



Schools of Arts (Winding Up and Transfer) Act 1960

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Queensland

Schools of Arts (Winding Up and Transfer) Act 1960

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Schools of Arts (Winding Up and Transfer) Act 1960

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

1 Short title

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

2 Board

In this Act—

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

7 Inclusion of school of arts in local government library service

(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 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.

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- (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) 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 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 subsection (7A), the value of the land or other property is to be decided by the valuer-general.
- (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 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.