

Queensland



**NATIONAL TRUST OF
QUEENSLAND AND OTHER
LEGISLATION AMENDMENT
BILL 2001**

Queensland



NATIONAL TRUST OF QUEENSLAND AND OTHER LEGISLATION AMENDMENT BILL 2001

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2001

A BILL

FOR

**An Act to amend the *National Trust of Queensland Act 1963*, and for
other purposes**

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The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Clause 1 Short title

3

This Act may be cited as the *National Trust of Queensland and Other Legislation Amendment Act 2001*.

4

5

**PART 2—AMENDMENT OF NATIONAL TRUST OF
QUEENSLAND ACT 1963**

6

7

Clause 2 Act amended in pt 2

8

This part amends the *National Trust of Queensland Act 1963*.

9

Clause 3 Replacement of title

10

Title—

11

omit, insert—

12

**‘An Act about the preservation and maintenance of lands, buildings
and other things of beauty or of national, historic, scientific,
artistic or architectural interest’.**

13

14

15

Clause 4 Insertion of new pt 1 hdg

16

Before section 1—

17

insert—

18

‘PART 1—PRELIMINARY’.

19

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Clause 5	Amendment of s 2 (Interpretation)	1
	(1) Section 2, heading—	2
	<i>omit, insert—</i>	3
	‘2 Definitions’.	4
	(2) Section 2—	5
	<i>insert—</i>	6
	‘ “administrator” see section 29(2).	7
	“rule” means a rule made under section 18.’.	8
Clause 6	Replacement of s 3 (Constitution of the National Trust)	9
	Section 3—	10
	<i>omit, insert—</i>	11
	‘PART 2—THE NATIONAL TRUST	12
	‘3 Establishment of National Trust	13
	‘The National Trust of Queensland is established.	14
	‘3A Legal status of National Trust	15
	‘The National Trust—	16
	(a) is a body corporate; and	17
	(b) has a seal; and	18
	(c) may sue and be sued in its corporate name.	19
	‘3B National Trust’s powers	20
	‘(1) The National Trust has all the powers of an individual and may, for example—	21 22
	(a) enter into contracts; and	23
	(b) acquire, hold, deal with and dispose of property; and	24
	(c) appoint and act through agents and attorneys; and	25

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(d) employ staff and engage consultants; and 1

(e) do anything else necessary or convenient to be done for, or in 2
connection with, its functions. 3

‘(2) The National Trust may exercise its powers inside and outside 4
Queensland, including outside Australia.’. 5

Clause 7 Amendment of s 8 (Constitution of subsequent councils) 6

Section 8(3A)(f), ‘of the department’ to ‘administered’— 7

omit. 8

Clause 8 Amendment of s 11 (Executive committee and subcommittees) 9

Section 11(1), ‘22’ to ‘28’— 10

omit, insert— 11

‘22 and 27’. 12

Clause 9 Replacement of s 12 (Country branches) 13

Section 12— 14

omit, insert— 15

‘12 Branches 16

‘The council may establish branches of the National Trust.’. 17

**Clause 10 Amendment of s 20 (Declaration that National Trust is statutory 18
body) 19**

Section 20(1)— 20

omit, insert— 21

‘(1) The National Trust is a statutory body within the meaning of the— 22

(a) *Financial Administration and Audit Act 1977*; and 23

(b) *Statutory Bodies Financial Arrangements Act 1982*’. 24

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Clause 11	Omission of s 21 (Power of National Trust to accept gifts)	1
	Section 21—	2
	<i>omit.</i>	3
Clause 12	Amendment of s 22 (Power of National Trust to borrow moneys)	4
	Section 22, heading—	5
	<i>omit, insert—</i>	6
	‘22 Use of funds received’.	7
Clause 13	Amendment of s 25 (Power of National Trust to lend moneys and articles)	8
	(1) Section 25, heading, ‘moneys and’ —	10
	<i>omit.</i>	11
	(2) Section 25, ‘moneys or’ —	12
	<i>omit.</i>	13
Clause 14	Omission of ss 26A–26D	14
	Sections 26A to 26D—	15
	<i>omit.</i>	16
Clause 15	Amendment of s 26E (Budget)	17
	(1) Section 26E(1), ‘On or before the 30 September’ —	18
	<i>omit, insert—</i>	19
	‘Before 30 June’.	20
	(2) Section 26E(1) and (5)(d), ‘current’ —	21
	<i>omit, insert—</i>	22
	‘following financial’.	23
	(3) Section 26E(2) and (3)—	24
	<i>omit.</i>	25

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- (4) Section 26E(5)(b) and (c), ‘previous’— 1
omit, insert— 2
‘current financial’. 3
(5) Section 26E(4) to (6)— 4
renumber as section 26E(2) to (4). 5

- Clause 16 Amendment of s 26F (Observance of budget)** 6
(1) Section 26F(1A), ‘any year’— 7
omit, insert— 8
‘any financial year’. 9
(2) Section 26F(1A), ‘next ensuing’— 10
omit, insert— 11
‘following financial’. 12
(3) Section 26F(2), ‘in any year from any of its funds’— 13
omit, insert— 14
‘in any financial year’. 15
(4) Section 26F(2), ‘relating to that fund for that year’— 16
omit. 17
(5) Section 26F(1A) and (2)— 18
renumber as section 26F(2) and (3). 19

- Clause 17 Omission of ss 26G–28** 20
Sections 26G to 28— 21
omit. 22

- Clause 18 Insertion of new pt 3** 23
After section 26F— 24
insert— 25

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‘PART 3—ADMINISTRATOR

‘27 Appointment of administrator

‘(1) This section applies if—

- (a) the Minister is satisfied the National Trust is unable to perform its functions under the Act; or
- (b) the council asks the Minister for the section to apply.

‘(2) The Governor in Council may, by gazette notice, appoint as administrator of the National Trust (the “**administrator**”) a person the Minister considers has appropriate qualifications and experience to be the administrator.

‘(3) The administrator must be appointed for the term, and on the conditions, decided by the Governor in Council.

‘(4) The administrator—

- (a) holds office subject to the direction of the Minister; and
- (b) unless the administrator earlier ceases holding office—ceases holding office when the term of the appointment ends or, if an earlier day is stated by the chief executive by gazette notice as the day the administration ends, on the earlier day.

‘28 Councillors go out of office

‘On the appointment of the administrator, the councillors go out of office.

‘28A Functions and powers of administrator

‘(1) For all purposes of this Act, the administrator is the National Trust.

‘(2) However, a regulation may limit the functions and powers of the administrator.

‘28B Additional functions of administrator

‘The administrator has the following additional functions—

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(a) at the Minister's direction, to implement a program of structural change to the National Trust's resources and the way in which it performs its functions;	1 2 3
(b) to give the Minister a report, at intervals stated by the Minister, on the National Trust's financial position, its functions and anything else the Minister requires the administrator to include in the report;	4 5 6 7
(c) to give the Minister a final report on the administration.	8
'28C Committee to help administrator	9
'(1) The Minister may appoint a committee of persons to help the administrator perform the functions of the National Trust.	10 11
'(2) A person may be appointed as a member of a committee for a stated period or for the duration of the administration.	12 13
'(3) The administrator is chairperson of the committee and must preside at every meeting of the committee at which the administrator is present.	14 15
'(4) If the administrator is absent or incapacitated, the other members of the committee must vote to elect a member to act as chairperson at meetings of the committee until the administrator is able to perform the functions of chairperson.	16 17 18 19
'28D Fees, allowances and expenses of administrator and members of committee	20 21
'(1) The administrator or a member of the committee is entitled to the fees, allowances and expenses decided by the Governor in Council.	22 23
'(2) The fees, allowances and expenses are payable out of the funds of the National Trust.	24 25
'(3) A public service officer who is appointed as an administrator or as a member of the committee may hold the appointment as well as the public service office.	26 27 28

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‘28E Recovery of costs of administration

‘(1) The Governor in Council may direct the National Trust to pay to the Minister an amount stated in the direction as the costs and expenses of the administration.

‘(2) The amount may include salary and allowances payable to an officer of the public service who is appointed as administrator or as a member of the committee.

‘(3) The direction may state a time for payment.

‘(4) The amount is a debt payable to the State.

‘28F Role of committee

‘(1) The administrator must ensure that every decision of the committee about performing the functions of the National Trust is implemented as soon as practicable.

‘(2) However, if the administrator considers that implementing a decision of the committee would not be in the best interests of the National Trust, the administrator must refer the matter to the Minister for decision.

‘(3) The referral must be made within 21 days after the administrator becomes aware of the committee’s decision.

‘28G Decision by Minister on referral by administrator

‘(1) If a matter is referred to the Minister by the administrator under section 36(2), the Minister’s decision on the matter is taken to be the decision of the committee.

‘(2) The administrator must ensure the Minister’s decision is implemented as soon as practicable.

‘28H Council and executive committee after administration

‘(1) The Minister must ensure the council is constituted under section 8 effective from the day the administrator ceases to hold office because the administration ends.

‘(2) Within 7 days after the day mentioned in subsection (1), the council must hold a meeting.

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‘(3) Section 13 applies to the meeting as if it were the first meeting of the
council held after an annual general meeting of the National Trust.

‘PART 4—MISCELLANEOUS PROVISIONS’. 3

Clause 19 Replacement of s 30 (Regulation making power) 4

Section 30— 5

omit, insert— 6

‘30 Regulation-making power 7

‘(1) The Governor in Council may make regulations under this Act. 8

‘(2) Without limiting subsection (1), a regulation may be made about— 9

(a) the membership of a branch of the National Trust; and 10

(b) the functions and powers of the National Trust that may be
performed and exercised by the branch. 11
12

**‘31 Validation of actions of National Trust, council and executive
committee** 13
14

‘(1) This section applies to the actions mentioned in subsection (3)
that— 15
16

(a) were purportedly taken under this Act by or for the National
Trust, council or executive committee; and 17
18

(b) were taken after the purported annual general meeting of the
National Trust held on 27 September 2000 and before the
commencement of this section. 19
20
21

‘(2) The actions are declared to have been validly taken. 22

‘(3) For subsection (1), the actions are as follows— 23

(a) things done for or at, and decisions made at, meetings; 24

(b) elections and appointments of councillors and members of the
executive committee; 25
26

(c) adoption of budgets and financial statements. 27

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**‘32 Transitional provision for the National Trust of Queensland and
Other Legislation Amendment Act 2001** 1
2

The National Trust mentioned in section 3 immediately after the
commencement is a continuation of the National Trust mentioned in
section 3 immediately before the commencement.’. 3
4
5

Clause 20 Renumbering of ss 26E–32 6

Sections 26E to 32— 7

renumber as sections 27 to 42. 8

**PART 3—AMENDMENT OF RECREATION AREAS
MANAGEMENT ACT 1988** 9
10

Clause 21 Act amended in pt 3 11

This part amends the *Recreation Areas Management Act 1988*. 12

Clause 22 Amendment of s 57 (By-laws) 13

Section 57(3)(a), ‘20’— 14

omit, insert— 15

‘40’. 16