



Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

Reprinted as in force on 12 April 1996

Reprint No. 1*

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 12 April 1996. The reprint incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- reorder provisions consistent with current drafting practice (s 30A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- omit the enacting words (s 42A)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. A table of reprints is included in the endnotes.

See endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints, including table of changed names and titles.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).



Queensland

Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

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Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981

[reprinted as in force on 12 April 1996]

An Act to amend the *Schools of Arts (Winding Up and Transfer) Act 1960* in certain particulars and for other purposes

1 Short title

This Act may be cited as the *Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981*.

4 Ratification of certain takeovers of schools of arts or libraries

Where before the passing of this Act a local authority has taken over a school of arts or library otherwise than in accordance with the law in force at the material time applicable to such a taking over—

- (a) such taking over shall be deemed to be and to have been at all material times lawful and effectual in law to vest in or place under the control of the local authority all property that at the time of such taking over was being applied to the purposes of such School of Arts or library to the same extent and with the same consequences as if the taking over had been by way of an order in council made under the *Schools of Arts (Winding Up and Transfer) Act 1960*, section 7(3); and
- (b) every exercise in good faith by a local authority, in relation to property vested in it by virtue of such a taking over, of any right that is or was at the material time incidental in the ownership of such property, save an exercise that contravened any provision relevant to such property of the *Land Act 1962*, part 11 or that Act as

[s 5]

amended at the time of such exercise or any other enactment that at the time of the exercise regulated the use of land granted in trust or reserved and set apart for a public purpose, shall be deemed to be or, as the case may be, to have been at all times a lawful exercise of such right; and

- (c) it shall be deemed that the trustees of property vested in a local authority by virtue of such a taking over have not committed any breach of the trusts upon and subject to which such property was vested in or held by them by reason of their procuring, aiding or permitting such taking over or exercise of such right; and
- (d) it is not competent to any person to bring legal proceedings claiming any remedy or relief on account of any act, matter or thing deemed to be lawful or not to be a breach of trust by virtue of paragraphs (a) to (c); and
- (e) the local authority is required to apply and authorised to dispose of land and other property vested in it or under its control by virtue of such a taking over as if the land or other property had vested in it or come under its control as a result of an order in council made under the *Schools of Arts (Winding Up and Transfer) Act 1960*, section 7(3).

5 Ratification of current or past usage of property

Where at the passing of this Act property that, according to law, should be applied to the purposes of a school of arts or library is being applied by a local authority to any other purpose, being a function of local government, or where before the passing of this Act any such property has been so applied by a local authority to such another purpose—

- (a) it shall be deemed that the local authority has not thereby committed any breach of the duty imposed on it in respect of the use to be made of such property; and
- (b) it is not competent to any person to bring legal proceedings claiming any remedy or relief on account of any such application of such property.

6 Recording vesting of property

Where property that by virtue of section 4 is deemed to be vested in a local authority is such that title to it is recorded in any register kept pursuant to law then, if it is not practicable to acquire title thereto, by transfer or otherwise, from the trustees who previously held the same, a request in writing may be made by or on behalf of the local authority to the registrar of titles, or other person charged with the function of keeping the registers of title to such property to record the vesting of such property in the local authority as prescribed by this Act and the registrar or other person to whom the request is made, upon being satisfied—

- (a) that the property specified in the request is to be deemed to have vested in the local authority; and
- (b) that the trustees aforesaid do not exist at the time of making the request or that they or any of them are or is then not readily available;

shall make such entries and endorsements in the appropriate register book and in the relevant document of title, if it is produced to the registrar, and do such acts and things as the registrar thinks necessary or desirable to give full effect to the objects and purposes of section 4.

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). However, no amendments have commenced operation on or before that day. Future amendments of the Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	13 November 1981	12 April 1996

5 List of legislation

Schools of Arts (Winding Up and Transfer) Act Amendment Act 1981 No. 85

date of assent 13 November 1981

commenced on date of assent

6 List of annotations

Short title

prov hdg amd R1 (see RA s 7(1)(k))

s 1 amd R1 (see RA ss 5(d), 7(1)(k))

Amendment of s. 7

s 2 om R1 (see RA s 40)

Further amendment of s. 7

s 3 om R1 (see RA s 40)

7 Table of changed names and titles

under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
registrar (of dealings)	registrar (of titles)	Land Title Act 1994 s 208

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