

Queensland



**INDY CAR GRAND PRIX AND
OTHER LEGISLATION
AMENDMENT ACT 2003**

Act No. 11 of 2003

Queensland



INDY CAR GRAND PRIX AND OTHER LEGISLATION AMENDMENT ACT 2003

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Queensland



**Indy Car Grand Prix and Other Legislation
Amendment Act 2003**

Act No. 11 of 2003

**An Act to amend the *Indy Car Grand Prix Act 1990*, and for other
purposes**

[Assented to 9 April 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Indy Car Grand Prix and Other Legislation Amendment Act 2003*.

2 Commencement

(1) Part 3 commences on assent.

(2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF INDY CAR GRAND PRIX ACT 1990

3 Act amended in pt 2

This part amends the *Indy Car Grand Prix Act 1990*.

4 Amendment of title

Title, from ‘Indy’—

omit, insert—

‘an annual motoring racing event on the Gold Coast’.

5 Replacement of s 1 (Short title)

Section 1—

omit, insert—

‘1 Short title

This Act may be cited as the *Gold Coast Motor Racing Events Act 1990*.’.

6 Amendment of s 2 (Definitions)

(1) Section 2, ‘In this Act—’—

omit, insert—

‘The dictionary in the schedule defines particular words used in this Act.’.

(2) Section 2, definitions “CART”, “grand prix insignia”, “official grand prix insignia” and “road”—

omit.

(3) Section 2—

insert—

‘ **“approved entrance”** means an entrance to the declared area approved by the promoter.

“approved exit” means an exit from the declared area approved by the promoter.

“authorised person” means a person appointed under section 16.

“emergency vehicle” includes the following—

- (a) an ambulance;
- (b) a fire engine;
- (c) a police vehicle;
- (d) another vehicle, including a tow truck, helicopter or mobile crane, authorised by the promoter to be used as an emergency vehicle.

“motor racing circuit” means the part of the declared area on which a motor racing event takes place.

“motor racing event” see section 4.

“motor racing insignia” means an expression, whether used in full or in abbreviated form, or in combination with other words or symbols, that can reasonably be taken to refer to a motor racing event.

“occupant”, of the declared area, means a person whose place of business, employment or residence is in the declared area.

“occupant’s pass” see section 28.

“official motor racing insignia” means the logo, an official symbol, an official title or any motor racing insignia for a particular motor racing event.

“permitted entrant”, of the declared area, means—

- (a) a person who is admitted to the declared area—
 - (i) on the production of a ticket or the payment of an entry fee; or
 - (ii) under an authority issued by the promoter; or
- (b) the promoter or an agent or employee of the promoter; or
- (c) the holder of an occupant’s pass.

“permitted person” means the promoter or a person who is authorised in writing by the promoter to enter and remain in a restricted area.

“reserved area” means an area set aside under section 31.

“reserved block of seats” means a block of seats set aside under section 31.

“reserved seat” means a seat set aside under section 31.

“reserved ticket” see section 31.

“restricted area” means an area designated by signs under section 23.

“road” see the *Transport Operations (Road Use Management) Act 1995*, schedule 4, dictionary, definition “road”.

“ticket” means a pass or other document issued by the promoter under section 29 but does not include an occupant’s pass.’.

(4) Section 2, definitions, as amended—

relocate to the schedule as inserted by this Act.

7 Amendment of s 3 (Goods taken to be marked with official grand prix insignia)

(1) Section 3, heading, ‘grand prix’—

omit, insert—

‘motor racing’.

(2) Section 3, ‘grand prix’—

omit, insert—

‘motor racing’.

8 Replacement of s 4 (Meaning of “motor racing event”)

Section 4—

omit, insert—

‘4 Meaning of “motor racing event”

‘A **“motor racing event”** is a motor car race that takes place in a declared area during a declared period and includes the following held in conjunction or associated with the race—

- (a) practice and qualifying sessions;
- (b) parades and demonstrations;
- (c) other motor race and practice sessions;
- (d) other activities, events and promotions, whether or not involving motor racing.’.

9 Amendment of s 5 (Expiry of Act)

Section 5, ‘2003’—

omit insert—

‘2010’.

10 Amendment of s 12 (Certain Acts and laws not to apply)

(1) Section 12(1), ‘*Noise Abatement Act 1978*’—

omit, insert—

‘*Environmental Protection Act 1994*’.

(2) Section 12(4), ‘*Building Act 1975* and the *Beach Protection Act 1968*’—

omit, insert—

‘Building Act 1975, the Beach Protection Act 1968, the Coastal Protection and Management Act 1995 and the Integrated Planning Act 1997’.

11 Amendment of s 14 (Power to remove vehicles left unattended within declared area)

(1) Section 14(1)(b)—

omit, insert—

‘(b) the period, immediately before and after the declared period, declared by the Minister by gazette notice for constructing and dismantling works required for the motor racing event;’.

(2) Section 14—

insert—

‘(1A) Details of the period, declared by the Minister under subsection (1)(b), and the effect of the declaration, must be published—

(a) in a newspaper circulating in the declared area; and

(b) in a newspaper circulating generally in the State.’.

(3) Section 14(10), *‘Transport Infrastructure (Roads) Act 1991’—*

omit, insert—

‘Transport Operations (Road Use Management) Act 1995’.

12 Omission of s 23 (Limited rights of medical and paramedical practitioners)

Section 23—

omit.

13 Amendment of ss 16–24

Sections 16 to 24—

renumber as sections 43 to 51.

14 Amendment of pt 3 (Miscellaneous)

Part 3, heading—
renumber as part 7.

15 Insertion of new pts 3–6

After section 15—
insert—

‘PART 3—AUTHORISED PERSONS**‘16 Appointment and qualifications**

‘(1) The promoter may appoint any number of persons, including police officers, as authorised persons.

‘(2) However, the promoter may appoint a person as an authorised person only if the promoter is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.

‘(3) For the *Police Powers and Responsibilities Act 2000*,¹ an authorised person is a public official.

‘17 Appointment conditions and limit on powers

‘(1) An authorised person holds office on the conditions stated in—

- (a) the authorised persons’s instrument of appointment; or
- (b) a signed notice given to the authorised person; or
- (c) a regulation.

‘(2) The instrument of appointment, a signed notice given to the authorised person or a regulation may limit the authorised person’s powers under this Act.

‘(3) Subsections (1) and (2) do not affect the powers of a police officer under the *Police Powers and Responsibilities Act 2000* or any other law of the State.

¹ See the *Police Powers and Responsibilities Act 2000*, sections 11 to 13.

‘(4) In this section—

“**signed notice**” means a notice signed by the promoter.

‘18 Issue of identity card

‘(1) The promoter must issue an identity card to each authorised person.

‘(2) The identity card must—

- (a) contain a recent photo of the authorised person; and
- (b) contain a copy of the authorised person’s signature; and
- (c) identify the person as an authorised person under this Act; and
- (d) state the expiry date for the card.

‘(3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

‘19 Production or display of identity card

‘(1) In exercising a power under this Act in relation to another person, an authorised person must—

- (a) produce the authorised person’s identity card for the other person’s inspection before exercising the power; or
- (b) have the identity card displayed so it is clearly visible to the other person when exercising the power.

‘(2) However, if it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person’s inspection at the first reasonable opportunity.

‘20 When authorised person ceases to hold office

‘(1) An authorised person ceases to hold office if any of the following happens—

- (a) the term of office stated as a condition of office ends;
- (b) under another condition of office, the authorised person ceases to hold office;
- (c) the authorised person’s resignation under section 21 takes effect.

‘(2) Subsection (1) does not limit the ways an authorised person may cease to hold office.

‘(3) In this section—

“**condition of office**” means a condition on which the authorised person holds office.

‘21 Resignation

‘An authorised person may resign by signed notice given to the promoter.

‘22 Return of identity card

‘A person who ceases to be an authorised person must return the person’s identity card to the promoter within 21 days after ceasing to be an authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

‘PART 4—ACCESS TO DECLARED AREA

‘23 Restricted areas

‘(1) The promoter may, within the declared area, place signs marked ‘restricted area’ to designate a restricted area.

‘(2) A person, other than a permitted person, must not enter or remain in a restricted area during the declared period.

Maximum penalty for subsection (2)—20 penalty units.

‘24 Permitted entrants

‘(1) A person, other than a permitted entrant, must not enter or remain in the declared area during the declared period.

Maximum penalty—20 penalty units.

‘(2) A permitted entrant must not—

- (a) enter the declared area other than through an approved entrance;
or
- (b) leave the declared area other than through an approved exit.

Maximum penalty—20 penalty units.

‘(3) Subsection (1) does not apply to a person authorised, under another Act, to enter the declared area.

Examples for subsection (3)—

A police officer, a health or liquor licensing inspector, a fire service officer or an ambulance officer

‘25 Exclusion of persons removed

‘(1) A person, other than the holder of an occupant’s pass, who is removed from the area under section 39 or another Act, must not again enter or attempt to enter the area on the day the person is removed.

Maximum penalty—20 penalty units.

‘(2) The holder of an occupant’s pass, who is removed from the area under section 39 or another Act, must not again enter or attempt to enter the area between 10 a.m. and 5 p.m. on the day the holder is removed.

Maximum penalty—20 penalty units.

‘26 Access to motor racing circuit

‘(1) A person, other than the holder of an occupant’s pass, must not enter the motor racing circuit during the declared period unless the person is—

- (a) the driver of a racing car; or
- (b) the driver of, or a person authorised by the promoter to be a passenger in—
 - (i) a vehicle used to service, load or carry a racing car; or
 - (ii) an emergency vehicle; or
 - (iii) a vehicle authorised by the promoter to enter the motor racing circuit; or
- (c) a person authorised by the promoter to enter the motor racing circuit.

Maximum penalty—20 penalty units.

‘(2) The holder of an occupant’s pass must not enter the motor racing circuit—

- (a) if a motor racing event is taking place; or
- (b) if a motor racing event is not taking place but the promoter has reasonably closed off the motor racing circuit.

Maximum penalty—20 penalty units.

‘27 Vehicles and vessels

‘(1) A person must not drive or bring a vehicle or vessel into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘(2) Subsection (1) does not apply to a person authorised, under another Act, to be in the declared area during the declared period.

Examples for subsection (2)—

A police officer, a health or liquor licensing inspector, a fire service officer or an ambulance officer

‘28 Occupant’s pass

‘(1) An occupant of the declared area may apply to the promoter for a pass entitling the occupant to enter and remain in the declared area during the declared period (an “**occupant’s pass**”).

‘(2) The application must be in writing in the form approved by the promoter.

‘(3) The promoter must grant the application if the promoter is satisfied the applicant requires access to the declared area during the declared period—

- (a) for the ordinary use and enjoyment of the applicant’s place of residence or business; or
- (b) to enable the applicant to travel to or from the applicant’s place of residence or business; or
- (c) to enable the applicant to travel to or from the applicant’s place of employment to engage in employment.

‘(4) An occupant’s pass may be issued subject to conditions, including a condition limiting the period or periods for which the pass is valid to the days and times stated on the pass.

‘29 Entry by ticket

‘(1) The promoter may issue a ticket and charge a fee for entry into the declared area during the declared period.

‘(2) A ticket entitles the holder to enter the declared area during the declared period on the days and at the times stated on the ticket.

‘30 Dealing with occupant’s pass or ticket

‘(1) An occupant’s pass or a ticket is not transferable.

‘(2) The holder of an occupant’s pass or a ticket must not—

- (a) lend or give the pass or ticket to another person; or
- (b) offer or attempt to sell the pass or ticket; or
- (c) sell the pass or ticket.

Maximum penalty—20 penalty units.

‘(3) A person must not sell or attempt to sell a document that is an imitation of, or could be taken to be, an occupant’s pass or ticket.

Maximum penalty—20 penalty units.

‘31 Reserved areas, seats and blocks of seats

‘(1) The promoter may, within the declared area, set aside areas, seats and blocks of seats as reserved areas, reserved seats and reserved blocks of seats.

‘(2) The promoter may issue a ticket (a “**reserved ticket**”) entitling the holder of the reserved ticket to—

- (a) enter and remain in a reserved area; or
- (b) occupy a reserved seat; or
- (c) occupy a seat in a reserved block of seats.

‘(3) Reserved areas, seats and blocks of seats must be clearly marked to distinguish them from other areas, seats and blocks of seats.

‘(4) A person who is not the holder of a reserved ticket must not—

- (a) enter or remain in a reserved area; or
- (b) occupy a reserved seat.

Maximum penalty for subsection (4)—20 penalty units.

‘PART 5—CONDUCT IN DECLARED AREA

‘32 Sign about prohibited activities and items

‘(1) Before a declared period begins, the promoter must erect a sign outside each approved entrance warning persons entering the declared area about—

- (a) the activities that, under this part, may not take place in the declared area during the declared period; and
- (b) the items that, under section 39, may be confiscated if taken into the declared area during the declared period.

‘(2) For the purposes of this part, if a sign warning about an activity or item mentioned in subsection (1) is not erected outside an approved entrance that a person uses to enter the declared area, it is taken that the person has the consent of the promoter to carry out the activity in, or take the items into, the declared area during the declared period.

‘33 No placing posters etc. on structures

‘(1) A person must not place a placard, poster, advertisement or other thing on a building, fence or other structure in the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘(2) In subsection (1)—

“place” includes paste, stick, nail or, in any other way, position.

‘34 No distribution of printed matter

‘A person must not distribute printed matter in the declared area between 7 a.m. and 7 p.m. on any day during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘35 No erection of structures

‘(1) Subsection (2) applies—

- (a) during the declared period; and
- (b) during the period, immediately before the declared period, declared by the Minister under section 14(1)(b).

‘(2) A person must not, without the consent of the promoter—

- (a) erect, in the declared area, a structure that could be used to view the motor racing event; or
- (b) bring into the declared area material that could be used to erect a structure mentioned in paragraph (a).

Maximum penalty—70 penalty units.

‘36 No animals and birds

‘(1) A person must not bring an animal or bird into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘(2) Subsection (1)—

- (a) does not apply to the holder of an occupant’s pass whose place of residence is in the declared area; and
- (b) does not prevent a blind or deaf person being accompanied by a guide dog.

‘37 No alcoholic beverages

‘(1) A person must not bring an alcoholic beverage into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘(2) Subsection (1) does not apply to—

- (a) the holder of a licence under the *Liquor Act 1992* authorising the sale of alcoholic beverages from premises in the declared area during the declared period; or
- (b) an employee or agent of the licence holder mentioned in paragraph (a), acting in the ordinary course of the employee or agent’s employment; or
- (c) an occupant of the declared area who brings an alcoholic beverage into the declared area for consumption in the occupant’s place of residence.

‘(3) A person must not supply or consume an alcoholic beverage in the declared area during the declared period other than—

- (a) in premises from which the sale of alcoholic beverages is authorised under a licence under the *Liquor Act 1992*; or
- (b) in a residence; or
- (c) in a part of the declared area designated as a refreshment area by all the signs required under subsection (4).

Maximum penalty for subsection (3)—20 penalty units.

‘(4) For subsection (3)(c), the promoter must—

- (a) place signs marked ‘refreshment area’ to designate a refreshment area; and
- (b) within a refreshment area and at every exit from a refreshment area, place signs marked ‘no alcoholic beverage is to be removed from this area or consumed outside this area’.

‘38 No prohibited objects

‘(1) The object of this section is to empower the promoter to ensure the safety of persons and property within the declared area by stopping anything being brought into the area that might, or might be used to, endanger persons or property.

‘(2) Without limiting section 36 or 37, the promoter may, on the sign erected under section 32, state that a person may not bring into the declared

area during the declared period an item stated on the sign (a “**prohibited object**”).

‘(3) A person must not bring a prohibited object into the declared area during the declared period without the consent of the promoter.

Maximum penalty—20 penalty units.

‘PART 6—POWERS OF AUTHORISED PERSONS

‘39 Powers of authorised persons

‘(1) An authorised person may, during a declared period—

- (a) prevent another person—
 - (i) from entering the declared area if the other person is not a permitted entrant; or
 - (ii) from entering the declared area other than through an approved entrance; or
 - (iii) from leaving the declared area other than through an approved exit; or
 - (iv) from entering a restricted area if the other person is not a permitted person; or
- (b) require—
 - (i) a person entering the declared area to produce for inspection by the authorised person any container the person intends taking into the declared area; or
 - (ii) a person in the declared area to produce evidence satisfactory to the authorised person that the person is a permitted entrant; or
 - (iii) the following persons to state their full name and address and to produce evidence satisfactory to the authorised person of the correctness of the name and address—
 - (A) a person found committing an offence against this Act;

- (B) a person the authorised person reasonably suspects has committed an offence against this Act; or
- (c) remove—
 - (i) from the declared area a person—
 - (A) who has entered the area in contravention of section 24; or
 - (B) who fails to produce evidence satisfactory to the authorised person that the person is a permitted entrant; or
 - (C) who the authorised person finds committing an offence against this Act; or
 - (D) who the authorised person reasonably suspects has, on that day, committed an offence against this Act; or
 - (ii) from the declared area any animal or bird brought into the area in contravention of section 36; or
 - (iii) from a restricted area any person who is not a permitted person; or
 - (iv) from a reserved area, a reserved seat or a seat in a reserved block of seats, a person who does not hold a reserved ticket; or
- (d) remove and confiscate anything placed on a structure in contravention of section 33; or
- (e) confiscate—
 - (i) a document that is an imitation of, or could be taken to be, an occupant's pass or ticket; or
 - (ii) any printed matter distributed in the declared area in contravention of section 34; or
 - (iii) any material that could be used to erect a structure, brought into the declared area in contravention of section 35; or
 - (iv) any alcoholic beverage found in the possession of a person entering the declared area if bringing the beverage into the declared area would be in contravention of section 37(1); or
 - (v) any alcoholic beverage found in the possession of a person in a part of the declared area where the supply or

consumption of alcoholic beverages is not permitted under section 37(3); or

(vi) any prohibited object brought into the declared area in contravention of section 38; or

(f) dismantle any structure erected in the declared area in contravention of section 35.

‘(2) If an authorised person confiscates an item, the authorised person must give the person from whom the item was confiscated, a voucher to enable the person to apply to the promoter for return of the item.

‘(3) If a voucher is not given to a person from whom an item is confiscated, the confiscation is invalid.

‘40 Use of reasonable force

‘An authorised person may use the force that is reasonably necessary to perform the authorised person’s functions or to exercise the authorised person’s powers under this Act.’

16 Insertion of new ss 41 and 42

Part 7, as renumbered—

insert—

‘41 Offences relating to authorised persons

‘(1) A person must not obstruct an authorised person in the performance of the authorised person’s functions or the exercise of the authorised person’s powers under this Act.

Maximum penalty—20 penalty units.

‘(2) A person must not pretend to be an authorised person.

Maximum penalty—20 penalty units.

‘(3) In subsection (1)—

“**obstruct**” includes hinder, resist and attempt to obstruct.

‘42 Return of confiscated items

‘(1) Within 3 months after the end of the declared period, a person from whom an item was confiscated under section 39 may apply to the promoter for the return of the item.

‘(2) The person must—

- (a) present to the promoter the voucher given under section 39; and
- (b) give the person’s name and address; and
- (c) on receipt of the item, sign an acknowledgement of receipt.

‘(3) If a confiscated item is not claimed within 3 months after the end of the declared period, the promoter may dispose of the item and, if the disposal is by sale, retain the proceeds of the sale.’.

17 Amendment of s 45 (Promoter’s special property in official grand prix insignia)

(1) Section 45, as renumbered, heading, ‘**grand prix**’—

omit, insert—

‘**motor racing**’.

(2) Section 45(1), (2)(a) and (b) and (3), as renumbered, ‘grand prix’—

omit insert—

‘motor racing’.

18 Amendment of s 46 (Seizure and forfeiture of goods)

(1) Section 46(1)(a), as renumbered, ‘grand prix’—

omit, insert—

‘motor racing’.

(2) Section 46(2)(a), as renumbered, ‘18’—

omit, insert—

‘45’.

19 Replacement of s 51 (Regulation-making power)

Section 51, as renumbered—

omit, insert—

‘51 Regulation-making power

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

‘(2) A regulation may provide for any 1 or more of the following—

- (a) access to the declared area and conditions about the access;
- (b) the behaviour of persons in the declared area;
- (c) fees payable under this Act, including fees for entry to the declared area or part of the declared area;
- (d) a maximum penalty of 20 penalty units for a contravention of the regulation.’.

20 Replacement of schedule (Subject matters for regulations)

Schedule—

omit, insert—

‘SCHEDULE

‘DICTIONARY

section 2’.

PART 3—AMENDMENT OF OTHER ACTS

21 Other Acts

The schedule amends the Acts it mentions.

SCHEDULE**OTHER AMENDMENTS**

section 21

MT GRAVATT SHOWGROUNDS ACT 1988**1 Preamble—***omit.***2 Section 4, definition “showgrounds”, ‘schedule 3’ to ‘use as road’—***omit, insert—*

‘the schedule’.

3 Section 18, ‘Upon’ to ‘road shall be’—*omit, insert—*

‘The land described in the schedule is’.

4 Section 28, heading—*omit, insert—***‘28 Regulation-making power’.****5 Schedules 1 to 3—***omit, insert—*

SCHEDULE (continued)

‘SCHEDULE**‘TRUST LAND**

sections 4 and 18

- ‘1. Lot 1 on RP 140827, situated in the County of Stanley, Parish of Bulimba, City of Brisbane, and containing an area of 5.252 ha
2. Lot 2 on RP 140827, situated in the County of Stanley, Parish of Bulimba, City of Brisbane, and containing an area of 5.792 ha’.

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

- 1 Section 1, heading, ‘and commencement’—

omit.

- 2 Section 1(2)—

omit.

SCHEDULE (continued)

3 Section 21, heading—

omit, insert—

‘21 Regulation-making power’.

4 Part 5, heading—

omit.