



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 68 of 1971

**An Act to provide for the incorporation of The Royal National
Agricultural and Industrial Association of Queensland
and for related purposes**

[ASSENTED TO 20TH DECEMBER, 1971]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title and commencement.** (1) This Act may be cited as the *Royal National Agricultural and Industrial Association of Queensland Act 1971*.

(2) This Act shall come into operation on a date appointed by Proclamation.

2. Arrangement of Act. This Act is arranged in Parts and schedules as follows:—

PART I—PRELIMINARY;

PART II—INCORPORATION, COMPOSITION AND OBJECTS OF ASSOCIATION;

PART III—PROPERTY AND FINANCE;

PART IV—MISCELLANEOUS PROVISIONS;

SCHEDULE.

3. Repeal and savings. (1) *The Brisbane Exhibition Grounds Trust Act of 1965* is repealed and is in this Act referred to as the repealed Act.

(2) A legal or other proceeding that might, but for the provisions of this Act, have been commenced or continued by or against the Trust, or the Society, or any member of the Council, or any officer of the Society, by reason of his membership or office therein may be commenced or continued by or against the Association.

A contract, agreement, or undertaking entered into with the Trust, or the Society and in force immediately before the date of commencement of this Act shall be construed as a contract, agreement, or, as the case may be, an undertaking with the Association and may be enforced according to its terms accordingly.

A security given by the Trust or by trustees of the Society over any property that, on and after the date of commencement of this Act, vests in the Association may be enforced against that property as if the security had been given by the Association.

4. Meaning of terms. Save where the contrary appears—

“Association” means The Royal National Agricultural and Industrial Association of Queensland, the body corporate preserved, continued in existence and constituted by this Act;

“Council” means the Council of the Association established under the rules of the Association;

“Minister” means the Minister for Lands or other Minister of the Crown for the time being charged with the administration of this Act, and includes any person who, for the time being, performs the duties of the Minister as so defined;

“Society” means The Royal National Agricultural and Industrial Association of Queensland, a society registered under the provisions of the *Friendly Societies Act 1913–1970*;

“Trust” means The Royal National Agricultural and Industrial Association of Queensland Exhibition Ground Trust established under the repealed Act.

PART II—INCORPORATION, COMPOSITION AND OBJECTS OF ASSOCIATION

5. Association incorporated. The Royal National Agricultural and Industrial Association of Queensland, a society registered under the provisions of the *Friendly Societies Act 1913–1970* is hereby preserved, continued in existence, and constituted as a body corporate under the name “The Royal National Agricultural and Industrial Association of Queensland” and, by that name, shall have perpetual succession and a common seal, which shall be judicially noticed, and shall be capable of—

- (a) suing and being sued;
- (b) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;
- (c) acquiring, holding, dealing with, and disposing of real and personal property, situated in Queensland or elsewhere;
- (d) doing all such acts and things as are necessary or convenient to be done in connexion with the carrying out of its objects or as authorized by its rules;
- (e) doing or suffering all such acts and things as bodies corporate may by law do or suffer.

6. Composition of Association. (1) The Association shall consist of the persons who, at the material time, are members of the Association in accordance with its rules.

(2) Persons who are members of the Society immediately before the date of commencement of this Act shall, on and from that date and by virtue of that membership, be members of the Association.

7. Objects of Association. (1) The objects of the Association are the objects of the Society furnished to and registered with the registrar under the *Friendly Societies Act 1913–1970* as at the date of commencement of this Act as hereafter duly amended in accordance with this section and with that Act.

(2) The objects of the Association may be varied by way of a resolution—

- (a) that is passed by a majority of two-thirds of its members present at a general meeting of which due notice as required by the rules of the Association is given;
- (b) that is sealed with the common seal of the Association and sent to the Minister.

(3) The Minister, in his discretion, may approve or reject the resolution, which shall have no effect until it is approved by the Minister.

8. Rules of Association. (1) The rules of the Association are the rules of the Society furnished to and registered with the registrar under the *Friendly Societies Act 1913–1970* as at the date of commencement of this Act as hereafter duly amended in accordance with this section and with that Act.

(2) The rules of the Association may be varied in manner provided for in the rules.

(3) The secretary of the Association shall give notice of every such variation to the Minister within fourteen days of the making thereof.

9. Application of Friendly Societies Act. It shall be sufficient compliance with any provision of the *Friendly Societies Act 1913–1970* that requires the approval of the certifying barrister or registrar under

that Act to a rule of the Society or any amendment thereof if the approval of the Minister is obtained to a variation of the objects or rules of the Association and every such variation shall be registered and an acknowledgment of registry shall be issued accordingly.

Save as is prescribed by this section, the provisions of the *Friendly Societies Act 1913-1970* that are applicable to the Society shall apply to the Association.

PART III—PROPERTY AND FINANCE

10. Vesting of land in Association. (1) On and from the date of commencement of this Act the land described in the schedule to this Act is divested from the Trust and shall vest for an estate in fee simple in the Association subject to this Act and subject to all mortgages, charges, encumbrances, liens, leases, easements, agreements, licences, and other transactions affecting the land at the date of commencement of this Act.

(2) The Registrar of Titles shall, on the request of the Association, record on the instruments of title that relate to the land described in the schedule to this Act the divesting of the land from the Trust and its vesting, subject as prescribed by subsection (1), in the Association for an estate in fee simple.

There shall be endorsed on every instrument of title subsequently issued to the Association in respect of such land or any part thereof reference to the fact that the estate of the Association in the land is subject to the provisions of this Act.

11. Termination of trusts affecting Association's land. On and from the date of commencement of this Act the land described in the schedule to this Act shall be held free and discharged from the trusts that theretofore affected the same.

12. Use of land. The land from time to time vested in the Association shall be held by the Association on behalf of its members, and, at the direction of the Council, used by it in accordance with the objects and rules of the Association—

- (a) for carrying out the objects and purposes of the Association; and
- (b) for any business, religious, educational, charitable, recreational, sporting or other purpose that in the opinion of the Council is not detrimental to the public interest or the interests of the Association and that is not inconsistent with the use thereof permitted by provision (a) of this section.

13. Dealing with Association's land. (1) Subject to this section and to the objects and rules of the Association, the Association may, in the discretion and at the direction of the Council, sell, mortgage, encumber, lease, or agree to lease land for the time being vested in the Association.

(2) A purported sale of an estate in fee simple in land vested in the Association shall be void save with the consent in writing of the Minister to the proposed sale first had and obtained.

(3) With respect to a mortgage of land vested in the Association the provisions of section 351 (other than of subsection (1) thereof) of the *Land Act 1962-1971* shall apply as if the land the subject of the mortgage were granted in trust under that Act:

Provided that a mortgagee shall not be required under subsection (3) of that section to pay to the Minister the amount of the unimproved value of any land acquired by the Society or by the Association in such manner that payment of the value of the land was paid by the Society or the Association at the time of the acquisition.

14. Vesting of property other than land. On and from the date of commencement of this Act all property (other than the land described in the schedule to this Act) that immediately before that date is vested in the Trust is freed and discharged from the trusts upon which the same is then held (such trusts being those prescribed by the repealed Act) and is divested from the Trust and shall vest in the Association absolutely subject to all debts, liabilities, obligations and trusts (other than trusts hereinbefore terminated) specifically charged on or affecting the same.

15. Investment of Association's funds. (1) Subject to its rules, regulations and by-laws and to the terms of any trust affecting its funds and to any direction or restriction attached or imposed with respect thereto by a donor thereof, the Association may invest its funds or any part thereof in any investment authorized by resolution of the Council whether the investment be an authorized trustee investment or not.

(2) The Association may accept and hold any investment that is transferred to the Association otherwise than by way of purchase notwithstanding that the investment is not of the nature authorized by subsection (1).

16. Variations of terms of trusts and gifts. (1) Where any property is held by the Association on terms requiring such property or the income therefrom to be applied for a purpose or purposes and—

- (a) such purpose or all or any of such purposes has or have been effected; or
- (b) such purpose or all or any of such purposes has or have ceased to exist; or
- (c) such purpose or all or any of such purposes has or have been adequately provided for by other means; or
- (d) such purpose is or all or any of such purposes are uncertain or cannot be identified or is or are not sufficiently defined; or
- (e) it becomes impossible or impracticable or inexpedient to carry out the purpose or all or any of such purposes; or
- (f) the property or income derived therefrom proves inadequate or more than sufficient to carry out such purpose or all or any of such purposes,

then subject to the provisions of this section the Council may cause to be prepared a scheme by which that property or any part or residue thereof shall be held on terms requiring such property, part or residue or the income therefrom to be applied for the purpose or purposes designated in the scheme.

(2) A scheme prepared pursuant to subsection (1) of this section shall be submitted by the Council to the Minister.

Upon receipt of a scheme, the Minister may—

- (a) approve the scheme; or
- (b) approve the scheme with such modifications as he thinks fit; or
- (c) refuse to approve the scheme.

A scheme approved by the Minister (with or without modifications) is, in this section, in relation to the property or part or residue thereof concerned, called the "approved scheme" and notification thereof shall be published in the Gazette.

(3) Where in relation to any property held by the Association there is in existence for the time being, an approved scheme, such property and the income arising therefrom, should the case require it, shall in accordance with the approved scheme, be diverted from the purpose or purposes for which it was held and shall be held for the purpose or purposes as designated in the approved scheme.

(4) If the Council desires from time to time to amend an approved scheme it shall submit every proposed amendment to the Minister.

The Minister may—

- (a) approve the amendment; or
- (b) approve the amendment with such modifications as he thinks fit; or
- (c) refuse to approve the amendment.

Notification of every amendment to an approved scheme approved by the Minister shall be published in the Gazette and thereupon the approved scheme in relation to which such amendment has been approved shall be amended in accordance with such approval and as so amended shall be the approved scheme for the time being in relation to the property the subject of such approval.

(5) Where property the subject of an approved scheme consists (wholly or in part) of land, the Association shall, within fourteen days after the publication in the Gazette of notification of the approved scheme and within fourteen days of the publication in the Gazette of notification of every amendment thereof, notify the authority charged in law with the registration of dealings relating to the land of such approval or, as the case may be, amendment.

(6) In selecting a purpose for an approved scheme or for any amendment of an approved scheme the Council shall have a preference for a purpose which, in its opinion, is as nearly similar to the purpose or purposes for which the property concerned is, for the time being, held by the Association as is consistent with useful and convenient achievement:

Provided that an approved scheme or an approved amendment to an approved scheme shall not be invalidated or otherwise prejudiced by reason of the fact that another purpose may have more properly been selected by the Council in accordance with this subsection.

(7) Upon its publication in the Gazette judicial notice shall be taken of an approved scheme and of any amendment thereof.

(8) The powers conferred by this section are in addition to any other powers or rights exercisable in law in respect of property held by the Association upon trust.

17. No payment of dividend. No dividend, bonus or other distribution of profit shall at any time be paid out of the income or property of the Association to any member thereof.

PART IV—MISCELLANEOUS PROVISIONS

18. Power of Association to co-operate with other bodies. The Association may—

- (a) co-operate with any corporation, body or society (whether in Queensland or elsewhere) having one or more objects wholly or substantially similar to the objects of the Association for the purpose of promoting the objects of such corporation, body or society or the objects of the Association; and

- (b) if it thinks fit, become a member of or an affiliate of any such corporation, body or society.

19. Protection of officers. No action, suit or proceeding shall be brought or maintained against any member of the Council in respect of any act or action done or taken or omitted to be done or taken by a member of the Council or by the Council in good faith in the exercise of powers conferred or reasonably believed by the said member or by the Council to have been conferred by this Act or by the rules of the Association.

20. Summary removal of dangers etc. and recovery of expenses. Where any person, by contravention of or failure to comply with a rule, regulation or by-law of the Association, causes—

- (a) danger or annoyance to the public; or
- (b) hindrance to the Association or its lessees, licensees, or permittees, or to the public in the lawful use of land vested in the Association,

the Association or any of its lessees, licensees, or permittees, or the agents of any of them may summarily obviate or remove the danger, annoyance or hindrance.

Where in the exercise of the power conferred by this section expense is incurred the person who incurs the expense may recover from the person who caused the danger, annoyance or hindrance the amount of the expense as a debt in that amount due and unpaid to him, by way of action in a court of competent jurisdiction.

This section and any action taken hereunder shall not limit the liability at law of the person who caused the danger, annoyance or hindrance.

21. Continuation of employees' rights. Nothing in this Act prejudices or affects any right or benefit that, immediately before the date of commencement of this Act, had accrued or was accruing under any Act, award or industrial agreement, or under any document constituting or relating to any pension scheme or provident fund to an employee under a contract of employment with the Society, the Council, or the Trust or to the dependants of such an employee and—

- (a) any such right accruing shall, until it is lawfully terminated or varied, continue to accrue as if—
 - (i) this Act had not been enacted;
 - (ii) employment with the Association were, for the purposes of the Act, award, industrial agreement or document pursuant to which the right was accruing, employment with the Society, Council, or, as the case may be, Trust that immediately before the date of commencement of this Act was bound by that contract of employment; and
- (b) any such right so accrued, and any such right so accruing, when accrued, shall be enforceable against the Association in lieu of the Society, Council or Trust in the same manner, at the same time and to the same extent as it might have been enforced if this Act had not been passed.

SCHEDULE

[s. 10]

LAND VESTED IN ASSOCIATION

- Title reference: Volume 4467 Folio 11
County: Stanley
Parish: North Brisbane
Description: Portions 345, 480, 481, 482, 484, 485,
486, 487 and 641
Plan Cat. Nos. Sl. 4550-4553
Sl. 6183
Area: 49 acres 3 roods 5·9 perches
- Title reference: Volume 1628 Folio 10
County: Stanley
Parish: North Brisbane
Description: Resub. 1 of sub. 3 of section 2 of portion 110
Plan Cat. No. 41361
Area: 22·6 perches
- Title reference: Volume 1658 Folio 35
County: Stanley
Parish: North Brisbane
Description: Resub. 2 of subs. 3 and 4 of section 2
of portion 110
Plan Cat. No. 41361
Area: 22·6 perches