

Queensland



**SOUTH BANK  
CORPORATION  
AMENDMENT ACT 1993**

**Act No. 71 of 1993**

# Queensland



## SOUTH BANK CORPORATION AMENDMENT ACT 1993

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Queensland



**South Bank Corporation Amendment Act  
1993**

**Act No. 71 of 1993**

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**An Act to amend the *South Bank Corporation Act 1989***

***[Assented to 7 December 1993]***

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *South Bank Corporation Amendment Act 1993*.

**Commencement**

2. This Act commences on a day to be fixed by proclamation.

**Amended Act**

3. The *South Bank Corporation Act 1989* is amended as set out in this Act.

**Omission of s.3 (Repeals and Savings)**

4. Section 3—

*omit.*

**Amendment of s.4 (Interpretation)**

5.(1) Section 4 (definitions “**member**”, “**Minister**”, and “**Registrar of Dealings**”)—

*omit.*

(2) Section 4—

*insert—*

‘ “**chairperson**” means the chairperson of the Corporation;

“**member**” means a member of the Corporation;’.

**Replacement of s.6 (Corporation within shield of Crown)**

6. Section 6—

*omit, insert—*

**‘Corporation represents the State**

‘6.(1) The Corporation represents the State.

‘(2) Without limiting subsection (1), the Corporation—

- (a) has all the privileges and immunities of the State; and
- (b) is an exempt public authority under the Corporations Law.’.

**Replacement of s.7 (Constitution of Corporation)**

7. Section 7—

*omit, insert—*

**‘Composition of Corporation**

‘7.(1) The Corporation consists of the following members—

- (a) a chairperson;
- (b) 2 members appointed on the nomination of the Council;
- (c) not more than 5 other members.

‘(2) The members are to be appointed by the Governor in Council.

‘(3) The chairperson must not be an officer of the public service.

‘(4) Schedule 1 contains additional provisions about the members and procedures of the Corporation.’.

**Replacement of s.8 (Deputies of members)**

8. Section 8—

*omit, insert—*

**‘Deputies of members**

‘8.(1) The Governor in Council may appoint a person who is not a member to be the deputy of a member.



‘(2) The deputy of a member appointed on the nomination of the Council must be appointed only on the nomination of the Council.

‘(3) If a member is absent from a meeting of the Corporation, the deputy of the member may attend and act as the member.’.

### **Amendment of s.9 (Corporation Manager)**

9. Section 9(2)—

*omit* ‘, on the recommendation of the Minister,’.

### **Amendment of s.14 (Notification of vesting of land)**

10. Section 14—

*omit* ‘, Registrar of Dealings’.

### **Insertion of new Part 3A**

11. After Part 3—

*insert*—

## **‘PART 3A—BRISBANE CONVENTION AND EXHIBITION CENTRE**

### **‘Land for Brisbane Convention and Exhibition Centre**

‘15A.(1) The road licence Vol 7724 Folio 37 shown on Plan RA 4217 is surrendered to the extent that it relates to Russell Street, South Brisbane.

‘(2) The part of Russell Street, South Brisbane defined by station numbers 7, 8, 21 and 22 on plan 861515 set out in Schedule 10 is permanently closed.

‘(3) Lots 1 and 4 on plan 861515 set out in Schedule 10 are taken to be surrendered to and are vested in the State.

‘(4) A deed of grant in fee simple in the name of the Corporation may be issued by the Governor in Council for lot 101 on Crown plan 861528 set out in Schedule 11.

**‘(5)** Deeds of grant in fee simple may be issued by the Governor in Council for lots 102, 103 and 104 on plan 011605/25 set out in Schedule 12 as follows—

- (a) for lots 102 and 104—in the name of the Corporation;
- (b) for lot 103—in the name of Queensland Railways.

**‘(6)** Lot 2 on plan 011605/23 set out in Schedule 13 is vested in fee simple in the Corporation.

**‘Certain lots become stratum lots**

**‘15B.** On registration by the Registrar of Titles of stratum plans for the lots, the following lots become stratum lots created by a stratum plan—

- (a) lots 102, 103 and 104 on plan 011605/25 set out in Schedule 12;
- (b) lots 1 and 2 on plan 011605/23 set out in Schedule 13.

**‘Registrar may register instruments etc.**

**‘15C.(1)** The Registrar of Titles may register all plans and other instruments and issue certificates of title to give effect to sections 15A and 15B.

**‘(2)** The Registrar of Titles may do anything to give effect to sections 15A and 15B.

**‘Transfer of assets and liabilities to Corporation**

**‘15D.** On the commencement of this section—

- (a) the assets held by the State and specified in the Brisbane Convention and Exhibition Centre Register held at the Executive Building, 100 George Street, Brisbane, stop being the assets of the State and become the assets of the Corporation; and
- (b) any liabilities relating to the assets stop being the liabilities of the State and become the liabilities of the Corporation; and
- (c) the Corporation is substituted for the State in all documents relating to the assets; and

- (d) the Corporation is substituted as a party for the State in all existing or pending proceedings relating to the assets.

**‘Assignment of management agreement**

**‘15E.(1)** On the commencement of this section the Corporation is substituted for the State, under the management agreement for the Brisbane Convention and Exhibition Centre dated 15 February 1993 entered into with Convex (Qld) Pty Limited ACN 058298374, as if the Corporation had originally been a party to the agreement instead of the State.

**‘(2)** Without limiting subsection (1), the Corporation acquires all the rights and assumes all the liabilities of the State that arose under the agreement before the commencement of this section.

**‘(3)** The agreement is not otherwise affected.

**‘Assignment of design and construction management agreement**

**‘15F.(1)** On a date prescribed by regulation, the Corporation is substituted for the State, under the design and construction management agreement for the Brisbane Convention and Exhibition Centre to be entered into with Leighton Contractors Pty Limited ACN 000893667, as if the Corporation had originally been a party to the agreement instead of the State.

**‘(2)** Without limiting subsection (1), the Corporation acquires all the rights and assumes all the liabilities of the State that arose under the agreement before the date prescribed by regulation.

**‘(3)** The agreement is not otherwise affected.

**‘State may occupy site**

**‘15G.** The State is authorised to enter and occupy land owned by the Corporation, until the date prescribed by regulation under section 15F(1), to the extent necessary to enable the State to comply with the design and construction management agreement.

**‘Exemption from fees, charges and stamp duty**

**‘15H.** No fee or charge, nor any duty under the *Stamp Act 1894*, is payable for—

- (a) the issue of deeds of grant under section 15A, the issue of certificates of title for stratum lots under section 15C or the stamping or registration of the plans and other instruments necessary to give effect to the sections; or
- (b) the transfer of the assets and liabilities mentioned in section 15D; or
- (c) the assignment of the management agreement under section 15E; or
- (d) the assignment of the design and construction management agreement under section 15F.

**‘Expiry of this Part**

**‘15I.** This Part expires 3 years after it commences or, if a later date is prescribed by regulation, the later date.’.

**Amendment of s.23 (Powers in relation to land)**

**12.** Section 23(5)—

*omit, insert—*

**‘(5)** The Minister’s approval under subsection (1) is not required for the transfer of—

- (a) an interest that does not require registration under the Real Property Acts; or
- (b) any other interest, or class of interest, that the Minister advises the Corporation, in writing, is an interest for which the Minister’s approval is not required.’.

**Insertion of new ss.38B–38H**

**13.** After section 38A—

*insert—*

**‘Business plan of the Corporation**

‘38B.(1) The Corporation must prepare a business plan each year.

‘(2) A business plan must cover 3 financial years or the longer period the Minister requires.

‘(3) The first business plan must cover 3 financial years starting on 1 July 1994.

‘(4) Except to the extent that the Minister otherwise directs, a business plan must include the matters required by section 38C.

**‘Matters to be included in business plan**

‘38C.(1) The Corporation’s business plan must include details of the following matters for the period covered by the business plan—

- (a) the Corporation’s economic, financial and operational objectives;
- (b) the nature and scope of activities proposed to be undertaken by the Corporation;
- (c) the Corporation’s development program;
- (d) the Corporation’s cashflow forecasts;
- (e) the Corporation’s capital and operational spending;
- (f) the Corporation’s funding requirements;
- (g) the Corporation’s performance indicators to measure success in meeting objectives;
- (h) the Corporation’s performance targets;
- (i) the Corporation’s proposed budget under section 38H for the next financial year;
- (j) the Corporation’s actual performance achieved for the previous financial year compared with the proposed performance targets for the year;
- (k) any other matter required by the Minister.

‘(2) Subsection (1) does not limit the matters that may be included in a business plan.

### **‘Draft business plan**

‘38D.(1) The Corporation must prepare, and give to the Minister for the Minister’s agreement, a draft business plan within the time required by the Minister.

‘(2) The Corporation and the Minister must try to reach agreement on the draft business plan as soon as possible.

### **‘Special procedures about draft business plan**

‘38E.(1) The Minister may return the draft business plan to the Corporation and ask it to—

- (a) consider or further consider any matter and deal with the matter in the draft business plan; and
- (b) revise the draft business plan in the light of its consideration or further consideration.

‘(2) The Corporation must comply with the request as a matter of urgency.

‘(3) The Minister may direct the Corporation—

- (a) to take specified steps about the preparation or revision of the draft business plan; or
- (b) to make specified changes to the draft business plan.

‘(4) The Corporation must immediately comply with a direction under subsection (3).

### **‘Business plan on agreement**

‘38F. When a draft business plan of the Corporation is agreed to by the Minister, it becomes the Corporation’s business plan for the relevant period.

**‘Changes to business plan**

‘38G.(1) The Corporation’s business plan may be changed by the Corporation with the Minister’s agreement.

‘(2) The Minister may direct the Corporation to change the business plan.

‘(3) Before giving the direction, the Minister must consult with the Corporation and take its views into account.

**‘Corporation’s budget**

‘38H.(1) The Corporation must develop and adopt a budget for each financial year.

‘(2) The budget must be given to the Minister for the Minister’s approval within the time the Minister directs.

‘(3) The Corporation may develop and adopt changes to its approved budget for a financial year.

‘(4) Each change must be given to the Minister for the Minister’s approval.

‘(5) A budget for a financial year, and any change to the approved budget for the financial year, has effect only if it is approved by the Minister.

‘(6) The Corporation must comply with its budget.

‘(7) The Corporation’s budget for a financial year must, at all times, be consistent with the funds available to it for the year.

‘(8) A budget for a financial year must show—

- (a) estimates of the Corporation’s receipts and payments for the year; and
- (b) the purposes for which payments are to be made; and
- (c) the estimates of the Corporation’s receipts and payments adopted for the previous year and the actual receipts and payments for that year.’.

**Insertion of new ss.39I–39M**

**14.** After section 39H—

*insert—*

### **‘Delegation by Corporation**

**‘39I.** The Corporation may delegate the Corporation’s powers under this Act to any person.

### **‘Committees**

**‘39J.(1)** The Corporation may establish committees to help or advise it.

**‘(2)** The Corporation may decide—

- (a) the functions of a committee; and
- (b) the membership of a committee; and
- (c) how a committee is to operate.

### **‘Reference to single deed of grant only**

**‘39K.** To show the reservations to the State contained in a deed of grant issued before deed of grant volume 8536 folio 178 issued over the Corporation Area—

- (a) a plan lodged after the commencement of this section; and
- (b) a certificate of title issued from the plan;

may refer to deed of grant volume 8536 folio 178 that issued on a surrender under section 9 of the *Land Act 1962* and need not refer to previous deeds of grant.

### **‘Application of Transport Infrastructure (Railways) Act 1991 to works**

**‘39L.(1)** Section 6.21 of the *Transport Infrastructure (Railways) Act 1991* (Construction of works on Queensland Railways’ land) applies to the Corporation Area.

**‘(2)** However, Queensland Railways may refuse to give its approval for works only if it is satisfied on reasonable grounds that the works to be constructed may adversely affect the safety of the railway or persons working or travelling on it.



‘(3) Queensland Railways must give or refuse to give its approval for works as soon as possible, but within—

- (a) 45 days after receiving an application for approval for works in the Corporation Area; or
- (b) any extended time approved by the Governor in Council before the end of the 45 days.

‘(4) If Queensland Railways does not approve or refuse to approve the works within 45 days or the extended time approved by the Governor in Council, the works are taken to be approved.

### **‘Reserve power of Minister to give directions in public interest**

‘39M.(1) The Minister may give the Corporation a written direction if the Minister is satisfied it is necessary to give the direction in the public interest because of exceptional circumstances.

‘(2) The Corporation must ensure the direction is complied with.

‘(3) Before giving the direction, the Minister must—

- (a) consult with the Corporation; and
- (b) ask the Corporation to advise whether, in its opinion, complying with the direction would not be in its commercial interest.

‘(4) The Minister must cause a copy of the direction to be gazetted within 21 days after it is given.’.

### **Amendment of s.40 (Regulations)**

**15.(1)** Section 40(1)—

*omit, insert—*

‘(1) The Governor in Council may make regulations for the purposes of this Act.’.

‘(2) Section 40(2)—

*omit* from ‘Without’ to ‘following—’,

*insert* ‘A regulation may be made about any of the following matters—’.

**Omission of ss.42 and 43**

**16.** Sections 42 and 43—

*omit.*

**Replacement of Schedule 1 (Provisions relating to membership and procedure of the Corporation)**

**17.** Schedule 1—

*omit, insert—*

**‘SCHEDULE 1****‘ADDITIONAL PROVISIONS ABOUT MEMBERS  
AND PROCEDURE OF THE CORPORATION**

section 7

**‘PART 1—PROVISIONS ABOUT MEMBERS****‘Duration of appointment**

**‘1.** A member of the Corporation is to be appointed for a term of not longer than 3 years.

**‘Disqualification from membership of Corporation**

**‘2.** A person is disqualified from becoming or continuing as a member of the Corporation if the person—

- (a) engages in full-time employment with the Corporation without the Governor in Council’s approval; or
- (b) has been convicted of an indictable offence.

**‘Ceasing to be member**

**‘3.(1)** A person ceases to be a member if the person—

- (a) resigns by signed resignation notice given to the Minister; or
- (b) is disqualified under clause 2; or
- (c) is removed under subclause (2).

**‘(2)** The Governor in Council may remove a member from office if the member—

- (a) engages in misconduct or neglect of duty; or
- (b) contravenes this Act without reasonable excuse; or
- (c) becomes incapable of performing the functions of office because of physical or mental incapacity; or
- (d) is incompetent; or
- (e) is an undischarged bankrupt or is taking advantage of the laws relating to bankruptcy; or
- (f) was appointed on the nomination of the Council and the Council has resolved to withdraw the nomination; or
- (g) is absent from 3 consecutive meetings of the Corporation without leave of the Corporation or the chairperson and without reasonable excuse.

**‘Terms of appointment**

**‘4.(1)** A member of the Corporation is entitled to be paid the remuneration and allowances the Governor in Council decides.

**‘(2)** A member of the Corporation holds office on the terms of appointment not provided under this Act that the Governor in Council decides.

## **‘PART 2—MEETINGS AND OTHER BUSINESS OF CORPORATION**

### **‘Meaning of “required minimum number” of members**

**‘5.** In this Part—

**“required minimum number”** of members means half the number of members of which the Corporation for the time being consists or, if that number is not a whole number, the next higher whole number.

### **‘Conduct of meetings and other business**

**‘6.** The Corporation may conduct its business (including its meetings) in the way it considers appropriate.

### **‘Times and places of meetings**

**‘7.(1)** Meetings of the Corporation are to be held at the times and places it decides.

**‘(2)** However, the chairperson—

- (a) may at any time call a meeting; and
- (b) must call a meeting if asked by at least the required minimum number of members.

### **‘Presiding at meetings**

**‘8.(1)** The chairperson must preside at all meetings when the chairperson is present.

**‘(2)** If the chairperson is absent, the member chosen by the members present is to preside.

### **‘Quorum and voting at meetings**

**‘9.(1)** At a meeting of the Corporation—

- (a) the required minimum number of members form a quorum; and

- (b) a question is to be decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

‘(2) Subclause (1)(a) has effect subject to clause 15(3) (Voting by interested member).

#### **‘Taking part in meetings by telephone etc.**

‘10.(1) The Corporation may hold meetings, or permit members to take part in meetings, by telephone, closed-circuit television or another type of communication.

‘(2) A member who takes part in a meeting of the Corporation under a permission under subclause (1) is taken to be present at the meeting.

#### **‘Resolutions without meetings**

‘11.(1) If all members sign a document containing a statement that they are in favour of a resolution set out in the document, a resolution in those terms is taken to have been passed at a meeting of the Corporation held on the day when the document is signed or, if the members do not sign it on the same day, the day when the last of the members signs the document.

‘(2) For the purposes of subclause (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by 1 or more members, are taken to be a single document.

#### **‘Register of minutes and decisions**

‘12.(1) The Corporation Manager must keep, at the Corporation’s office, a register containing the minutes of each meeting of the Corporation and details of all decisions made by the Corporation.

‘(2) The register may be inspected during normal working hours by a person authorised in writing by the Minister.

**‘Corporation’s seal**

**‘13.(1)** The Corporation’s seal must be kept at the Corporation’s office, in the Corporation Manager’s custody, and may be used only as authorised by the Corporation.

**‘(2)** The impressing of the seal must be witnessed by the chairperson and the Corporation Manager or as the chairperson directs.

**‘(3)** Judicial notice must be taken of the imprint of the seal appearing on a document and the document must be presumed to have been properly sealed unless the contrary is proved.

**‘Disclosure of interests by member**

**‘14.(1)** If a member of the Corporation has a direct or indirect interest in an issue being considered, or about to be considered, by the Corporation, the member must disclose the nature of the interest to a meeting of the Corporation as soon as practicable after the relevant facts come to the member’s knowledge.

Maximum penalty—100 penalty units.

**‘(2)** The disclosure must be recorded in the Corporation’s minutes.

**‘Voting by interested member**

**‘15.(1)** A member of the Corporation who has a material personal interest in an issue being considered by the Corporation must not—

- (a) vote on the issue; or
- (b) vote on a proposed resolution (a **“related resolution”**) under subclause (2) about the issue (whether in relation to the member or another); or
- (c) be present while the issue, or a related resolution, is being considered by the Corporation; or
- (d) otherwise take part in any decision of the Corporation about the issue or a related resolution.

Maximum penalty—100 penalty units.

**‘(2)** Subclause (1) does not apply to the issue if the Corporation has at

any time passed a resolution that—

- (a) specifies the member, the interest and the issue; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the issue.

‘(3) A quorum is present during a consideration of an issue by the Corporation only if at least 1 less than the required minimum numbers of members are present who are entitled to vote on any motion that may be moved about the issue.

‘(4) The Minister may, by agreeing to a proposed resolution, deal with an issue if the Corporation cannot deal with it because of subclause (3).’.

### **Omission of Schedule 3 (Land to pass to Corporation from Authority)**

**18.** Schedule 3—

*omit.*

### **Insertion of Schedules 10–13**

**19.** After Schedule 9—

*insert—*

**SCHEDULE 10**



**SCHEDULE 11**

**SCHEDULE 12**

**SCHEDULE 13**

