

Queensland



SCHOOLS OF ARTS (WINDING UP AND TRANSFER) ACT 1960

**Reprinted as in force on 12 April 1996
(includes amendments up to Act No. 85 of 1981)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 12 April 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- reorder provisions consistent with current drafting practice (s 30A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

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**SCHOOLS OF ARTS (WINDING UP AND
TRANSFER) ACT 1960**

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*Schools of Arts (Winding Up and Transfer) Act
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SCHOOLS OF ARTS (WINDING UP AND TRANSFER) ACT 1960

[as amended by all amendments that commenced on or before 12 April 1996]

An Act relating to the winding up and transfer of schools of arts

Short title

1. This Act may be cited as the *Schools of Arts (Winding Up and Transfer) Act 1960*.

Board

2. In this Act—

“**board**” means the Library Board, being the corporation constituted under the *Libraries and Archives Act 1988*, by that name.

Oakey school of arts

4.(1) On and from the passing and by virtue of this Act the freehold lands under the *Real Property Act 1861*, described in the schedule, part 2 shall be absolutely freed and discharged from the trusts upon and subject to which such lands were vested in or held by trustees by or under nomination of trustees registered in the office of the registrar of titles and numbered 456068, and be divested from such trustees, and shall vest in the Council of the Shire of Jondaryan for an estate in fee simple.

(2) The Council of the Shire of Jondaryan shall sell such lands for an estate in fee simple and, subject to paying the costs, charges and expenses of such sale, shall apply the proceeds for the purpose of maintaining and developing as a function of local government the existing library service

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which was established for the benefit of the residents of the whole of the Shire of Jondaryan.

Clifton school of arts

5.(1) Upon and from the passing and by virtue of this Act all property (including money and securities for money) vested in or held upon trust by or in the name of trustees of the Clifton school of arts, shall be absolutely freed and discharged from the trusts upon and subject to which the same was vested in or held by or in the name of such trustees and be divested from such trustees, and shall vest in the board.

(2) The board shall sell and convert into money any of such property which does not consist of moneys and, subject to paying the costs, charges and expenses of such sale, shall pay the proceeds thereof together with any moneys comprised in such property to the credit of a special account with any bank or financial institution approved by the Treasurer.

(2A) The board may postpone the sale and conversion into money of any securities for money, but not for longer than the time when the principal secured thereby becomes payable.

(3) If and when the Council of the Shire of Clifton submits to the board a definite plan for the provision and maintenance in the Shire of Clifton of a library service as a function of local government of a standard approved by the board and indicates to the board its agreement to carry out such plan, and satisfies the board of its ability to do so, the board may certify accordingly to the Minister.

(4) Subject to the board so certifying, the Governor in Council may, by order in council published in the gazette, authorise the board to make from time to time to the Council of the Shire of Clifton from the aforesaid special fund a payment or payments of such amount or amounts and at such time or times and in such manner as specified in the order in council, and the board shall make payment or payments to such council accordingly.

(5) Such council shall use all moneys so paid to it for the purpose of the provision and maintenance in the Shire of Clifton of a library service of a standard approved by the board.

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Lowood school of arts

6.(1) Upon and from the passing and by virtue of this Act, the freehold land under the *Real Property Act 1861*, described in the schedule, part 3, and all other property (including money and securities for money) vested in or held upon trust by or in the name of trustees of the Lowood school of arts, shall be absolutely freed and discharged from the trusts upon and subject to which the same were vested in or held by such trustees by or under nomination of trustees registered in the office of the registrar of titles and numbered respectively 819748 and A771684, and be divested from such trustees, and shall vest in the board for an estate, so far as relates to the abovementioned land, in fee simple.

(2) The board shall sell and convert into money such lands and any of such other property which does not consist of moneys and, subject to paying any costs incurred by the board in or about the vesting in the board of such property and the costs, charges and expenses of such sale, shall pay the proceeds thereof together with any moneys comprised in such property to the credit of a special account with any bank or financial institution approved by the Treasurer.

(2A) The board may postpone the sale and conversion into money of the said land for such time as may in the opinion of the board be expedient in order that a fair price for the said land may be obtained and in the meantime may receive and give discharges for any rents and profits which may accrue from the said land and may pay any rates or other necessary outgoings in respect of the said land or buildings thereon.

(2B) The board shall pay any such rents and profits received by the board to the credit of the said account and may recoup itself for any amounts paid for rates or outgoings from the said account.

(2C) The board may postpone the sale and conversion into money of any securities for money, but not for longer than the time when the principal secured thereby becomes payable.

(2D) The board may appoint the public trustee its agent for the purpose of selling the said lands which shall be sold by public auction provided however that the board may place a reserve price upon the said lands and may pass in the same from sale in the event of the reserve price or a sum in

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excess thereof not being bid for the said lands at any sale of the same by public auction.

(2E) Thereafter the board may sell the said lands by public auction or by private treaty provided that a sale of the said lands by private treaty shall not, without the approval of the public trustee, be made for a lesser sum than the reserve price that may have been placed thereon by the board for the purpose of any sale of the said lands by public auction.

(3) If and when the Council of the Shire of Esk submits to the board a definite plan for the provision and maintenance in the Shire of Esk of a library service as a function of local government of a standard approved by the board, and indicates to the board its agreement to carry out such plan, and satisfies the board of its ability to do so, the board may certify accordingly to the Minister.

(4) Subject to the board so certifying, the Governor in Council may, by order in council published in the gazette, authorise the board to make from time to time to the Council of the Shire of Esk from the aforesaid special fund a payment or payments of such amount or amounts and at such time or times and in such manner as specified in the order in council, and the board shall make payment or payments to such council accordingly.

(5) Such council shall use all moneys so paid to it for the purpose of the provision and maintenance in the Shire of Esk of a library service of a standard approved by the board.

Inclusion of school of arts in local government library service

7.(1) If—

- (a) the board is satisfied that the circumstances of any school of arts or library established or maintained in the area of any local government either upon freehold lands held by or under a trust created by nomination of trustees registered in the land registry, or upon land of any tenure under any other instrument of trust, are such that a library service of a reasonable standard is not being provided and cannot be provided and maintained; and
- (b) such local government has submitted to the board a definite plan for the provision and maintenance in its area of a library service

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as a function of local government of a standard approved by the board, and has indicated to the board its agreement to carry out such plan, and has satisfied the board of its ability to do so; and

- (c) the trustees by the direction and with the authority in writing of a majority of the financial members of such school of arts or library consent in writing to the taking over of such school of arts or library by such local government;

the board may, subject to this section, certify the above matters to the Minister and may recommend to the Minister that such local government take over such school of arts or library.

(2) The board shall, not more than 8 or less than 4 weeks before in relation to any school of arts or library it certifies and recommends as prescribed by subsection (1), publish at least twice in some newspaper circulating in the area in which such school of arts or library is situated an advertisement stating that it proposes to do so and that any person desiring to object may do so in writing addressed to the board at (specifying the address of the board) and specifying the date on or before which such an objection may be made, which date shall be not earlier than 2 weeks after the day when such advertisement is last published.

(2A) The board shall have regard to every such objection duly made to it and if, notwithstanding the making of any such objection or objections, it determines to certify and recommend as specified in subsection (1), it shall give to the Minister with the certificate and recommendation particulars of every such objection.

(3) Where in respect of any such school of arts or library as aforesaid the board certifies and recommends to the Minister as prescribed by subsection (1) the Governor in Council, upon the Minister's recommendation, may by order in council declare that all property, real and personal, vested in or held by trustees upon trust for the establishment and maintenance of such school of arts or library or for any purpose of such trust shall vest in and be held by the local government of the area in which such school of arts or library is situated.

(3A) Land the holding of which or any estate or interest in which is affected by an order made under subsection (3) shall be described in the order by reference to its surveyed description and the title reference (if any)

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relevant to such land.

(4) Upon publication in the gazette of an order made under subsection (3) the property described therein and all other property held by trustees upon trust for the establishment and maintenance or any other purpose of the school of arts or library specified therein shall, by virtue of the order—

- (a) in the case of land vested in such trustees—be divested from such trustees and be vested in the local government named in the order for the same estate or interest previously had by such trustees therein; or
- (b) in the case of land reserved and set apart and placed under the control of such trustees—pass from the control of such trustees into the control of the local government named in the order;

subject, however, in either case to this section.

(5) Property vested in a local government by virtue of an order made under subsection (3)—

- (a) where it is land granted in trust by the Governor in Council to trustees—shall remain subject to the trusts upon and subject to which it was held immediately before it so vested;
- (b) where it is land reserved and set apart by the Governor in Council and placed under the control of trustees—shall continue to be reserved and set apart and shall be under the control of the local government for the public purpose for which it was placed under the control of the trustees;
- (c) where it is land or an interest in land other than that referred to in paragraph (a) or (b)—shall be freed and discharged from the trusts upon and subject to which it was held by trustees immediately before it so vested;
- (d) where it is property not referred to in paragraphs (a) to (c)—shall be freed and discharged from the trusts upon and subject to which it was held by trustees immediately before it so vested.

(6) For as long as land referred to in subsection (5)(a) or (b) is vested in or under the control of a local government as a result of an order made under subsection (3) the land and the holding or control thereof shall be subject to the *Land Act 1962*, part 11 and, unless it is otherwise dealt with

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under that part, it shall be applied to the purposes of the trusts on which it was held or, as the case may be, the public purpose for which it was reserved and set apart immediately before it vested in or came under the control of the local government.

(6A) The provision or maintenance by a local government of a public library service pursuant to subsection (6) shall be to a standard approved by the board.

(7) Subject to subsection (8), a local government shall apply land and other property referred to subsection (5)(c) or (d) vested in it as a result of an order made under subsection (3), whether it so vested before or after the passing of the *School of Arts (Winding Up and Transfer) Act Amendment Act 1981*—

- (a) to the provision and maintenance within its area of a public library service to a standard approved by the board; or
- (b) to any other purpose, being a function of local government, approved by the board.

(7A) Where a local government proposes to use land or other property vested in it under this section for a purpose referred to in subsection (7)(b) of the preceding paragraph it shall first agree with the board, in writing, to provide and maintain a public library service of a standard approved by the board on a site within its area and shall contribute, in accordance with that agreement or, if there be no provision in that agreement as to the time when such contribution is to be made, upon the making of that agreement, towards the cost of providing and maintaining or, as the case may be, maintaining such library service an amount equal at the least to the value of such land or other property.

(7B) For the purposes of subsection (7A) such value shall be established, in the case of land, by the chief executive of the department in which the *Valuation of Land Act 1944* is administered and, in the case of other property, by that chief executive or some competent person appointed by that chief executive, as he or she thinks fit.

(8) With the approval of the board first had and obtained in writing a local government in which land or other property referred to in subsection (7) is vested under this section may sell and convert into money such land or property for the estate or interest therein vested in the local

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government and, after paying the costs and expenses of such sale or conversion, the local government shall apply the proceeds thereof towards providing and maintaining or, as the case may require, maintaining a public library service on a site within its area of a standard approved by the board.

(8A) A local government shall be a trustee for the board of so much of the proceeds of a sale or conversion pursuant to subsection (8) as has not been applied to the purpose prescribed by the subsection.

(9) If, in respect of a school of arts or library referred to in subsection (1), no person or persons who is or are a trustee or trustees or, as the case may be, a member or members of such school of arts or library can be found by the board after making such inquiry and search as the Governor in Council and the Minister deem sufficient and proper in the circumstances, such school of arts or library may be dealt with as prescribed by this section notwithstanding that either or both of the consents in writing specified in subsection (1)(c) shall not have been given.

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SCHEDULE

PART 2

section 4

Certificate of title no. 181341, volume 1090, folio 81

Resubdivision 16 of subdivision 2 of portion 131, county of Aubigny, parish of Isaac; containing 20.5 p, more or less.

PART 3

section 6

Certificate of title no. 217098, volume 1268, folio 88

Resubdivision 1 of subdivision 23 of resubdivision 2 of subdivision A of portion 322, county of Churchill, parish of Tarampa; containing 8 p more or less.

Together with the benefit of easement no. 600238 over a $2\frac{3}{10}$ p subdivision 1 of resubdivision 2 of subdivision 23 of resubdivision 2 of subdivision A of portion 322.

Certificate of title no. 239690, volume 1370, folio 180

Subdivision 17 of resubdivision 2 of subdivision A of portion 322, county of Churchill, parish of Tarampa; containing 1 rd more or less.

Together with the benefit of easement no. 600238 over $2\frac{3}{10}$ p subdivision 1 of resubdivision 2 of subdivision 23 of resubdivision 2 of subdivision A of portion 322.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 April 1996. Future amendments of the Schools of Arts (Winding Up and Transfer) Act 1960 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

| | | | | | |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA | = | Acts Interpretation Act 1954 | (prev) | = | previously |
| amd | = | amended | proc | = | proclamation |
| ch | = | chapter | prov | = | provision |
| def | = | definition | pt | = | part |
| div | = | division | pubd | = | published |
| exp | = | expires/expired | R[X] | = | Reprint No.[X] |
| gaz | = | gazette | RA | = | Reprints Act 1992 |
| hdg | = | heading | reloc | = | relocated |
| ins | = | inserted | renum | = | renumbered |
| lap | = | lapsed | rep | = | repealed |
| notfd | = | notified | s | = | section |
| om | = | omitted | sch | = | schedule |
| o in c | = | order in council | sdiv | = | subdivision |
| p | = | page | SIA | = | Statutory Instruments Act 1992 |
| para | = | paragraph | SL | = | subordinate legislation |
| prec | = | preceding | sub | = | substituted |
| pres | = | present | unnum | = | unnumbered |
| prev | = | previous | | | |

4 List of legislation

Schools of Arts (Winding Up and Transfer) Act 1960 9 Eliz 2 No. 6

date of assent 15 March 1960
commenced on date of assent

as amended by—

Nambour Library Act 1973 No. 27 s 8

date of assent 19 April 1973
commenced on date of assent

Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981 No. 85

date of assent 13 November 1981
commenced on date of assent

5 List of annotations

Board

prov hdg amd R1 (see RA s 7(1)(k))

s 2 amd R1 (see RA s 39)

Nambour Town Library

s 3 om 1973 No. 27 s 8(1)(a)

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Inclusion of school of arts in local government library service
s 7 amd 1981 No. 85 ss 2-3

SCHEDULE
amd 1973 No. 27 s 8(1)(b)

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

| Old | New | Reference provision |
|--|--|---|
| local authority | local government | Local Government Act 1993 s 796(1)(a) |
| office (of the registrar of titles) | land registry | Land Title Act 1994 s 206 |
| public curator valuer-general | public trustee chief executive (of the department in which the Valuation of Land Act 1944 is administered) | Public Trustee Act 1978 s 143 Valuation of Land Act 1944 s 10 |

7 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

| Old | New | Reference provision |
|--------------------|------------------------------------|---------------------|
| Libraries Act 1943 | Libraries and Archives Act 1988 | — |

8 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

| | |
|----------------------------------|--|
| Omitted provision | Provision making omitted provision obsolete/redundant |
| def “Minister” | Acts Interpretation Act 1954 s 36, def “Minister” and ss 33(1) to (4) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2) |
| references to Queensland implied | Acts Interpretation Act 1954 s 35 |

9 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

| Previous | Renumbered as |
|------------------------------|---------------|
| 5(2), 2nd sentence | 5(2A) |
| 5(3), 2nd sentence | 5(4) |
| 5(3), 3rd sentence | 5(5) |
| 6(2), 2nd sentence | 6(2A) |
| 6(2), 3rd sentence | 6(2B) |
| 6(2), 4th sentence | 6(2C) |
| 6(2), 5th sentence | 6(2D) |
| 6(2), 6th sentence | 6(2E) |
| 6(3), 2nd sentence | 6(4) |
| 6(3), 3rd sentence | 6(5) |
| 7(2), 2nd sentence | 7(2A) |
| 7(3), 2nd sentence | 7(3A) |
| 7(6), 2nd sentence | 7(6A) |
| 7(7), 2nd sentence | 7(7A) |
| 7(7), 3rd sentence | 7(7B) |
| 7(8), 2nd sentence | 7(8A) |