

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE



An Act to provide in respect of an exchange of land on which is the Trades and Labour Hall in the City of Ipswich for other lands in that City and for related purposes

[ASSENTED TO 15TH SEPTEMBER, 1986]

Preamble. Whereas pursuant to *The Ipswich Trades and Labour Hall Land Perpetual Lease Acts, 1925 to 1950*, the Governor in Council was empowered to grant perpetual leases to the trustees of the Ipswich and West Moreton Labour Day Celebration Committee over certain land in Nicholas Street Ipswich, which land was, by those Acts, required to be held by the trustees for the purposes of a Trades and Labour Hall and for no other purpose:

And Whereas those leases were granted and a Trades and Labour Hall has been erected on the land aforesaid and the land has at all times been held for the purposes of that hall and for no other purpose:

And Whereas the name and style of the trustees aforesaid is now the trustees of the Ipswich Trades Hall and Labour Day Committee:

And Whereas the trustees aforesaid desire to exchange the land aforesaid and all improvements thereon freed and discharged from all trusts affecting the same for certain parcels of land in Bell Street Ipswich, of which parcels Kern Corporation Ltd is the owner and for improvements to be constructed on those parcels:

And Whereas in consideration of the exchange aforesaid Kern Corporation Ltd is prepared to enter into an agreement that, amongst other things, Kern Corporation Ltd will cause to be designed and constructed on the parcels of land aforesaid in Bell Street Ipswich premises suitable for use in part as the Ipswich Trades Hall:

And Whereas it is desirable to facilitate the objectives of the trustees and Kern Corporation Ltd in respect of the lands and improvements aforesaid.

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:—

1. Short title. This Act may be cited as the *Ipswich Trades Hall Act 1986*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Section 3 shall commence on the designated day.

(3) Except as provided by subsections (1) and (2), this Act shall commence on a day appointed by Proclamation.

3. Repeal. Subject to section 2 (2), the Acts set forth in the First Schedule are repealed.

4. Interpretation. In this Act, save where the contrary intention appears—

“Bell Street lands” means—

(a) all that piece of land situate in the County of Stanley Parish of Ipswich containing 212 square metres being

Lot 1 on registered plan number 132466 and being the whole of the land contained in Certificate of Title Volume 5369 Folio 104;

- (b) all that piece of land situate in the County of Stanley Parish of Ipswich containing 324 square metres being Lot 2 on registered plan number 132466 and being the whole of the land contained in Certificate of Title Volume 6491 Folio 109;

and

- (c) all that piece of land situate in the County of Stanley Parish of Ipswich City of Ipswich commencing from the north-east corner of Lot 2 on registered plan number 132466 bearing $4^{\circ}47'10''$ for a distance of 13.242 metres along the western alignment of Bell Street and thence bearing $274^{\circ}48'20''$ for a distance of 24.804 metres, and thence bearing $184^{\circ}47'10''$ for a distance of 13.242 metres, and thence bearing $94^{\circ}48'20''$ for a distance of 24.804 metres, along the northern alignment of Lots 1 and 2 on registered plan number 132466 back to the point of commencement and containing an area of 328 square metres more or less being part of allotment 14 of section 3 and being part of the land contained in Certificate of Title Volume 5003 Folio 18;

“Nicholas Street lands” means—

- (a) all that piece of land situate in the County of Stanley Parish of Ipswich containing 19.84 perches being subdivision 2 of allotment 13 of section 4 and being the whole of the land contained in Perpetual Lease number 662;
- (b) all that piece of land situate in the County of Stanley Parish of Ipswich containing 14.46 perches being subdivision 1 of allotment 12 of section 4 and being the whole of the land contained in Perpetual Lease number 1566;

“Registrar of Dealings” means the Registrar of Dealings within the meaning of the *Land Act 1962-1986*;

“Registrar of Titles” means the Registrar of Titles appointed for the purposes of the *Real Property Act 1861-1986*.

5. Notification of surrender of Bell Street lands. Upon—

- (a) registration in the office of the Registrar of Titles of a plan of survey amalgamating the lands referred to in subparagraphs (a), (b) and (c) of the definition “Bell Street lands”;
- and
- (b) registration, in accordance with subsection (2), in the office of the Registrar of Titles of an instrument of transfer and surrender to Her Majesty of the Bell Street lands,

the Registrar of Titles shall forthwith notify the Registrar of Dealings in writing of that transfer and surrender.

(2) An instrument of transfer and surrender to Her Majesty of the Bell Street lands shall not be registered in the office of the Registrar of Titles unless there is lodged in that office with the instrument of transfer and surrender the written consent to the registration thereof of—

- (a) every mortgagee under a mortgage encumbrance registered or noted on an instrument of title to the Bell Street lands or any part thereof and to which those lands or that part are subject immediately before such registration;
and
- (b) every person whose caveat is registered or noted on an instrument of title to the Bell Street lands or any part thereof, being a caveat lawfully lodged with the Registrar and that remains in force.

6. Proclamation of designated day. Upon receipt by the Registrar of Dealings of—

- (a) the notification referred to in section 5;
- (b) a document purporting to be a copy of an agreement (duly stamped under the *Stamp Act 1894-1986*) entered into by Kern Corporation Ltd and the trustees (at the time of the agreement's execution) of the Ipswich Trades Hall and Labour Day Committee and certified on behalf of both parties to the agreement to be a true copy of the agreement, being an agreement for the design and construction on the Bell Street lands of premises suitable for use in part as the Ipswich Trades Hall;
- (c) a certificate of classification as prescribed by By-law 6.3 of the Standard Building By-laws under the *Building Act 1975-1978* from The Council of the City of Ipswich in respect of the building work carried out by Kern Corporation Ltd on the Bell Street lands;
- (d) a certificate from The Council of the City of Ipswich confirming that all rates, charges and fire levies payable to that Council in respect of the Bell Street lands and the Nicholas Street lands, up to and including the date of execution of that certificate, have been paid;
- (e) a certificate of an architect acceptable to both parties to the agreement referred to in paragraph (b) that the building work carried out by Kern Corporation Ltd under that agreement has been executed to practical completion;
and
- (f) the written consent of every mortgagee under a mortgage encumbrance registered or noted on an instrument of lease of the Nicholas Street lands immediately before the day on which the Proclamation referred to in this section is made,

being a consent to the termination pursuant to section 7 of the perpetual leases over the Nicholas Street lands, the Governor may by Proclamation appoint a day for the purposes of this Act, which day is in this Act referred to as the designated day.

7. Consequences upon proclamation of designated day. (1) Upon the designated day—

- (a) the perpetual leases over the Nicholas Street lands shall terminate and those lands shall, subject to this Act, revert to being Crown land freed and discharged from all trusts and encumbrance easements that immediately before the designated day affected those lands;
- (b) the Nicholas Street lands shall cease to have the benefit they had immediately before the designated day under any benefit easement;
- (c) Kern Corporation Ltd shall be entitled to a grant by the Governor in Council of an estate in fee simple pursuant to the *Land Act 1962-1986* in the Nicholas Street lands in priority to all other persons and the Registrar of Dealings is hereby authorised, for that purpose, to amalgamate the lands referred to in subparagraphs (a) and (b) of the definition "Nicholas Street lands";
- (d) the trustees for the time being of the Ipswich Trades Hall and Labour Day Committee shall be entitled to a grant by the Governor in Council in trust of the Bell Street lands and the improvements thereon pursuant to the *Land Act 1962-1986* under the official name of "The Trustees of the Ipswich Trades Hall and Labour Day Committee" upon the trusts and with the powers specified in the Second Schedule;
- (e) the powers specified in the Second Schedule shall be deemed to form part of the purposes of the Ipswich Trades Hall; and
- (f) the purposes of the Ipswich Trades Hall shall be deemed to be public purposes within the meaning of the *Land Act 1962-1986*.

(2) The specification in the Second Schedule of a power of the trustees shall not be taken to limit the powers of the trustees pursuant to the *Land Act 1962-1986* but in the event of any inconsistency between a power so specified and a provision of that Act the Second Schedule shall prevail and the provision of that Act shall, to the extent of the inconsistency, be of no force or effect.

8. Effect on mortgages of attaining purposes of Act. (1) Upon the registration of the transfer and surrender to Her Majesty of the Bell Street lands, being the registration referred to in section 5, those lands shall be thereby freed and discharged from—

- (a) any charge created by a mortgage encumbrance that affected those lands;

and

(b) any equitable charge claimed to affect those lands, immediately before the registration.

(2) Upon the termination of the perpetual leases over the Nicholas Street lands, being the termination referred to in section 7, those lands shall be thereby freed and discharged from—

(a) any charge created by a mortgage encumbrance that affected those lands;

and

(b) any equitable charge claimed to affect those lands, immediately before the termination.

(3) The provisions of subsection (1) or (2) shall not affect the continued operation of personal covenants or undertakings entered into by the registered proprietor or lessee of the lands therein referred to before the registration or, as the case may be, the termination therein referred to.

9. Registrars to give effect to this Act. (1) The Registrar of Dealings is authorized and required to make (without further or other authority than this subsection) in the registers kept by him such entries and endorsements as are necessary or desirable to give effect to the provisions of—

paragraphs (a) and (b) of section 7;

and

section 8 (2).

(2) The Registrar of Titles is authorized and required to make (without further or other authority than this subsection) in the register kept by him such entries and endorsements as are necessary or desirable to give effect to the provisions of section 8 (1), notwithstanding any caveat that applies in respect of any of the lands in question.

(3) Entries and endorsements to be made under subsection (1) or (2) shall be made without payment of any fees.

10. Further provision by Order in Council. (1) The Governor in Council may, from time to time, by Order in Council prescribe with respect to all matters that in his opinion are necessary or desirable for effectually achieving the objects and purposes of this Act.

(2) Section 28A of the *Acts Interpretation Act 1954-1977* shall apply in respect of every Order in Council made under subsection (1) as if the order were a regulation.

11. Instruments exempt from stamp duty. Any instrument or document of any kind that is necessary to give effect to a provision of this Act or of an Order in Council made under section 10 or section 12 shall be exempt from duty prescribed by the *Stamp Act 1894-1986*.

12. Governor in Council may amend trusts. (1) The Governor in Council may by Order in Council, at the request of the Ipswich Trades Hall and Labour Day Committee, amend the trusts specified in the schedule of trusts contained in the Second Schedule and thereupon the trusts as amended shall be deemed to be the trusts contained in the Second Schedule for the time being.

(2) Section 28A of the *Acts Interpretation Act 1954-1977* shall apply in respect of every Order in Council made under subsection (1) as if the order were a regulation.

13. Protection of persons administering Act. Neither the Registrar of Dealings, the Registrar of Titles nor any other person shall incur any liability on account of anything done bona fide and without negligence for the purposes of this Act for loss or damage alleged to have arisen by reason thereof.

FIRST SCHEDULE

[s. 3]

Year and Number of Act	Short Title	Extent of repeal
16 Geo. 5 No. 11	<i>The Ipswich Trades and Labour Hall Land Perpetual Lease Act of 1925</i>	The whole
15 Geo. 6 No. 6	<i>The Ipswich Trades and Labour Hall Land Perpetual Lease Act Amendment Act of 1950</i>	The whole

SECOND SCHEDULE

[s. 7]

TRUSTS AFFECTING BELL STREET LANDS AND POWERS OF TRUSTEES

To Hold the Bell Street lands and the improvements for the time being thereon Upon Trust for the purposes of the Ipswich Trades Hall with power to the trustees, free of any restriction prescribed by the *Land Act 1962-1986*—

- (a) to mortgage the whole or part of the lands and the improvements thereon to secure repayment of any advance or advances made in respect of those improvements and for the purpose of effecting further improvements on the lands or of maintaining the improvements on the lands and to secure payment of interest on such advance or advances;
- (b) to let or lease, with the consent of the mortgagee (if any), the whole or part of the lands and the improvements thereon

that is surplus to the requirements of the Ipswich Trades Hall.