008*, section 26C.

- (4) In this section—  
***protected person*** means—
  - (a) the Minister; or
  - (b) a member.

### 51 Use or disclosure of confidential information

- (1) This section applies to a person who—
  - (a) is, or has been, a member or another person involved in administering this Act, including, for example, a public service employee; and

[s 52]

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- (b) obtains confidential information in administering, or performing a function under, this Act.
- (2) The person must not use or, directly or indirectly, disclose the confidential information unless the use or disclosure is—
  - (a) in the performance of a function or exercise of a power under this Act; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) otherwise required or permitted by law.

Maximum penalty—100 penalty units.

- (3) In this section—

***confidential information***—

- (a) means any information that—
  - (i) could identify an individual; or
  - (ii) is about a person's current financial position or financial background; or
  - (iii) would be likely to damage the commercial activities of a person to whom the information relates; or
  - (iv) is disclosed in a notice under section 20; but
- (b) does not include—
  - (i) information that is publicly available; or
  - (ii) statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

## **52 Regulation-making power**

The Governor in Council may make regulations under this Act.

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## Part 7 **Transitional provisions for Queensland Veterans' Council Act 2021**

### **53 Removal of trustee of Anzac Square reserve**

On the commencement, Brisbane City Council is removed as the trustee of Anzac Square reserve under the *Land Act 1994*.

### **54 Council is successor in law of former Trust**

- (1) The council is the successor in law of the former Trust.
- (2) Subsection (1) is not limited by another provision of this part.

### **55 The Fund**

On the commencement, the council becomes responsible for the administration of the Fund.

### **56 Assets and liabilities**

- (1) On the commencement, the assets and liabilities of the former Trust immediately before the commencement become the assets and liabilities of the council.
- (2) Without limiting subsection (1), on the commencement, any property (including any gift or bequest of property) that, immediately before the commencement, was held on trust, or subject to a condition, by the former Trust continues to be held on the same trust, or subject to the same condition, by the council.

### **57 Current instruments**

- (1) This section applies to a contract or other instrument to which the former Trust was a party, or that otherwise applied to the former Trust, immediately before the commencement (a *current instrument*).

[s 58]

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- (2) On the commencement, the council becomes a party to the current instrument, or the current instrument otherwise applies to the council, in place of the former Trust.
- (3) Without limiting subsection (2)—
  - (a) any right, title, interest or liability of the former Trust arising under or relating to a current instrument is a right, title, interest or liability of the council; and
  - (b) a current instrument, including a benefit or right provided by a current instrument, given to, by or in favour of the former Trust before the commencement is taken to have been given to, by or in favour of the council; and
  - (c) an application relating to a current instrument made in the name of the former Trust before the commencement is taken to have been made in the name of the council; and
  - (d) a current instrument under which an amount is, or may become, payable to or by the former Trust is taken to be an instrument under which the amount is, or may become, payable to or by the council in the way the amount was, or might have become, payable to or by the former Trust; and
  - (e) a current instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the former Trust is taken to be an instrument under which property is, or may become liable to be, transferred, conveyed or assigned to or by the council in the way the property was, or might have become, liable to be transferred, conveyed or assigned to or by the former Trust.

## 58 Proceedings

- (1) A proceeding that, immediately before the commencement, could have been started by or against the former Trust within a particular period may be started by or against the council within the period.



- (2) A proceeding that, immediately before the commencement, had not ended and to which the former Trust was a party may be continued and finished by or against the council as if the council were a party to the proceeding.

## **59 Records of former Trust**

On the commencement, the records of the former Trust become the records of the council.

## **60 References to former Trust**

In an Act or document, a reference to the former Trust is, if the context permits, taken to be a reference to the council.

## **61 Things done by former Trust**

Anything done by the former Trust under any Act before the commencement is taken to have been done by the council.

## **62 Registering authority to register transfer or dealing**

- (1) A registering authority must, on written application by the council and without charge, register or record in the appropriate way a transfer of, or other dealing affecting, an asset, liability or instrument under this part.
- (2) The council must comply with any relevant procedures required by the registering authority for the purpose of registering or recording the transfer or other dealing.
- (3) In this section—  
*registering authority* means 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.

[s 63]

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**63 Council's first budget**

- (1) This section applies to the council's budget under section 44.
- (2) The period for the council's first budget starts on the commencement and ends at the end of the financial year in which the commencement occurred.
- (3) Despite section 44(1), the Minister and the council may agree on a time in which the council must prepare the budget and give it to the Minister for approval.

**64 Preparation of conservation management plan**

- (1) This section applies to the council's conservation management plan under section 48.
- (2) The plan must be prepared and given to the Queensland Heritage Council within 2 years after the commencement.

**65 Local laws made by Brisbane City Council before commencement**

For section 49, a reference to a local law made by Brisbane City Council is taken to include a reference to a local law made by Brisbane City Council before the commencement.

## **Part 8 Amendment of legislation**

### **Division 1 Amendment of this Act**

**66 Act amended**

This division amends this Act.

**67 Amendment of long title**

Long title, from 'and to amend'—  
*omit.*

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## **Division 2                      Amendment of Anzac Day Act 1995**

### **68      Act amended**

This division amends the *Anzac Day Act 1995*.

### **69      Amendment of s 2 (Definitions)**

(1) Section 2, definitions *Board* and *Trust*—

*omit.*

(2) Section 2—

*insert—*

*council* means the Queensland Veterans' Council established under the *Queensland Veterans' Council Act 2021*, section 5.

### **70      Amendment of pt 3, hdg (Anzac Day Trust)**

Part 3, heading, after 'Trust'—

*insert—*

**Fund**

### **71      Replacement of pt 3, div 1, hdg (Continuation, functions and powers of Trust)**

Part 3, division 1, heading—

*omit, insert—*

**Division 1                      Administration of the Fund**

### **72      Omission of ss 4–6**

Sections 4 to 6—

*omit.*

[s 73]

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**73 Replacement, renumbering and relocation of s 7 (Trust's functions)**

(1) Section 7—

*omit, insert—*

**7 Function of the council**

The council has the function to administer the Fund under this Act and the *Queensland Veterans' Council Act 2021*.

(2) Section 7—

*renumber and relocate* as section 8A.

**74 Amendment of s 9 (Payments by Trust)**

Section 9, 'Trust'—

*omit, insert—*

council

**75 Omission of s 10 (Trust's powers)**

Section 10—

*omit.*

**76 Amendment of s 12 (Gifts to Trust)**

Section 12, 'Trust'—

*omit, insert—*

council

**77 Amendment of s 13 (Payments to Trust)**

Section 13, 'Trust'—

*omit, insert—*

council

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**78 Omission of pt 3, divs 3–6**

Part 3, divisions 3 to 6—  
*omit.*

**79 Amendment of pt 5, hdg (Transitional)**

Part 5, heading, after ‘Transitional’—  
*insert—*

**provisions**

**80 Insertion of new pt 5, div 1, hdg**

Before section 32—  
*insert—*

**Division 1 Transitional provision for  
Act No. 4 of 1995**

**81 Insertion of new pt 5, div 2**

Part 5—  
*insert—*

**Division 2 Transitional provisions for  
Queensland Veterans’  
Council Act 2021**

**33 Definition for division**

In this division—

*former Trust* means the Anzac Day Trust under  
this Act immediately before the commencement.

### 34 Abolition of former Trust

(1) On the commencement—

(a) the former Trust is abolished; and

*Note—*

See the *Queensland Veterans' Council Act 2021*, part 7 for provisions about the succession of the former Trust.

(b) the former Board is abolished; and

(c) each person holding office as the chairperson of the former Trust, a trustee of the former Board and the former secretary goes out of office.

(2) No compensation is payable to the chairperson, a trustee or the former secretary because of this section.

(3) In this section—

*former Board* means the Board under this Act immediately before the commencement.

*former secretary* means the secretary to the former Trust under this Act immediately before the commencement.

### 35 Undecided applications

(1) This section applies if—

(a) before the commencement, a person made an application to the former Trust under former section 9; and

(b) immediately before the commencement, the application had not been decided.

(2) On the commencement, the application continues as if it had been made to the council under section 9.

(3) In this section—

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*former section 9* means section 9 as in force from time to time before the commencement.

### **Division 3                      Amendment of Public Sector Ethics Regulation 2010**

#### **82            Regulation amended**

This division amends the *Public Sector Ethics Regulation 2010*.

#### **83            Amendment of schedule (Entities prescribed as public service agencies)**

- (1) Schedule, entries for Anzac Day Trust and Queensland Veterans' Advisory Council—

*omit.*

- (2) Schedule—

*insert—*

Queensland Veterans' Council established under the *Queensland Veterans' Council Act 2021*

### **Division 4                      Amendment of Statutory Bodies Financial Arrangements Regulation 2019**

#### **84            Regulation amended**

This division amends the *Statutory Bodies Financial Arrangements Regulation 2019*.

#### **85            Amendment of sch 3 (Statutory bodies allocated category 1 investment power)**

Schedule 3, entry for *Anzac Day Act 1995*—

[s 86]

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*omit.*

**86 Amendment of sch 4 (Statutory bodies allocated category 2 investment power)**

Schedule 4—

*insert—*

*Queensland Veterans' Council Act  
2021*

Queensland Veterans' Council



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## Schedule 1      Dictionary

### section 4

**Anzac Square** means Anzac Square reserve and all memorials and monuments on the reserve including the Shrine of Remembrance, the Shrine of Memories, the Crypt and all other present and future memorials and monuments.

**Anzac Square reserve** means the reserve under the *Land Act 1994* described as lots 2623 and 2624 on crown plan B32451.

**appointed member** see section 13(1)(c).

**chairperson** means the chairperson of the council holding office under section 18(1).

**council** means the Queensland Veterans' Council established under section 5.

**council meeting** see section 27(1).

**criminal history**, for a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

**former Trust** means the Anzac Day Trust under the *Anzac Day Act 1995* immediately before the commencement.

**Fund** means the Anzac Day Trust Fund under the *Anzac Day Act 1995*, section 8.

**insolvent under administration** see the Corporations Act, section 9.

**member** means a member of the council under section 13(1).

**notice** means written notice.

**spent conviction** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and

- (b) that is not revived as prescribed under section 11 of that Act.

***statement of expectations*** see section 41(1).

***veteran*** means a person who is serving, or has served, for the Australian Defence Force.

***veterans' community*** means all veterans and all people who have a direct link to veterans including, for example, surviving partners, dependants and parents of veterans.

***veterans' organisation*** means an entity established to—

- (a) support persons who have served for the Australian Defence Force; or
- (b) support members of the veterans' community.

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