

PEACE TRUST ACT 1987 No. 134

NEW SOUTH WALES



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PEACE TRUST ACT 1987 No. 134

NEW SOUTH WALES



Act No. 134, 1987

An Act to constitute the Peace Trust of New South Wales and define its functions; to establish the Peace Trust Fund; and for other purposes.
[Assented to 16 June 1987]

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

PART 1
PRELIMINARY

Short title

1. This Act may be cited as the "Peace Trust Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

3. (1) In this Act—

"Fund" means the Peace Trust Fund established under section 9;

"member" means a member referred to in section 5;

"regulations" means regulations under this Act;

"Trust" means the Peace Trust of New South Wales constituted by this Act.

- (2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and

- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

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PART 2

THE PEACE TRUST OF NEW SOUTH WALES

Constitution of the Trust

(1) There is constituted by this Act a corporation under the corporate name of the "Peace Trust of New South Wales".

(2) The Trust—

- (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act; and
- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

Appointment of members etc.

5. (1) The Trust shall consist of 5 members who shall be appointed by the Governor.

(2) Schedule 1 has effect with respect to the members.

(3) Schedule 2 has effect with respect to the procedure of the Trust.

PART 3

OBJECTS AND FUNCTIONS OF THE TRUST

Objects of the Trust

6. The objects of the Trust are—

- (a) to provide assistance for the promotion of peace; and
- (b) in particular, to encourage the development of educational activities and studies for the promotion of peace.

Functions of the Trust

7. (1) The Trust may, for the purpose of promoting its objects—

- (a) make grants from the Fund (either unconditionally or subject to conditions) to organisations and individuals which or who promote peace;
- (b) supervise the expenditure of money so granted; and

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(c) engage in such other activities as the Minister may approve.

(2) The Minister may give directions to the Trust—

(a) limiting the class of organisations or individuals to which or whom a grant may be made; and

(b) requiring a grant or class of grants to be made subject to specified conditions.

(3) The Trust shall exercise its functions in accordance with any such directions of the Minister.

Power to deal with real property

8. The Trust shall not purchase, exchange, take on lease, hold, dispose of or otherwise deal with real property except real property that is the subject of a gift or devise to the Trust.

PART 4

PEACE TRUST FUND ETC.

Peace Trust Fund

9. (1) There shall be established in the Special Deposits Account in the Treasury a Peace Trust Fund into which shall be paid—

(a) the amount standing to the credit of the Peace Trust—Equivalent Lottery Proceeds Account in the Special Deposits Account in the Treasury;

(b) any gift or bequest of money to the Trust;

(c) such other money as may be paid to the Trust; and

(d) such other money as may by law be required to be paid into the Fund or as may be appropriated by Parliament for payment into the Fund.

(2) Money in the Fund is under the control of the Trust and may be expended by the Trust for the purpose of the exercise of its functions.

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Acquisition of property

10. (1) The Trust may agree to any condition that is not inconsistent with its objects being imposed on its acquisition of any property by gift, devise or bequest.

(2) The rule of law against remoteness of vesting does not apply to any such condition to which the Trust has agreed.

(3) If the Trust acquires any property by gift, devise or bequest, the Trust may retain the property in the form in which it was acquired, subject to any such condition to which the Trust has agreed.

(4) The Stamp Duties Act 1920 does not apply to or in respect of any gift, devise or bequest made or to be made to the Trust.

Recovery of grant^e

11. If a grant is made by the Trust subject to a condition and the grant or any part of the grant is not applied in accordance with the condition, the Trust may recover it from the grantee as a debt in a court of competent jurisdiction.

PART 5
ADMINISTRATION

Committees

12. (1) The Trust may establish committees to assist it in connection with the exercise of any of its functions.

(2) It does not matter that any or all of the members of a committee are not members of the Trust.

(3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall, subject to the regulations, be as determined by the Trust or (subject to any determination of the Trust) by the committee.

Staff of the Trust

13. (1) The Trust may—

- (a) with the approval of the Minister; and

- (b) on such terms and conditions as may be approved by the Public Service Board,

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

- (2) For the purposes of this Act, a person whose services are made use of under this section is an officer of the Trust.

Delegation by the Trust

14. (1) The Trust may delegate to a member, to a committee of the Trust or to any officer of the Trust the exercise of any of its functions, other than this power of delegation.

- (2) A delegation—

- (a) shall be in writing,
(b) may be general or limited; and
(c) may be revoked, wholly or partly, by the Trust.

(3) A delegate is, in the exercise of a delegated function, subject to such conditions as are specified in the instrument of delegation.

(4) A delegated function, when exercised by the delegate, shall be deemed to have been exercised by the Trust.

- (5) A delegation does not prevent the exercise of a function by the Trust.

(6) A function purporting to have been exercised by a delegate shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

PART 6

MISCELLANEOUS

Financial year of the Trust

- 15.** The financial year of the Trust shall be the year commencing 1 July.

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Proof of certain matters not required

16. In any legal proceedings, proof is not required (until evidence is given to the contrary) of—

- (a) the constitution of the Trust;
- (b) any resolution of the Trust;
- (c) the appointment of, or the holding of office by, any member; or
- (d) the presence of a quorum at any meeting of the Trust.

Regulations

17. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, regulations may be made for or with respect to the custody and use of the seal of the Trust.

(3) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by a specified person or body,

or may do any combination of those things.

Amendment of Public Finance and Audit Act 1983

18. The Public Finance and Audit Act 1983 is amended by inserting in Schedule 2 (in alphabetical order) the words "Peace Trust of New South Wales."

SCHEDULE 1

(Sec. 5 (2))

PROVISIONS RELATING TO THE MEMBERS OF THE TRUST

Chairperson of the Trust

1. (1) Of the members, one shall, in and by the relevant instrument of appointment as a member or by another instrument executed by the Governor, be appointed as Chairperson of the Trust.

(2) The Governor may remove a member from the office of Chairperson.

(3) The Chairperson shall be deemed to have vacated the office of Chairperson if the Chairperson—

(a) is removed from that office by the Governor under this clause;

(b) resigns that office by instrument in writing addressed to the Minister; or

(c) ceases to be a member.

Acting members and acting Chairperson

2. (1) The Minister may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be a member.

(2) The Minister may, from time to time, appoint a member to act in the office of Chairperson during the illness or absence of the Chairperson, and the member, while so acting, shall have and may exercise all the functions of the Chairperson and shall be deemed to be the Chairperson.

(3) The Minister may remove any person from any office to which the person was appointed under this clause.

(4) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) For the purposes of this clause, a vacancy in the office of a member or the Chairperson shall be deemed to be an absence from office of the member or Chairperson, as the case may be.

Term of office

3. Subject to this Schedule, a member shall hold office for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

*Peace Trust 1987*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE TRUST—*continued***Remuneration**

4. (1) A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

(2) In this clause—

“member” includes any member of a committee of the Trust.

Filling of vacancy in office of member

5. If the office of any member becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

Casual vacancies

6. (1) A member shall be deemed to have vacated office if the member—

- (a) dies;
- (b) absents himself or herself from 3 consecutive meetings of the Trust of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Trust or unless, before the expiration of 6 weeks after the last of those meetings, the member is excused by the Trust for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient or a continued treatment patient within the meaning of the Mental Health Act 1958, a forensic patient within the meaning of the Mental Health Act 1983 or a protected person within the meaning of the Protected Estates Act 1983;
- (e) is convicted in New South Wales of an offence which is punishable by imprisonment or penal servitude for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- (f) resigns the office by instrument in writing addressed to the Minister; or
- (g) is removed from office by the Governor under subclause (2) or (3).

(2) The Governor may remove a member from office.

(3) Without limiting the generality of subclause (2), the Governor may remove from office a member who contravenes the provisions of clause 7.

*Peace Trust 1987*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE TRUST—*continued***Disclosure of pecuniary interests**

7. (1) A member who has a direct or indirect pecuniary interest—

- (a) in a matter that is being considered, or is about to be considered, at a meeting of the Trust; or
- (b) in a thing being done or about to be done by the Trust,

shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Trust.

(2) A disclosure by a member at a meeting of the Trust that the member—

- (a) is a member, or is in the employment, of a specified company or other body;
- (b) is a partner, or is in the employment, of a specified person; or
- (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body or to that person which may arise after the date of the disclosure.

(3) The Trust shall cause particulars of any disclosure made under subclause (1) or (2) to be recorded in a book kept for the purpose and that book shall be open at all reasonable hours to the inspection of any person on payment of such fee as may be determined by the Trust from time to time.

(4) After a member has, or is deemed to have, disclosed the nature of an interest in any matter or thing pursuant to subclause (1) or (2), the member shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Trust, or take part in any decision of the Trust, with respect to that matter; or
- (b) exercise any functions under this Act with respect to that thing.

(5) Even if a member contravenes the provisions of this clause, that contravention does not invalidate any decision of the Trust or the exercise of any function under this Act.

(6) A reference in this clause to a meeting of the Trust includes a reference to a meeting of a committee of the Trust.

Effect of certain other Acts

8. (1) The Public Service Act 1979 does not apply to or in respect of the appointment of a member and a member is not, as a member, subject to that Act.

*Peace Trust 1987*SCHEDULE 1—*continued*PROVISIONS RELATING TO THE MEMBERS OF THE TRUST—*continued*

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members etc.

9. No matter or thing done by the Trust, any member or any person acting under the direction of the Trust shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 2

(Sec. 5 (3))

PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST

General procedure

1. The procedure for the calling of meetings of the Trust and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Trust.

Quorum

2. The quorum for a meeting of the Trust is 3 members.

Presiding member

3. (1) The Chairperson of the Trust or, in the absence of the Chairperson, another member elected to chair the meeting by the members present shall preside at a meeting of the Trust.

(2) The person presiding at any meeting of the Trust has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Trust at which a quorum is present shall be the decision of the Trust.

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SCHEDULE 2—*continued*

PROVISIONS RELATING TO THE PROCEDURE OF THE TRUST—*continued*

Minutes

5. The Trust shall cause full and accurate minutes to be kept of the proceedings of each meeting of the Trust.

First meeting of the Trust

6. The Chairperson of the Trust shall call the first meeting of the Trust in such manner as the Chairperson thinks fit.