

Queensland



NATIONAL TRUST OF QUEENSLAND ACT 1963

**Reprinted as in force on 2 January 2002
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Warning—see last endnote for uncommenced amendments

Reprint No. 2D

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Information about this reprint

This Act is reprinted as at 2 January 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

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 earlier reprints.**

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NATIONAL TRUST OF QUEENSLAND ACT 1963

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NATIONAL TRUST OF QUEENSLAND ACT 1963

[as amended by all amendments that commenced on or before 2 January 2002]

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

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *National Trust of Queensland Act 1963*.

2 Definitions

In this Act—

“**administrator**” see section 29(2).

“**council**” means the Council of the National Trust constituted under this Act.

“**councillor**” means a member of the council.

“**executive committee**” means the executive committee of the council constituted under this Act.

“**National Trust**” means the National Trust of Queensland constituted and incorporated by this Act.

“**rule**” means a rule made under section 18.

PART 2—THE NATIONAL TRUST

3 Establishment of National Trust

The National Trust of Queensland is established.

3A Legal status of National Trust

The National Trust—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

3B National Trust's powers

(1) The National Trust has all the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint and act through agents and attorneys; and
- (d) employ staff and engage consultants; and
- (e) do anything else necessary or convenient to be done for, or in connection with, its functions.

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

4 Membership of the National Trust

The National Trust shall consist of—

- (a) the persons and bodies corporate who are for the time being, members of the National Trust in accordance with the rules; and
- (b) the persons for the time being holding office as councillors of the National Trust.

5 Objects of the National Trust

The National Trust is constituted for the purposes of promoting—

- (a) the preservation and maintenance for the benefit of the public generally of lands, buildings, furniture, pictures and other chattels of beauty or of national, historic, scientific, artistic, or architectural interest;
- (aa) where the state of any building referred to in paragraph (a) is such that it does not express the original design or intention for that building—the restoration or completion of that building to the extent of or to a lesser extent than the original design or intention so as to be consistent and in harmony with the original design or intention having regard to its architectural style;
- (b) the protection and augmentation of the amenities of such lands, buildings and chattels and their surroundings;
- (c) the access to and enjoyment of such lands, buildings and chattels by the public.

6 The council

(1) There shall be a council of the National Trust which shall, subject to this Act, have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the council or the National Trust by or under this or any other Act.

(2) Subject to the provisions of this Act, the council shall administer, manage and conduct the affairs of the National Trust and the business and management thereof, and may do and perform all acts and things that are necessary or convenient for giving effect to the objects of the National Trust set out in section 5.

(3) The council's exercise of its powers and functions—

- (a) in the City of Brisbane—is subject to the *City of Brisbane Act 1924* and the *Integrated Planning Act 1997*; and
- (b) anywhere else in Queensland—is subject to the *Local Government Act 1993* and the *Integrated Planning Act 1997*.

8 Constitution of subsequent councils

(1) The council shall be constituted in accordance with this section and shall consist of not more than 25 councillors.

(2) Ten councillors (the “**elected councillors**”) shall be elected, in accordance with the rules, from amongst the members of the National Trust.

(2A) The elected councillors shall hold office for a period of 2 years, save that, at the end of 1 year following upon the constitution of the council pursuant to this section, 5 elected councillors shall retire and 5 other councillors shall be elected in their place.

(2B) Thereafter, 5 elected councillors shall retire each year.

(2C) The elected councillors to retire at the end of each year shall be determined by the executive committee and the retirement shall be determined so that the elected councillors retire in rotation.

(2D) Retiring elected councillors shall, unless otherwise disqualified, be eligible for re-election.

(3) The remaining members of the council (the “**appointed councillors**”) shall be appointed to the council in accordance with the by-laws.

(3A) One appointed councillor may be so appointed by each of the following bodies, associations or persons, that is to say—

- (a) the Royal Historical Society of Queensland;
- (b) the University of Queensland;
- (c) the Queensland Chapter of the Royal Australian Institute of Architects;
- (d) the Library Board of Queensland;
- (e) the director of the Queensland Museum;
- (f) the chief executive;
- (g) the Local Government Association of Queensland;
- (h) the Queensland Country Women’s Association;
- (i) the Queensland Art Gallery Board of Trustees;
- (j) the Returned & Services League of Australia (Queensland Branch).

(3B) The Minister may from time to time declare that an appointed councillor may be appointed by some body, association or person other than those hereinbefore mentioned, either in addition to or in substitution for any 1 or more of the bodies, associations or persons so mentioned or by way of increase in the number of councillors appointed by any of the bodies, associations or persons so mentioned.

(3C) An appointed councillor shall hold office for such term not exceeding 3 years as the body, association or person appointing the councillor may determine.

(3D) Retiring appointed councillors shall, unless otherwise disqualified be eligible for reappointment.

(4) Where a body, association or person fails to appoint a member in accordance with the by-laws, the Minister may appoint to the council a person who in the opinion of the Minister will represent the interests of that body, association or person.

(5) Where a casual vacancy occurs in the office of an elected councillor, the remaining members of the council shall appoint a person, being a member of the National Trust, to the vacant office.

(6) Where a casual vacancy occurs in the office of an appointed councillor, the body, association or person represented by the councillor whose office has become vacant may appoint a person to the vacant office.

(7) Any person appointed to the council pursuant to subsection (5) or (6) shall hold office for the residue of the person's predecessor's term of office.

9 Disqualifications

A person who—

- (a) is under the age of 18 years;
- (b) becomes bankrupt or compounds with the person's creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy;
- (c) has been convicted in Queensland of an indictable offence, or has been convicted elsewhere than in Queensland of an offence which if committed in Queensland would be an indictable offence;
- (d) is a patient (within the meaning of the *Mental Health Act 1974*);

- (e) holds any office or place of profit under the National Trust, shall not be capable of being or continuing to be a councillor.

10 Vacancies in council

A councillor shall be deemed to have vacated office if the councillor—

- (a) dies or becomes a patient (within the meaning of the *Mental Health Act 1974*);
- (b) resigns office by signed notice addressed to the president of the National Trust;
- (c) is absent, without the leave of the council, from 3 consecutive ordinary meetings of the council of which notice has been given to the councillor personally or in the ordinary course of post;
- (d) being an elected councillor, ceases to be a member of the National Trust;
- (e) becomes disqualified or ceases to be qualified under the provisions of this Act.

11 Executive committee and subcommittees

(1) There shall be an executive committee of the council which shall, in addition to any powers conferred upon it by this Act, have and may exercise and discharge such of the powers, authorities, duties and functions of the National Trust (save those powers, authorities, duties and functions referred to in sections 16, 18, 22 and 27) as are for the time being conferred and imposed upon, or delegated to it by the council.

(1A) The executive committee shall consist of the president, vice-presidents, secretary and treasurer of the National Trust, together with the councillors elected to be members of the executive committee under section 13.

(1B) The council may add to the executive committee for such length of time and with such powers of voting or otherwise as the council thinks fit any member of the National Trust or other person whose assistance the council considers conducive to the furtherance of the objects of the National Trust.

(2) The council or the executive committee may appoint any committee in the case of the council, or any subcommittee in the case of the executive committee for any special purpose and may add to any such committee or

subcommittee as the case may be for such length of time and with such powers of voting or otherwise as the council or the executive committee, as the case requires, may think fit, any member of the National Trust or other person whose assistance the council or the executive committee, as the case requires, considers conducive to the furtherance of the objects of the National Trust.

12 Branches

The council may establish branches of the National Trust.

13 President, vice-presidents, secretary and treasurer

(1) At the first duly convened meeting of the council held after the annual general meeting of the National Trust, the councillors shall, in accordance with the rules, elect—

- (a) from amongst the elected councillors a president, such number (not exceeding 4) of vice-presidents as may be specified in the rules, a secretary and a treasurer of the National Trust;
- (b) from amongst any of the councillors, such number of councillors (**“elected members of the executive committee”**) to be members of the executive committee as may be specified by the rules.

(1A) The persons elected under subsection (1) shall, subject to continuing to be respectively members of the council, hold office until the election of their respective successors at the corresponding meeting of the council in the next ensuing year.

(2) The council may appoint such officers and servants of the National Trust as the council may from time to time deem necessary or desirable and (subject to any law, award or determination relating thereto) may fix their salaries and wages and conditions of employment and may determine their respective duties and the tenure of their respective offices.

(2A) The council may elect a patron and any number of vice-patrons but the persons so elected shall not by reason of such election be members of the council.

(2B) The council may appoint from amongst its members such honorary officers of the National Trust as it may, from time to time, think fit, and may determine any such appointment at any time.

(3) Where a casual vacancy occurs in the office of the president, a vice-president, the secretary or the treasurer, the councillors shall, in accordance with the rules, elect from amongst the remaining elected councillors a successor to fill the vacant office and such successor shall hold office for the residue of the councillor's predecessor's term of office.

(3A) In subsection (3)—

“elected councillor” includes a person appointed under section 8(5) to the vacant office of an elected councillor.

(3B) Where a casual vacancy occurs in the office of any elected member of the executive committee the councillors shall, in accordance with the rules, elect from amongst any of the remaining councillors a successor to fill the vacant office and such successor shall hold office for the residue of the councillor's predecessor's term of office.

(4) At every meeting of the council and the executive committee at which the president is present the president or in the president's absence such other councillor as the rules may prescribe shall preside.

(4A) The president or other councillor presiding at any meeting of the council or executive committee shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(5) A decision of the majority of the councillors present at any meeting of the council at which there is a quorum shall be a decision of the council.

(6) A decision of the majority of the members of the executive committee present at any meeting of the executive committee at which there is a quorum, as determined by the rules from time to time, shall be a decision of the executive committee.

15 Common seal

(1) The council shall have the custody of the common seal of the National Trust and the form of such seal and all other matters relating thereto shall, subject as hereinafter provided in this section be from time to time determined at a duly constituted meeting of the council.

(2) The common seal of the National Trust shall not be used except upon the order of the council or, where authority to use the common seal has been delegated by the council to the executive committee upon the order of the executive committee.

(3) Any instrument or document which if made between private persons would be by law required to be in writing under seal may be made on

behalf of the National Trust in writing under the common seal of the National Trust.

(3A) Every instrument or document to which the common seal is affixed shall be signed by 2 councillors and either the secretary of the National Trust or such other person as the council may appoint.

(3B) Any other instrument or document made by or proceeding from the National Trust shall be deemed to be duly executed if signed by 2 councillors and either the secretary of the National Trust or such other person as the council may appoint.

(4) All courts, judges, justices, and persons acting judicially shall take judicial notice of the common seal of the National Trust affixed to any instrument or other document and shall presume that it was duly affixed.

(5) It shall not be necessary in any legal proceeding to prove that the persons signing any instrument or other document referred to in subsection (3A) or (3B) were authorised to sign and such authority shall be presumed until the contrary is proved.

16 By-laws

(1) The council may make by-laws under this Act.

(2) A by-law must be approved by the Governor in Council.

(3) By-laws may be made for—

- (a) the care, control and management of lands, buildings, furniture, pictures and other chattels referred to in section 5 and acquired by or under the control of the National Trust;
- (b) the regulation of the use and enjoyment of such lands, buildings, furniture, pictures and other chattels;
- (c) the securing of decency and order upon such lands and buildings;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience upon or in such lands and buildings;
- (e) the regulation or prevention of the taking of intoxicating liquor onto or into, and the consuming thereof upon or in such lands and buildings;
- (f) the regulation and control of the taking of animals onto or into such lands and buildings, or the permitting or suffering of animals to be on or in such lands and buildings;

- (g) the regulation, control or prohibition of traffic and of parking, camping or residing on or in such lands and buildings, the making of charges for such parking, camping or residing, and the collection and receiving of such charges by the council or other persons;
- (h) the preservation or protection of, or prevention of damage to such lands, buildings, furniture, pictures and other chattels, and all trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage, and other vegetative cover on such lands or in such buildings, and the preservation or protection of any animals, birds, fish and other fauna of any nature whatsoever and whether natural or introduced on such lands;
- (i) the offering and payment of rewards to persons supplying information in relation to any unauthorised damage to such lands or buildings or in relation to any unauthorised damage or injury to any of the matters or things referred to in paragraph (h), or in relation to the unauthorised removal from such lands or buildings of any of the matters or things referred to in paragraph (h), or in relation to the commission of any offence in respect of such lands, buildings, matters or things;
- (j) the making of charges or entrance fees on persons or associations or groups of persons using or entering upon such lands and buildings, or any specified part or parts thereof, and the collection and receiving of such charges and fees by the council or other persons;
- (k) prescribing the manner of appointing persons to the council under section 8(3) and the time after the annual general meeting of the National Trust within which such persons shall be appointed to the council;

(4) The power of the council to make by-laws for or with respect to any lands shall extend to authorising the council to make by-laws applying to any lands acquired by or under the control of the National Trust and used in conjunction with any land or building referred to in section 5 and acquired by or under the control of the National Trust.

(5) The by-laws may impose a penalty not exceeding \$100 for any breach thereof and in addition to such penalty may impose a daily penalty not exceeding \$20 per day for any continuing breach thereof.

(6) Any such penalty may be recovered in a summary way under the *Justices Act 1886*, upon the complaint of any person authorised in that

behalf either generally or in a particular case by the president of the National Trust.

(7) For the purposes of this Act the signature of the president of the National Trust shall be judicially noticed.

(8) A person responsible for any unauthorised damage, injury or removal or for any offence in relation to which an amount of any reward for information is paid under this Act shall be liable, and in any case where there is more than 1 such person, they shall be jointly and severally liable, to pay to the National Trust the amount so paid.

(9) The National Trust may recover any amount outstanding that a person is liable to pay to it under subsection (8) by action as for a debt in any court of competent jurisdiction.

18 Rules

The National Trust may in general meeting make rules not inconsistent with this Act or the by-laws for or with respect to—

- (a) regulating the affairs, business and management of the National Trust; and
- (b) the method and time of convening, holding and adjourning meetings of the National Trust, the council and the executive committee; and
- (ba) the voting at such meetings (including postal and proxy voting); and
- (bb) the conduct and record of the business of the National Trust, the council and the executive committee; and
- (bc) the quorum at meetings of the National Trust, the council and the executive committee; and
- (c) the election of the president of the National Trust, such number (not exceeding 4) of vice-presidents of the National Trust as may be specified in the rules, a secretary and a treasurer of the National Trust and the elected councillors; and
- (d) the resignation of elected councillors and appointed councillors and of elected members of the executive committee; and
- (e) casual vacancies in the office of any elected member of the executive committee or in the office of president, vice-president, secretary or treasurer of the National Trust; and

- (f) regulating the admission, resignation and expulsion of members of the National Trust; and
- (g) all matters which are required or permitted by this Act to be prescribed by the rules.

18A Superannuation schemes

The National Trust may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

19 Prohibition on payment of dividends etc. from income or property of the National Trust

No dividend, bonus or other profit shall at any time be paid out of the income or property of the National Trust to any member of the National Trust.

20 Declaration that National Trust is statutory body

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

- (a) *Financial Administration and Audit Act 1977*; and
- (b) *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the powers under this Act of the National Trust are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

(3) The National Trust may keep an investment that is transferred to it otherwise than by way of purchase, even if the investment is not authorised under the *Statutory Bodies Financial Arrangements Act 1982*.

20A Power of National Trust to cooperate with other bodies

The National Trust may—

- (a) cooperate with any corporation, body or society (whether in Queensland or not), having objects wholly or substantially similar to the objects of the National Trust, for the purpose of

promoting the objects of such corporation, body or society or the objects of the National Trust; and

- (b) if it thinks fit become a member of or an affiliate of any such corporation, body or society.

22 Use of funds received

All moneys received by the National Trust on capital account shall, subject to the condition attached to any gift, be applicable in or towards the repayment of moneys borrowed, or otherwise in furthering the objects of the National Trust.

23 Sale or disposal of certain property

(1) Where the Governor in Council is satisfied by the National Trust that any property for the time being vested in it is unfit or not required for the objects of the National Trust and approves of the National Trust so doing, the National Trust may, notwithstanding the terms of any trust affecting the property or any arrangement or condition made or agreed to by it at the time of the acquisition of the property by the National Trust—

- (a) sell the property or exchange it for any other property; or
- (b) dispose of the property without consideration or in the case of personal property destroy the property if the National Trust adjudges it to be of no saleable value.

(1A) The proceeds of any sale made by the National Trust in the exercise of the power conferred on it by subsection (1)(a) shall, after deduction therefrom of the costs of and incidental to the sale, be held for the objects of the National Trust.

(2) Any property sold or disposed of by way of exchange or otherwise by the National Trust purporting to exercise any of the powers conferred on it by subsection (1) shall vest in the person acquiring the property by virtue of the sale or disposition freed and discharged from any trust, arrangement, or condition relating to any sale or disposition of the property or to the use of the property, to which the property was subject in the hands of the National Trust.

(3) No person acquiring any property from the National Trust purporting to exercise any of the powers conferred on it by subsection (1) shall be concerned to inquire whether a case has arisen to authorise the sale or other disposition of the property or whether the power was otherwise properly

and regularly exercised or to see to the application of any purchase money paid to the National Trust.

24 Power of National Trust to act as trustee

The National Trust may act as trustee of any lands, buildings, furniture, pictures and other chattels referred to in section 5, if appointed so to act by any person (including the Crown) entitled to appoint trustees thereof.

25 Power of National Trust to lend articles

The National Trust may, for the purpose of promoting the objects of any corporation, body, or society either within or outside Queensland, having objects wholly or substantially similar to the objects of the National Trust, lend any articles of the National Trust to such corporation, body or society.

26 Exemption from stamp duty and death duty

Notwithstanding the provisions of any other Act or law—

- (a) any instrument or agreement executed after the commencement of this Act whereby any property is, or is agreed to be conveyed, transferred, or leased to, or mortgaged by the National Trust shall be exempt from stamp duty;
- (b) no gift duty, probate duty, or succession duty shall be payable in respect of any property given, devised or bequeathed to the National Trust.

27 Budget

(1) Before 30 June in each year the council of the National Trust shall cause to be framed and shall adopt a budget for the following financial year in the form and manner prescribed.

(2) The estimates of receipts and disbursements shall be set out as nearly as may be separately in accordance with the several sources of receipts and disbursements and, where receipts and disbursements are for corresponding functions, they shall be set out opposite each other in the budget.

(3) Subject to the regulations, the budget shall set out the following particulars in respect of each item of receipts and disbursements—

- (a) particulars of each item;

- (b) estimates adopted for the current financial year;
 - (c) actual receipts and disbursements for the current financial year;
 - (d) estimates of receipts and disbursements for the following financial year.
- (4) The budget shall be framed so as to balance as nearly as may be.

28 Observance of budget

(1) The National Trust shall observe the budget.

(2) If at the end of any financial year there is a surplus or deficit, such surplus or deficit shall be carried forward and taken into account in framing the budget for the following financial year.

(3) If the National Trust makes a disbursement in any financial year that has not been provided for in the budget, then except where the disbursement is made in emergent or extraordinary circumstances warranting the incurring of such expenditure and with the prior approval by resolution of the council, the members of the council or the executive committee who knowingly authorised that expenditure shall be jointly and severally liable to repay to the National Trust the amount of the disbursement and such amount may be recovered by action in a court of competent jurisdiction as a debt due and owing by all and each of such members to the National Trust.

PART 3—ADMINISTRATOR

29 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.

30 Councillors go out of office

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

31 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.

32 Additional functions of administrator

The administrator has the following additional functions—

- (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;
- (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;
- (c) to give the Minister a final report on the administration.

33 Committee to help administrator

(1) The Minister may appoint a committee of persons to help the administrator perform the functions of the National Trust.

(2) A person may be appointed as a member of a committee for a stated period or for the duration of the administration.

(3) The administrator is chairperson of the committee and must preside at every meeting of the committee at which the administrator is present.

(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.

34 Fees, allowances and expenses of administrator and members of committee

(1) The administrator or a member of the committee is entitled to the fees, allowances and expenses decided by the Governor in Council.

(2) The fees, allowances and expenses are payable out of the funds of the National Trust.

(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.

35 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.

36 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.

37 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.

38 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.

(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

39 Saving of other Acts

Unless otherwise expressly provided, nothing in this Act shall in any way derogate from or otherwise affect any of the provisions of—

- (a) the *Local Government Act 1993*; and
- (b) the *Newstead House Trust Act 1939*; and
- (c) the *Forestry Act 1959*.

40 Regulation-making power

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

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

- (a) the membership of a branch of the National Trust; and
- (b) the functions and powers of the National Trust that may be performed and exercised by the branch.

41 Validation of actions of National Trust, council and executive committee

- (1) This section applies to the actions mentioned in subsection (3) that—
- (a) were purportedly taken under this Act by or for the National Trust, council or executive committee; and
 - (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.
- (2) The actions are declared to have been validly taken.
- (3) For subsection (1), the actions are as follows—
- (a) things done for or at, and decisions made at, meetings;
 - (b) elections and appointments of councillors and members of the executive committee;
 - (c) adoption of budgets and financial statements.

42 Transitional provision for the National Trust of Queensland and Other Legislation Amendment Act 2001

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.

ENDNOTES

1 Index to 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 2 January 2002. Future amendments of the National Trust of Queensland Act 1963 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	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 80 of 1990	26 October 1994
2	to Act No. 57 of 1995	21 December 1995
2A	to Act No. 54 of 1996	25 November 1997
2B	to Act No. 13 of 1998	8 July 1998
2C	to Act No. 16 of 2000	9 August 2001

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	2
Changed names and titles	1, 2
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

National Trust of Queensland Act 1963 No. 20

date of assent 9 December 1963

commenced on date of assent

as amended by—

National Trust of Queensland Act Amendment Act 1964 No. 46

date of assent 30 November 1964

commenced on date of assent

Age of Majority Act 1974 No. 57 s 8 sch

date of assent 27 September 1974

commenced 1 March 1975 (proc pubd gaz 16 November 1974 p 1083)

National Trust of Queensland Act Amendment Act 1976 No. 63

date of assent 3 November 1976

commenced on date of assent

National Trust of Queensland Act Amendment Act 1981 No. 54

date of assent 12 June 1981

ss 1–2 commenced on date of assent

remaining provisions commenced 24 October 1981 (proc pubd gaz 24 October 1981 p 852)

National Trust of Queensland Act Amendment Act 1989 No. 13

date of assent 30 March 1989

commenced on date of assent

Public Service (Administrative Arrangements) Act (No. 2) 1990 No. 80 s 3 sch 2

date of assent 14 November 1990

commenced on date of assent

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1–2, 9 sch 2

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Building and Integrated Planning Amendment Act 1998 No. 13 ss 1, 2(3), 191 sch

date of assent 23 March 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 30 March 1998 (1998 SL No. 55)

Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2

date of assent 8 June 2000

ss 1–2, 590 commenced on date of assent (see s 2(1))

remaining provisions not yet proclaimed into force (automatic commencement under AIA s 15DA(2) deferred to 8 June 2002 (2001 SL No. 46 s 2))**Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1**

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2(1))**National Trust of Queensland and Other Legislation Amendment Act 2001 No. 102 pts 1–2**

date of assent 19 December 2001

commenced on date of assent

7 List of annotations**Title** sub 2001 No. 102 s 3

PART 1—PRELIMINARY**pt hdg** ins 2001 No. 102 s 4**Definitions****prov hdg** sub 2001 No. 102 s 5(1)**s 2** amd 1995 No. 57 s 4 sch 1def “**administrator**” ins 2001 No. 102 s 5(2)def “**By-law**” om R1 (see RA s 39)def “**Minister**” sub 1990 No. 80 s 3 sch 2

om R1 (see RA s 39)

def “**rule**” ins 2001 No. 102 s 5(2)def “**Rules**” om R1 (see RA s 39)**PART 2—THE NATIONAL TRUST****pt hdg** ins 2001 No. 102 s 6**Establishment of National Trust****s 3** sub 2001 No. 102 s 6**Legal status of National Trust****s 3A** ins 2001 No. 102 s 6**National Trust’s powers****s 3B** ins 2001 No. 102 s 6**Objects of the National Trust****s 5** amd 1981 No. 54 s 3**The council****s 6** amd 1995 No. 57 s 4 sch 1; 1998 No. 13 s 191 sch**Constitution of the first Council****s 7** om R1 (see RA s 37)**Constitution of subsequent councils****s 8** amd 1990 No. 80 s 3 sch 2; 1995 No. 57 s 4 sch 1; 2001 No. 102 s 7**Disqualifications****s 9** amd 1974 No. 57 s 8 sch; 2000 No. 16 s 590 sch 1 pt 2**Vacancies in council****s 10** amd 2000 No. 16 s 590 sch 1 pt 2**Executive committee and subcommittees****s 11** amd 1981 No. 54 s 4; 2001 No. 102 s 8**Branches****s 12** sub 2001 No. 102 s 9**President, vice-presidents, secretary and treasurer****s 13** amd 1989 No. 13 s 2**Validity of acts and proceedings****s 14** om 1995 No. 57 s 4 sch 1**By-laws****s 16** amd 1989 No. 13 s 3; 1995 No. 57 s 4 sch 1

Tabling of by-laws and judicial notice

s 17 sub 1989 No. 13 s 4
om 1995 No. 57 s 4 sch 1

Superannuation schemes

s 18A ins 1989 No. 13 s 5
sub 1995 No. 36 s 9 sch 2

Declaration that National Trust is statutory body

s 20 sub 1996 No. 54 s 9 sch
amd 2001 No. 102 s 10

Power of National Trust to cooperate with other bodies

s 20A ins 1964 No. 46 s 2

Power of National Trust to accept gifts

s 21 om 2001 No. 102 s 11

Use of funds received

prov hdg sub 2001 No. 102 s 12
s 22 amd 1996 No. 54 s 9 sch

Power of National Trust to lend articles

prov hdg amd 2001 No. 102 s 13(1)
s 25 amd 2001 No. 102 s 13(2)

Exemption from stamp duty and death duty

s 26 om 2001 No. 71 s 551 sch 1

Funds

s 26A ins 1981 No. 54 s 5
om 2001 No. 102 s 14

General fund

s 26B ins 1981 No. 54 s 5
om 2001 No. 102 s 14

Specific purposes fund

s 26C ins 1981 No. 54 s
om 2001 No. 102 s 14

Trust fund

s 26D ins 1981 No. 54 s 5
om 2001 No. 102 s 14

Budget

s 27 (prev s 26E) ins 1981 No. 54 s 5
amd 2001 No. 102 s 15
renum 2001 No. 102 s 20

Observance of budget

s 28 (prev s 26F) ins 1981 No. 54 s 5
amd 2001 No. 102 s 16
renum 2001 No. 102 s 20

Treatment of ordinary expenditure, surplus and deficit

s 26G ins 1981 No. 54 s 5
om 2001 No. 102 s 17

Books and accounts

s 26H ins 1981 No. 54 s
om 2001 No. 102 s 17

Financial statements

s 26I ins 1981 No. 54 s 5
om 2001 No. 102 s 17

PART 3—ADMINISTRATOR

pt hdg ins 2001 No. 102 s 18

Appointment of administrator

s 29 amd 1976 No. 63 s 2
sub 1981 No. 54 s 6
orig s 27 om 2001 No. 102 s 17
prev s 27 ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Councillors go out of office

s 30 sub 1981 No. 54 s 7
orig s 28 om 2001 No. 102 s 17
prev s 28 ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Functions and powers of administrator

s 31 (prev s 28A) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Additional functions of administrator

s 32 (prev s 28B) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Committee to help administrator

s 33 (prev s 28C) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Fees, allowances and expenses of administrator and members of committee

s 34 (prev s 28D) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Recovery of costs of administration

s 35 (prev s 28E) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Role of committee

s 36 (prev s 28F) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Decision by Minister on referral by administrator

s 37 (prev s 28G) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

Council and executive committee after administration

s 38 (prev s 28H) ins 2001 No. 102 s 18
renum 2001 No. 102 s 20

PART 4—MISCELLANEOUS PROVISIONS

pt hdg ins 2001 No. 102 s 18

Saving of other Acts

s 39 (prev s 29) renum 2001 No. 102 s 20

Regulation-making power

prov hdg sub 1995 No. 57 s 4 sch 1
s 40 (prev s 30) ins 1981 No. 54 s 8
amd 1995 No. 57 s 4 sch 1
sub 2001 No. 102 s 19
renum 2001 No. 102 s 20

Validation of actions of National Trust, council and executive committee

s 41 (prev s 31) ins 2001 No. 102 s 19
renum 2001 No. 102 s 20

**Transitional provision for the National Trust of Queensland and Other Legislation
Amendment Act 2001**

s 42 (prev s 32) ins 2001 No. 102 s 19
renum 2001 No. 102 s 20

8 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Mental Health Act 2000 No. 16 s 590 sch 1 pt 2 reads as follows—

1 Section 9(d)—

omit.

2 Section 10(a), from ‘or becomes’ to ‘1974’—

omit.

3 Section 10—

insert—

‘(2) Also, a councillor’s office becomes vacant if the councillor is removed from office because the councillor becomes mentally or physically incapable of satisfactorily performing the councillor’s duties.

‘(3) A councillor may be removed under subsection (2) only by—

- (a) for an elected councillor—the National Trust; or
- (b) for an appointed councillor—the entity that appointed the councillor.’.

Duties Act 2001 No. 71 s 551 sch 1 reads as follows—

1 Section 26—

omit.