

TSUNEICHI FUJII FELLOWSHIP TRUST ACT 1985

No. 113 of 1985

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TSUNEICHI FUJII FELLOWSHIP TRUST ACT 1985

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 No. 113 of 1985
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AN ACT to establish the *Tsuneichi Fujii Fellowship Trust*.

[Royal Assent 14 November 1985]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I

PRELIMINARY

1—This Act may be cited at the *Tsuneichi Fujii Fellowship Trust* Short title.
Act 1985.

2—In this Act, unless the contrary intention appears—

“functions” includes duties;

“member” means a member of the Trust;

“State Service” means the State Service within the meaning of the *Tasmanian State Service Act 1984*;

“Trust” means the *Tsuneichi Fujii Fellowship Trust* established under this Act.

Interpretation.

Establishment
and objects of
the Trust.

3—(1) There shall be established a body to be known as the Tsuneichi Fujii Fellowship Trust.

(2) The Trust shall be a body corporate with perpetual succession and a common seal.

(3) The objects of the Trust are set out in Schedule 1.

Functions of
the Trust.

4—The functions vested in the Trust shall be performed by the members.

Common seal of
the Trust.

5—(1) The use of the common seal of the Trust shall be attested by the signatures of at least 2 members.

(2) Judicial notice shall be taken of the common seal of the Trust, and, where it is affixed to any instrument, it shall be presumed, unless the contrary is shown, that it was duly affixed and attested.

PART II

COMPOSITION OF TRUST

Membership of
the Trust.

6—(1) The members shall consist of the following persons:—

(a) the person for the time being holding or performing the duties of the office of Secretary, Department of the Premier and Cabinet;

(b) the person for the time being holding or performing the duties of the office of Under Treasurer;

(c) 3 other persons appointed by the Minister as being suitable to further the objects of the Trust.

(2) A person referred to in paragraph (a) or (b) of subsection (1) may, by instrument in writing, appoint a suitable person who is an employee within the meaning of the *Tasmanian State Service Act* 1984 to be his deputy and to act on his behalf in matters relating to the Trust.

(3) An appointment under subsection (2)—

(a) may be for an indefinite period or a period specified in the instrument of appointment;

(b) may be in relation to all matters relating to the Trust, or any specified matter or matters; and

(c) is revocable at will.

(4) A person appointed under subsection (2) shall, while acting as deputy and in accordance with the terms of his appointment, be deemed to be a member with all the powers, rights, and duties of a member.

(5) A person appointed by the Minister to be a member shall be appointed for a period not exceeding 5 years.

7—An act or proceeding of the Trust shall not be invalid by reason only of a vacancy in its membership or a defect in the appointment of a member. Validity of acts of the Trust.

8—(1) A member may resign from his office by notice in writing served on the Minister. Resignation and removal from office.

(2) An appointed member shall be deemed to have vacated his office—

- (a) when he dies while holding office;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;
- (c) if he is absent from 3 consecutive meetings of the Trust, of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless he is excused by the Trust from attendance at or for his absence from any of those meetings; or
- (d) if he is convicted in Tasmania of an offence which is punishable by imprisonment for a period of not less than 12 months, or if he is convicted elsewhere than in Tasmania of an offence which, if committed in Tasmania, would be a crime or an offence so punishable.

(3) The Minister may remove an appointed member from his office if the Minister is satisfied that the member is incapable, whether by reason of ill health or otherwise, of performing adequately the duties of his office.

(4) Where a member has resigned, is deemed to have vacated his office, or has been removed from that office, the Minister may appoint another person to the vacant office.

PART III FUNCTIONS OF TRUST

Investment
of funds.

9—The funds of the Trust shall be invested by the Trust in any manner in which trustees may by law invest trust funds.

Income of
Trust.

10—The income of the Trust shall be employed by the Trust for the purpose of making grants or loans to persons or organizations, or in accordance with agreements entered into with persons or organizations, in pursuance of the objects of the Trust.

Gifts, &c.

11—The Trust may accept a devise, bequest, or gift of any money or property that may be used to further the objects of the Trust.

Prohibition on
payment of
dividends, &c.

12—No dividend, bonus, or other profit shall at any time be paid out of the income or funds of the Trust to any member in his capacity as member.

Exemption of
Trust from
State taxes, &c.

13—The Trust and instruments to which the Trust is a party shall not be liable to any tax, duty, fee, charge, or other impost under the law of Tasmania.

PART IV ADMINISTRATION OF TRUST

Meetings of
Trust.

14—(1) The members may hold such meetings as they consider necessary for the administration of the Trust.

(2) Three members shall constitute a quorum of the Trust, and no business shall be conducted at a meeting of the Trust unless a quorum is present.

(3) The Secretary, Department of the Premier and Cabinet or his deputy, or, in his absence, the Under Treasurer or his deputy, shall preside at any meeting of the Trust.

(4) A decision carried by a majority of the votes of the members present at a meeting of the Trust shall be a decision of the Trust.

(5) Each member shall be entitled to one vote on a matter arising for decision by the Trust and the person presiding at the meeting shall, in the event of an equality of votes, have a second or casting vote.

(6) The Trust shall cause accurate minutes to be kept of the business conducted at meetings of the Trust.

(7) The procedure to be followed at a meeting of the Trust shall be determined by the Trust.

15—(1) A member so entitled shall be paid a travelling allowance at the rate at which a travelling allowance is payable to an employee within the meaning of the *Tasmanian State Service Act 1984* under that Act. Travelling and other allowances.

(2) A member so entitled shall be paid reasonable out-of-pocket expenses.

(3) Any allowance payable under this section shall be payable out of money provided by Parliament to the Department of the Premier and Cabinet.

16—(1) The Minister may appoint as Secretary to the Trust a person who is not a member of the Trust. Secretary.

(2) A person appointed as secretary to the Trust may hold that position in conjunction with a position in the State Service.

17—(1) The Trust shall cause to be kept proper accounts and records in relation to all its affairs and activities and shall, as soon as practicable after 1st July and not later than 31st October in each year, prepare financial statements exhibiting a true and correct record of its financial position and activities with respect to the preceding financial year. Accounts and audits.

(2) The accounts of the Trust kept for the purposes of this Act are subject to the *Audit Act 1918*.

18—(1) The Trust shall, not later than 31st October in each year, prepare a report of its affairs and activities for the preceding financial year and submit the report to the Minister. Annual report.

(2) A report under subsection (1) shall include—

(a) a copy of the financial statements prepared under section 17 (1) in respect of the financial year to which the report relates; and

(b) a copy of the Auditor-General's report with respect to those financial statements.

(3) The Minister shall lay, or cause to be laid, before each House of Parliament a copy of a report submitted to him in accordance with subsection (1) within 14 sitting days of the House after the date on which he receives that report.

19—(1) If this Act commences on a day (the “commencement day”) that is earlier than the day fixed by proclamation under section 2 (2) of the *Tasmanian State Service Act 1984* (the “proclaimed day”), a reference in this Act to an employee within the Transitional.

meaning of that Act shall be read during the period commencing on the commencement day and ending immediately before the proclaimed day as a reference to an officer within the meaning of the *Public Service Act 1973*.

(2) If the commencement day is earlier than the proclaimed day, a reference in this Act to a position in the State Service shall be read as a reference to a position in the Public Service within the meaning of the *Public Service Act 1973*.

(3) The first report under section 18 shall relate to the period commencing on the commencement day and ending on 30th June 1986.

SCHEDULE 1

Section 3

OBJECTS OF THE TSUNEICHI FUJII FELLOWSHIP TRUST

1. *Educational exchanges*

(1) The financing of studies, research, instruction, and other educational activities in Tasmania and Japan.

(2) The financing of visits and interchange between Tasmania and Japan of students, trainee teachers, teachers, and academics.

2. *Cultural exchanges*

(1) The financing of visits and interchange between Tasmania and Japan of leaders and experts in fields of specialized knowledge or skill and other influential or distinguished persons.

(2) The financing of tours of Japan by creative and performing artists and athletes from Tasmania, individually or in groups, in any field of the arts, sports, or other forms of personal or collective attainment.

3. *Scientific exchanges*

(1) The financing of visits and interchange between Tasmania and Japan of persons skilled and knowledgeable in any area of scientific learning and endeavour.

(2) The financing of tours of Japan, either individually or in groups, of such persons.

4. *Trade and business exchange*

The financing of visits and interchange between Tasmania and Japan of persons engaged in trading and business enterprises who wish to establish or further any trade business with Japan.

5. *Participation in fairs and expositions*

The promotion of participation in fairs and expositions in Japan where Tasmanian achievements in economy, trading, manufacture, and primary industry may be demonstrated.

6. *Interchange of publications and products*

(1) Financing the interchange between Tasmania and Japan of scientific, technical, and scholarly books, literary works, critical works, periodicals, and Government publications, also the reproduction and translation of such writings.

(2) Financing the interchange of handcrafts, and samples of manufacturing and primary industry products.

7. *Other projects and purposes*

The financing of other projects and purposes that are consistent with the abovementioned objects.

