

Queensland



ROYAL NATIONAL AGRICULTURAL AND INDUSTRIAL ASSOCIATION OF QUEENSLAND ACT 1971

**Reprinted as in force on 15 November 1994
(includes amendments up to Act No. 48 of 1994)**

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 15 November 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

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)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use expressions consistent with current legislative drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see Endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
 - **Table of obsolete and redundant provisions**
 - **Table of renumbered provisions.**

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**ROYAL NATIONAL AGRICULTURAL AND
INDUSTRIAL ASSOCIATION OF
QUEENSLAND ACT 1971**

[as amended by all amendments that commenced on or before 15 November 1994²]

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

PART 1—PRELIMINARY

Short title and commencement

1.(1) This Act may be cited as the *Royal National Agricultural and Industrial Association of Queensland Act 1971*³⁻⁶.

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

Definitions

4. In this Act—

“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.

“registered company auditor” means a person registered as an auditor, or taken to be registered as an auditor, under Part 9.2 of the Corporations Law.

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“**Trust**” means the Royal National Agricultural and Industrial Association of Queensland Exhibition Ground Trust established under the *Brisbane Exhibition Grounds Trust Act 1965*.

PART 2—INCORPORATION, COMPOSITION AND OBJECTS OF ASSOCIATION

Association incorporated

5. The Royal National Agricultural and Industrial Association of Queensland 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 connection with the carrying out of its objects or as authorised by its rules;
- (e) doing or suffering all such acts and things as bodies corporate may by law do or suffer.

Membership

6.(1) The Association consists of persons who, at the material time, are members of the Association under its rules.

(2) The members of the Association immediately before the commencement of this section continue as members of the Association.

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Objects

7.(1) The Association's objects are its objects in force immediately before the commencement of this section.

(2) The objects may be amended by a resolution passed by a majority of $\frac{2}{3}$ of its members present at a general meeting of which notice is given under the Association's rules.

(3) Within 14 days after the objects are amended, the Association must send a copy of its amended objects, under the seal of the Association, to the chief executive.

(4) The resolution does not have effect until approved by the Minister.

Rules

8.(1) The Association's rules are its rules in force immediately before the commencement of this section.

(2) The rules may be amended in the way mentioned in the rules.

(3) Within 14 days after the rules are amended, the Association must send a copy of its amended rules, under the seal of the Association, to the chief executive.

(4) The amended rules do not have effect until approved by the Minister.

PART 3—PROPERTY AND FINANCE

Vesting of land in Association

10.(1) On and from the date of commencement of this Act the land described in the Schedule 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

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on the instruments of title that relate to the land described in the Schedule 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.

(3) 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.

Termination of trusts affecting Association's land

11. On and from the date of commencement of this Act the land described in the Schedule shall be held free and discharged from the trusts that theretofore affected the same.

Use of land

12. 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 paragraph (a).

Dealing with Association's land

13.(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 is void unless the approval of the Governor in Council for the sale was obtained before the sale.

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

(4) However, section 351(3) of the *Land Act 1962* does not apply to a mortgagee of the Association's land if, when the land was acquired by the Association (however described), the unimproved value of the land was paid.

Vesting of property other than land

14. On and from the date of commencement of this Act all property (other than the land described in the Schedule) 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.

Investment of Association's funds

15.(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 authorised by resolution of the Council whether the investment be an authorised 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 authorised by subsection (1).

Variations of terms of trusts and gifts

16.(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

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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) shall be submitted by the Council to the Minister.

(2A) Upon receipt of a scheme, the Minister may—

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

(2B) 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

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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.

(4A) The Minister may—

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

(4B) 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 14 days after the publication in the Gazette of notification of the approved scheme and within 14 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.

(6A) However, 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 subsection (6).

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

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(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.

No payment of dividend

17. 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.

Report

17A.(1) The Association must, for each of its financial years—

- (a) prepare a report containing the following particulars—
 - (i) the income and expenditure of the Association in the financial year;
 - (ii) details sufficient to identify the assets and liabilities of the Association at the end of the financial year;
 - (iii) details sufficient to identify all mortgages, charges and securities of any description affecting the property of the Association at the end of the financial year; and
- (b) have the report audited by a registered company auditor; and
- (c) present the audited report to the next annual general meeting of the Association after the end of the financial year for adoption by the Association.

Maximum penalty—10 penalty units.

(2) The Association must give the chief executive a copy of the report certified as correct by the auditor.

(3) The report must be given to the chief executive within 1 month after the audited report is adopted by the annual general meeting or, if the chief executive allows a longer period, within the longer period.

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Auditors

17B. A person must not—

- (a) consent to be appointed as auditor of the Association; or
- (b) act as auditor of the Association; or
- (c) prepare a report required to be prepared under section 17A;

if—

- (d) the person is not a registered company auditor; or
- (e) the person is—
 - (i) an employee of the Association; or
 - (ii) a member of the Council; or
 - (iii) a partner, employer or employee of a member of the Council.

Maximum penalty—10 penalty units.

Application of Associations Incorporation Act 1981 to winding-up of Association

17C. The Association may be wound-up in the same way as an incorporated association may be wound-up under the *Associations Incorporation Act 1981*, and for that purpose, the Association is taken to be an incorporated association under that Act.

PART 4—MISCELLANEOUS PROVISIONS

Power of Association to cooperate with other bodies

18. The Association may—

- (a) cooperate with any corporation, body or society (whether in Queensland or elsewhere) having 1 or more objects wholly or substantially similar to the objects of the Association for the

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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.

Protection from liability for Council members

19.(1) A member of the Council does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act including the Association's rules.

(2) If subsection (1) prevents a civil liability attaching to a member of the Council, the liability attaches instead to the Association.

Summary removal of dangers etc. and recovery of expenses

20.(1) 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.

(2) 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 or her, by way of action in a court of competent jurisdiction.

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

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Regulations

21. The Governor in Council may make regulations under this Act.

PART 5—TRANSITIONAL

Association ceases to be friendly society

22.(1) On the commencement of this section, the Association ceases to be a friendly society under the *Friendly Societies Act 1991*.

(2) Within 30 days of the Association ceasing to be a friendly society, the Association must either—

- (a) surrender its certificate of incorporation under the *Friendly Societies Act 1991* to the Registrar within the meaning of that Act for cancellation; or
- (b) if the certificate has been lost or destroyed—give the Registrar a certificate stating the certificate has been lost or destroyed.

Maximum penalty—2 penalty units.

(3) This section expires 6 months after it commences.

Regulations

23.(1) A regulation may make provision about anything for which—

- (a) it is necessary or convenient to make provision because of the Association ceasing to be a friendly society; and
- (b) this Act does not make provision or sufficient provision.

(2) A regulation under subsection (1) may be given retrospective operation to a date not earlier than 1 October 1994.

(3) This section expires 1 year after it commences.

SCHEDULE

LAND VESTED IN ASSOCIATION

section 10

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. S1. 4550-4553 S1. 6183
Area	49 a 3 r 5.9 p
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 p
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 p

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 15 November 1994. Future amendments of the Royal National Agricultural and Industrial Association of Queensland Act 1971 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

**Royal National Agricultural and Industrial Association of Queensland Act 1971
No. 68**

date of assent 20 December 1971

commenced 15 January 1972 (proc pubd Gaz 15 January 1972 p 213)

as amended by—

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 Sch

date of assent 25 October 1989

commenced on date of assent

Treasury and Other Legislation Amendment Act 1994 No. 48 Pts 1, 7

date of assent 14 September 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 1994 (see s 2(3))

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement of Act

s 2 om R1 (see RA s 36)

Repeal and savings

s 3 om 1994 No. 48 s 53

Definitions

prov hdg sub 1994 No. 48 s 54(1)

s 4 def “**Minister**” om 1994 No. 48 s 54(2)

def “**registered company auditor**” ins 1994 No. 48 s 54(3)

def “**Society**” om 1994 No. 48 s 54(2)

def “**Trust**” amd 1994 No. 48 s 54(4)

Association incorporated

s 5 amd 1994 No. 48 s 55

Membership

s 6 sub 1994 No. 48 s 56

Objects

s 7 sub 1994 No. 48 s 56

Rules

s 8 amd 1989 No. 103 s 3 Sch

sub 1994 No. 48 s 56

Application of Friendly Societies Act

s 9 om 1994 No. 48 s 56

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Dealing with Association's land

s 13 amd 1994 No. 48 s 57

Report

s 17A ins 1994 No. 48 s 58

Auditors

s 17B ins 1994 No. 48 s 58

Application of Associations Incorporation Act 1981 to winding-up of Association

s 17C ins 1994 No. 48 s 58

Protection from liability for Council members

s 19 sub 1994 No. 48 s 59

Regulations

s 21 sub 1994 No. 48 s 60

PART 5—TRANSITIONAL

Pt hdg ins 1994 No. 48 s 60

Association ceases to be friendly societys 22 ins 1994 No. 48 s 60
exp 1 April 1995 (see s 22(3))**Regulations**s 23 ins 1994 No. 48 s 60
exp 1 October 1995 (see s 23(3))**5 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
definitions to be read in context	Acts Interpretation Act 1954 s 32A

6 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
10(2), 2nd sentence	10(3)

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16(2), 2nd sentence	16(2A)
16(2), 3rd sentence	16(2B)
16(4), 2nd sentence	16(4A)
16(4), 3rd sentence	16(4B)
16(6), proviso	16(6A)
20, 1st sentence	20(1)
20, 2nd sentence	20(2)
20, 3rd sentence	20(3)