

HISTORICAL SOCIETY OF QUEENSLAND.

3 GEO. VI.
No. 31.
THE
NEWSTEAD
HOUSE
TRUST
ACT OF
1939.

An Act to Authorise the Creation of a Trust with Respect to a Building known as Newstead House; to Define the Powers and Duties of the said Trust, and for other purposes.

[ASSENTED TO 6TH DECEMBER, 1939.]

Preamble.

WHEREAS there exists in Brisbane a building known as Newstead House which at present is under the ownership and control of the Brisbane City Council, which said Newstead House is a building associated with the early history of Queensland:

And whereas at the present time portion of the said building is under lease to a Society called "The Historical Society of Queensland," and several historical records of the Society are stored therein:

And whereas it is desirable that the said building should be preserved as an archive for the placing therein of historical and other records of the State:

And whereas the Brisbane City Council is prepared to hand over the said building to the Historical Society of Queensland and to expend sums of money in renovating the said building before same is handed over:

And whereas owing to the national nature of the position it is considered that the said building, together with appurtenant land, instead of being handed over to the said Society should be handed over and vested in a Trust to be created in connection therewith—

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Newstead House Trust Act of 1939.*"

Commence-
ment.

(2.) This Act shall come into force on a date to be proclaimed by the Governor in Council.

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2. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively assigned to them, that is to say :—

“Brisbane City Council”—The Brisbane City Council constituted under “*The City of Brisbane Acts, 1924 to 1937*” (and any Act amending or in substitution for the same);

“Minister”—The Treasurer or other Minister of the Crown for the time being administering this Act;

“Prescribed”—Prescribed by this Act;

“Regulations”—Regulations made under this Act;

“This Act”—This Act and all Orders in Council and regulations made thereunder;

“Trust” or “Board of Trustees”—The Board of Trustees of Newstead House constituted under this Act.

3. (1.) For the government, management, and control of Newstead House as referred to in the preamble there shall be established a Board of Trustees (hereinafter in this Act referred to as “the Trust”) constituted as hereinafter provided.

(2.) The Trust shall consist of three members, who shall be appointed by Order in Council.

One of such members shall be a representative of the Government nominated in that behalf by the Minister; such member shall be chairman of the Trust.

One of such members shall be a representative of the Brisbane City Council nominated in that behalf by the Brisbane City Council.

One of such members shall be a representative of the Historical Society of Queensland nominated in that behalf by the said Society and approved by the Governor in Council.

(3.) All such members shall be appointed for such period not exceeding three years as the Governor in Council shall declare, but such members shall on being duly nominated be eligible for reappointment for a like period of three years.

Failure to
nominate.

(4.) If within twenty-eight days from a date to be fixed by the Minister (who is hereby authorised to fix such date) the Brisbane City Council or the Historical Society of Queensland fail to nominate any person for appointment to the Trust, the Governor in Council may without nomination appoint any person or persons to be a member or members of the Trust, and any person or persons so appointed shall for all purposes be and be deemed to have been duly appointed a member or members of the Trust.

Vacancies.

(5.) Any extraordinary vacancy which at any time occurs in the office of member by removal, death, resignation, disqualification, or otherwise shall be filled as soon as may be by the appointment or appointment after nomination as aforesaid, as the case may be, of another member; but any member appointed to fill any vacancy shall hold office for the balance of the period only for which his predecessor would have held office had no such vacancy occurred.

Disqualifica-
tion.

(6.) Any person who has his affairs under liquidation or is an uncertificated or undischarged bankrupt or insolvent, or has been convicted of an indictable offence or is undergoing sentence of imprisonment, or becomes an insane person shall be disqualified from being appointed or from continuing as a member of the Trust.

Vice-
chairman.

(7.) The Trust shall before proceeding to the despatch of any other business choose one of its members to be vice-chairman, and as often as the office of vice-chairman becomes vacant the Trust shall choose a member to be vice-chairman.

The vice-chairman shall cease to hold office as vice-chairman if he ceases to be a member.

Absence of
the
chairman.

(8.) In the absence of the chairman or in the event of a vacancy in the office of chairman the vice-chairman shall preside at meetings of the Board, and shall during such absence or vacancy have and exercise the duties and functions of the chairman.

(9.) Two persons shall constitute a quorum of the Trust.

Vacation of
office.

(10.) The office of member of the Trust shall be vacated—

(a) If such member is or has become disqualified under this Act; or

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(b) If such member without leave obtained from the Trust in that behalf has been absent from more than three consecutive ordinary meetings of the Trust ; or

(c) Upon death or resignation.

(11.) Any member may resign his office as a member Resignation. by notification in writing to the Minister. Notice of every such resignation shall be published in the *Gazette*.

4. The Trust shall be a body corporate under the name and style of " The Board of Trustees of Newstead House," and by that name shall have perpetual succession and an official seal, and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, and disposing of property. Trust to be a body corporate.

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

5. After the commencement of this Act all property and assets, including maps, manuscripts, charts, documents, and other papers and records being the property of the Historical Society of Queensland and situate at or within Newstead House shall without any transfer, assignment, conveyance, or notice other than this Act be divested from the said Society and shall be transferred to and vested in the Trust : Vesting of assets.

Moreover all such property and assets, together with all such property and assets which may be acquired by or devolve upon the Trust, shall be held, administered, and appropriated by the Trust under this Act.

6. The Brisbane City Council shall as soon as may be after the constitution of the Trust transfer all that piece or parcel of land situated in the County of Stanley, Parish of North Brisbane, described as Resubdivision A of Subdivision 50 of Resubdivision A of Subdivision 70 of Eastern Suburban Allotment 63 containing an area of twenty-nine perches and forty-six one-hundredths of a perch, be the same a little more or less, for an estate in fee-simple to the Trust, and the Registrar of Titles shall upon the lodgment in his office of such transfer register the Board of Trustees of Newstead House as the registered proprietor as trustee of an estate in fee-simple in the above-described land upon and subject to the trusts Transfer and vesting of land.

imposed by this Act, and for that purpose may issue a new certificate of title and make such endorsement or endorsements as may be necessary in any certificate of title or deed of grant bound up in any register book in his office, and may make any such entry in any such register book as may be necessary and proper for the purposes of this Act.

Gifts and
bequests.

7. Any gift or bequest may be made by any person of any property to or for the benefit or purposes of the Trust.

General
powers.

8. Subject to this Act, the Trust shall have the management and control of Newstead House and of the affairs and concerns thereof, and may act in all matters therein in such manner as appears to it best calculated to promote the interests thereof.

Officers.

9. The Trust may appoint a secretary and/or caretaker who shall exercise and perform such duties as shall be directed by the Trust.

Newstead
House
Fund.

10. (1.) The Trust shall establish a Fund to be called "The Newstead House Fund."

(2.) There shall be paid into the Fund unless invested by the Trust in pursuance of this Act—

(a) All donations, bequests, legacies, grants, and contributions received by the Trust under or pursuant to this Act, and all moneys arising from any gift or devise of real property received by or vested in the Trust under or pursuant to this Act;

(b) All moneys received from Consolidated Revenue (which moneys may from time to time be appropriated for the purpose);

(c) All moneys received from the Brisbane City Council;

(d) All other moneys received by the Trust on any account whatsoever.

(3.) The Fund shall be applied by the Trust towards the payment of all expenses necessarily incurred in carrying this Act into execution and in doing and performing any acts and things which the Trust is by this Act empowered or required to do or perform.

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(4.) The Trust may pay out of the Fund any moneys which the Trust has decided to invest in pursuance of this Act and any sum due under any agreement lawfully made for the purposes of this Act and any sum recovered against the Trust by process of law.

(5.) All gifts, bequests, and devises of property made to the Trust or vested in the Trust pursuant to this Act shall be strictly applied in manner directed by the donors or testators respectively, but in the absence of any such direction shall be applied in aid of the execution of this Act in such manner as the Trust may from time to time determine.

11. (1.) If any person unlawfully damages, mutilates, destroys, or removes from the possession of the Trust any picture, print, exhibit, coin, medal, curio, object of natural history, object or work of art, book, map, manuscript, document, pamphlet, paper, or other chattel the property of or in the possession of the Trust at the time of the damaging, mutilation, destruction, or removal, he shall be guilty of an offence and shall, without limiting or affecting any other liability imposed on him by this Act or otherwise, be liable for and shall pay to the Trust the full amount of the value of such chattel so damaged, mutilated, destroyed, or removed.

Unlawful damage, &c., of picture exhibits, &c.

(2.) Such amount shall be recoverable summarily in the same manner as penalties for offences against this Act are recoverable or at the option of the Trust in any court of competent jurisdiction.

(3.) Any proceedings under this section may be taken by the Trust or by any person purporting to be authorised in writing by the Trust.

12. (1.) The Auditor-General or such officer of his staff as he from time to time directs shall once at least in every year examine the books and accounts of the Trust, and the Auditor-General shall report thereon to the Minister.

Audit of books and accounts.

(2.) The Minister may if he thinks fit require that such books and accounts be kept by the Trust in such form and manner as the Auditor-General may direct.

General
penalty.

13. (1.) Any person guilty of an offence against this Act shall where no penalty is specifically provided be liable to a penalty not exceeding fifty pounds.

Proceedings
for
offences.

(2.) All proceedings in respect of offences against this Act shall be heard and determined and all penalties imposed by this Act shall be recoverable summarily on complaint under **“The Justices Acts, 1886 to 1932,”* by the secretary or by any person authorised in writing by the Trust.

Regulations.

14. (1.) The Governor in Council on the recommendation of the Trust may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act.

Without limiting the generality of the foregoing provisions regulations may be made for all or any of the following purposes, that is to say :—

Manage-
ment.

(i.) The good government and management of the affairs of the Trust ;

Seal.

(ii.) The use and custody of the official seal ;

Meetings.

(iii.) The manner and time of convening, holding, and adjourning the meetings of the Trust : the powers and duties of the chairman thereof : the conduct and record of the business and minutes of proceedings ;

Property.

(iv.) The management, control, and investment of the property and assets of the Trust ;

Protection
of land, &c.

(v.) The protection of the land and property of or under the control of the Trust from trespass, injury, or misuse ;

Admission.

(vi.) For the admission and for the exclusion or expulsion of the public or any individual to and from Newstead House or any land or premises the property of or under the control of the Trust ;

Further
powers, &c.,
of Trust.

(vii.) Empowering the Trust to acquire by purchase or otherwise books, manuscripts, public and other documents, pictures, works of art, and other things of historical interest ;

* 50 Vie, No. 17 and amending Acts, pages 1132 *et seq.*

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(viii.) For specifying the conditions and restrictions upon and subject to which the public may be allowed— General conditions.

(a) To read books, manuscripts, public and other documents, or to make copies thereof or extracts therefrom,

(b) To inspect the pictures, works of art, and exhibits in Newstead House and to make drawings or copies thereof;

(ix.) For fixing penalties for any breach of any regulation of the Trust authorised by this Act to be made not exceeding the sum of twenty pounds for any offence; Penalties.

(x.) All matters required or permitted by this Act to be prescribed; Prescribed matters.

(xi.) Generally for carrying out the objects and purposes of this Act. Generally.

(2.) Any such regulations may be made on the passing of this Act. Regulations may be made on the passing of this Act.

(3.) All regulations made under this Act upon being published in the *Gazette* shall have the same force and effect as if they were enacted in this Act and shall be judicially noticed, and their validity shall not be questioned in any proceedings whatever. Regulations.

Such regulations shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is in session; or, if not, then within fourteen days after the commencement of the next session.

If the Legislative Assembly passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.