



Queensland

Brisbane Trades Hall Management Act 1984

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Contents

		Page
Part 1	Preliminary	
1	Short title	4
3	Interpretation	4
Part 2	Provisions relating to Edward Street property	
4	Powers of trustees of Edward Street property	6
Part 3	Provisions relating to Peel Street property	
5	Interpretation	7
6	Application of trust moneys	7
7	Vesting of property in trustees	8
8	Payment to Crown upon termination of trusts	8
9	Sale not to constitute breach of trust	8
10	Trustees to retain part of improvements	9
11	Governor in Council may amend trusts	9
12	New trustees	9
13	Powers and authorities to mortgage	9
14	Control and management	10
15	Board of management to submit rules and lists to registrar	10
Part 4	Application of town plan to Edward Street property	
16	Application of town plan to Edward Street property	11
Schedule	Schedule of trusts	13

Brisbane Trades Hall Management Act 1984

An Act relating to the disposition of certain lands and the trades and labour hall erected thereon freed from the trusts to which they are subject and to apply the proceeds for the acquisition by the trustees of other lands to be held subject to the like trusts and for the building or buildings thereon to be used in part for a Brisbane trades hall in place of the firstmentioned hall and for related purposes

Preamble

Whereas—

- (a) certain pieces of land were granted by deeds of grant to trustees in 1919 and 1921 respectively and, pursuant to nominations of trustees in those same years, the trustees in each case transferred all their estate and interest in the land to themselves as trustees;
- (b) under the schedule of trusts the lands were held by the trustees for the erection thereon of buildings to be used for a trades and labour hall and for no other purpose whatsoever;
- (c) a trades and labour hall was erected thereon;
- (d) the *Trades and Labour Hall Management Act 1934*, amongst other things—
 - (i) empower the Governor in Council, in the event of the death, resignation or other removal from office of the trustees or any of them, to appoint new trustees or a new trustee; and
 - (ii) provide for the control and management of the trades and labour hall by the ‘board of management’ as therein defined;

- (e) the Trades and Labour Council, as the said board of management, is desirous of acquiring land and the improvements thereon situated at Peel Street, South Brisbane, to be used in part as the Brisbane trades hall and to dispose of the lands and improvements thereon presently constituting the trades and labour hall;
- (f) in the circumstances, it is expedient that the trustees should be authorised to sell the said lands and the building presently constituting the trades and labour hall thereon freed and discharged from the trusts to which they are subject and to apply the proceeds for the purposes hereinafter set forth and that they should be authorised to acquire the lands the building thereon at Peel Street, South Brisbane referred to as the Peel Street property to be held subject to like trusts and to use such building in part as the Brisbane trades hall in place of the trades and labour hall, and that the sale and acquisition should be subject to and in accordance with the provisions hereinafter set forth.

Part 1 Preliminary

1 Short title

This Act may be cited as the *Brisbane Trades Hall Management Act 1984*.

3 Interpretation

In this Act—

Edward Street property means—

- (a) all that piece of land situate in the county of Stanley parish of North Brisbane containing an area of 28p and described as allotment 2 of section 64 and being the whole of the land contained in certificate of title 596462 volume 2920 folio 202; and

- (b) all that piece of land situate in the county of Stanley parish of North Brisbane containing an area of 27.12p and described as allotment 3 of section 64 and being the whole of the land contained in certificate of title 596461 volume 2920 folio 201;

together with all improvements thereon.

Peel Street property means—

- (a) —
 - (i) all that piece of land situate in the county of Stanley parish of South Brisbane containing an area of 18p and described as subdivision 1 of allotment 10 of section 15 and being the whole of the land contained in certificate of title volume 2475 folio 50; and
 - (ii) all that piece of land situate in the county of Stanley parish of South Brisbane containing an area of 14.07p and described as resubdivision 9 of subdivision 2 of allotment 10 of section 15 on plan catalogue no. 89153 together with easement number 642363 and being the whole of the land contained in certificate of title volume 3387 folio 40; and
 - (iii) all that piece of land situate in the county of Stanley parish of South Brisbane containing an area of 36p and described as allotment 9 of section 15 and being the whole of the land contained in certificate of title volume 1965 folio 172;

together with all improvements thereon, or, as the case requires—

- (b) such interest in the above described lands and the improvements thereon as may from time to time be held by the trustees pursuant to the schedule of trusts contained in part 3, schedule.

Part 2

Provisions relating to Edward Street property

4 Powers of trustees of Edward Street property

Notwithstanding the provisions of the *Trades And Labour Hall Management Act 1934* and of the schedule of trusts relating to the Edward Street property contained in the preamble to that Act, and any other law—

- (a) it is lawful and is deemed always to have been lawful for the trustees as defined under that Act, with the consent of the Governor in Council, to sell the Edward Street property freed and discharged from all trusts (if any) to which it is subject;
- (b) all moneys realised by the sale of the Edward Street property shall be applied by those trustees firstly in payment of the reasonable expenses of and attending the sale, secondly in payment of any mortgage debt over the said property and, subject thereto, shall be paid to the trustees within the meaning of part 3 for payment towards the purchase price of the Peel Street property in accordance with the relevant provisions of this Act and the receipt in writing of the lastmentioned trustees shall be a full and sufficient discharge for such moneys and the firstmentioned trustees shall not be required to see to the application or be affected by the misapplication or nonapplication of those moneys;
- (c) it is lawful for the trustees of the Edward Street property, from time to time, to mortgage that property to any person to secure the repayment of moneys raised by the trustees not exceeding a total amount of \$2200000 and interest and charges thereon for the purpose of the purchase of the Peel Street property;
- (d) the Governor in Council may, at the request of the trustees of the Edward Street property, from time to time amend the trusts specified in the Schedule of Trust relating to that property and thereupon the trusts as

amended shall deemed to be the trusts upon which that property is held for the time being.

Part 3 Provisions relating to Peel Street property

5 Interpretation

In this part—

board of management means the body presently known as the Trades and Labor Council (or the executive of the council when the executive is acting for or on behalf of the council in accordance with the rules hereinafter mentioned), which council consists of representatives of such unions as may be for the time being or from time to time may be affiliated with such council for the purposes laid down in the rules of the said the Trades and Labor Council, which rules shall be filed as hereinafter provided.

trustees means Thomas Stephen Burton, Harry Hauenschild, Neal David Kane and Frederick William Whitby and their successors in whom the Peel Street property shall for the time being be vested pursuant to the nomination of trustees to be executed in accordance with the schedule of trusts contained in the schedule, and the abovementioned trustees and each of them presently in office shall be and be deemed to be and to have always been lawfully and duly appointed as trustees or trustee accordingly.

6 Application of trust moneys

It is lawful and is deemed always to have been lawful—

- (a) for the trustees to receive moneys from the trustees of the Edward Street property pursuant to section 4; and
- (b) for those moneys to become and remain vested in the trustees for the purpose of the purchase of the Peel Street property to be used in part as the Brisbane trades

hall and for other purposes authorised by this Act and for no other purposes; and

- (c) to execute any agreements or contracts in relation to the purchase referred to in subparagraph (b).

7 Vesting of property in trustees

Subject to this Act, upon the transfer of the Peel Street property to the trustees, that property shall be held by the trustees upon the trusts set out in the schedule and for no other purposes and those trusts shall not be terminated without the prior consent in writing of the Governor in Council.

8 Payment to Crown upon termination of trusts

Where the trusts upon which the Peel Street property is held are terminated for any reason, the trustees shall forthwith pay to the Crown a sum of money that is equal to twenty-eight fifty-fifths of the sum of money obtained by adding together—

- (a) the sale price of the Edward Street property on the date that is, in the opinion of the Governor in Council, the date of settlement of the relevant sale; and
- (b) the sum of money that represents any increase, as determined by the valuer-general in the value of the unimproved lands that form part of the Edward Street property, that occurs between the date of settlement referred to in paragraph (a) and the date that, in the opinion of the Governor in Council, is the date of termination of the trusts;

and this section, according to its terms, shall constitute a charge on the said property.

9 Sale not to constitute breach of trust

The sale of the whole or a part or parts of the Peel Street property in accordance with the provisions of this Act, by the

trustees, shall not constitute a breach of trust by the trustees and no action or suit shall lie against the trustees in respect of such sale.

10 Trustees to retain part of improvements

Notwithstanding the provisions of this Act, it shall not be competent to the trustees to sell or lease part or parts only of the Peel Street property unless as a consequence of such sale or leasing an area of the improvements on such land that constitutes, in the opinion of the Governor in Council, not less than 51% of the commercially useable floor space in those improvements remains vested in or, as the case may be, in the exclusive possession of the trustees.

11 Governor in Council may amend trusts

The Governor in Council may, at the request of the trustees, from time to time, amend the trusts specified in the schedule of trusts contained in the schedule and thereupon the trusts as amended shall be deemed to be the trusts contained in the schedule for the time being.

12 New trustees

The Governor in Council may in the event of the death, resignation or other removal from office of the trustees, or any of them appoint a new trustee or new trustees.

13 Powers and authorities to mortgage

The powers, authorities, obligations, directions, and jurisdiction of the trustees—

- (a) to mortgage the land together with all rights and appurtenances to any person to secure the repayment of any moneys raised by the trustees and interest and charges thereon; or

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- (b) in respect of the application of proceeds of any such mortgage, referred to in paragraph (a); or
- (c) to lease the said land or any part thereof, or of the building thereon or any part thereof, together with all rights of way and other rights and appurtenances thereto; or
- (d) in respect of the application of proceeds of rent received under any such lease;

shall be as is contained in the schedule of trusts.

14 Control and management

In addition to and without limiting such powers, authorities, and jurisdiction of the board of management as are specified in the schedule of trusts contained in the schedule, and notwithstanding any act or law to the contrary, the board of management shall have and be entrusted with the control and management of the Peel Street property and, without limiting the generality of the meaning of the words 'control and management', such words shall include the appointment, control, and discharge of officers and servants in relation to that property, and the trustees shall observe and comply with any directions of the board of management in respect thereof accordingly.

15 Board of management to submit rules and lists to registrar

- (1) The board of management shall as soon as practicable after the passing of this act submit a copy of the rules of the board presently in force certified under declaration as correct under the hand of the president thereof to the registrar of the industrial court.
- (2) Any such rules shall be read subject to this Act.
- (3) On receipt of that certified copy the registrar shall file it in the registrar's office.

- (4) A certified copy of any amendment of the rules from time to time hereafter made shall in like manner be submitted to the registrar, who shall file that copy accordingly.
- (5) The board of management shall also submit to the registrar a list certified as correct under the declaration of the president of the names of the executive and officers of the board presently in office.
- (6) On receipt of such certified list the registrar shall file it in the registrar's office.
- (7) Any change in such list shall in like manner be submitted to the registrar, who shall file it accordingly.
- (8) The rules of the said board of management and the aforesaid list shall be open to inspection to any member of any affiliated union without charge.
- (9) For the purposes of this Act judicial notice shall be taken of the rules and of the board of management and of the lists as aforesaid.

Part 4 Application of town plan to Edward Street property

16 Application of town plan to Edward Street property

- (1) Notwithstanding the provisions contained in the planning scheme for the city of Brisbane within the meaning of the *Local Government (Planning and Environment) Act 1990*—
 - (a) the Edward Street property shall be deemed to be included in the special uses zone under the planning scheme with the designated purposes for which the land can be used being as follows—
 - (i) medical laboratory, hospital or health care institution;
 - (ii) professional offices;

- (iii) tourist viewing tower, restaurant, commercial premises, bank, public building, or shops (not exceeding 700m² total gross floor area);
 - (b) the development of the site of that property shall be such that—
 - (i) no part of any structure erected on the site should be higher than 90m Australian height datum;
 - (ii) any construction on that site shall be in accordance with the requirements of the Brisbane City Council pursuant to its local laws.
- (2) The designated purposes for which the Edward Street property may be used pursuant to subsection (1) shall have and continue to have the meanings assigned to them under the planning scheme for the city of Brisbane in force at the date of commencement of this Act notwithstanding any modification of or substitution for that planning scheme after that date.
- (3) The Governor in Council by order in council may from time to time change the designated purposes for which the Edward Street property may be used pursuant to the provisions of the *Local Government (Planning and Environment) Act 1990*, sections 2.18 to 2.20 and the designated purposes as so changed shall be the designated purposes for the time being.

Schedule**Schedule of trusts**

section 7

It is agreed that the above described lands (referred to in the *Brisbane Trades Hall Management Act 1984* as the Peel Street property) shall be held by the abovenamed trustees upon the trusts following that is to say—

Upon trust for the buildings erected thereon or part thereof to be used for a Brisbane trades hall and for any purpose permitted by these trusts and for no other purpose whatsoever.

It is lawful for the trustees, subject to the prior consent in writing of the Governor in Council and subject to such conditions as the Governor in Council may impose and in accordance with the provisions of the *Brisbane Trades Hall Management Act 1984* to sell the Peel Street property for such price and upon such terms as the trustees think fit: provided that all moneys realised by a sale of that property shall be applied by the trustees firstly in payment of the recoverable expenses of and attending the sale secondly in payment of any mortgage debt over that property and subject thereto any balance remaining shall be applied by the persons authorised to receive the same for the objects and purposes of the Brisbane trades hall and for the purpose of carrying on the operation thereof and for no other purposes.

It is lawful for the trustees to mortgage the whole of the Peel Street property to any person to secure the repayment of any advance or advances and interest thereon provided that any moneys raised by way of such mortgage shall only be used for the purchase of the Peel Street property and provided further that the sum of the amounts raised by way of mortgage on the Peel Street property and the Edward Street property for such purpose shall not exceed the sum of \$5000000 provided further that no such mortgage shall be made except in such manner as may be directed by the board of management testified in writing under the hands of the members of the said board of management or of a majority of them and with the

approval of the Governor in Council. Every mortgage made or given pursuant to the said power may contain a power of sale by the mortgagee, the mortgagee's executors, administrators or assigns in case of default of payment of any principal or interest moneys secured by such mortgage or of breach of any of the conditions therein contained or implied.

It is lawful for the trustees in such manner as may be directed by the board of management testified in writing under the hands of the members of the said board or a majority of them and with the consent of the mortgagee (if any) of the said land to grant from time to time and upon such terms as the trustees think fit a lease or leases of the said lands or any part thereof or of the said building or any part thereof together with all rights of way and other rights and appurtenances thereto to any person or persons for any term of years not exceeding 21 years to be computed from the time of signing such lease or leases respectively provided that no such lease or leases shall be granted for any term exceeding 5 years except with the approval of the Governor in Council previously obtained provided further that no such lease or leases shall be granted contrary to the provisions of the *Brisbane Trades Hall Management Act 1984*, section 10. The proceeds of rent received by the said trustees under any such lease shall subject to any necessary payment of any principal interest or other moneys under any mortgage (if any) be applied by the persons authorised to receive the same for the objects and purposes of the said Brisbane trades hall and for the purpose of carrying on the operation thereof and for no other purpose.

The receipts in writing of the trustees exercising any of the powers hereby conferred for any moneys advanced or paid to them in respect of any mortgage or lease shall be a good and sufficient discharge for such moneys to the person or persons advancing or paying the same and he, she or they shall not be bound or required to see to the application nor be affected by the misapplication or non-application thereof.

It shall not be necessary for any mortgagee or lessee to inquire whether the trustees for the time being exercising the aforesaid powers were duly and regularly appointed or whether the said

powers of mortgage and lease were duly and regularly exercised or whether such direction or consent as aforesaid has been obtained.

The Governor in Council may in the event of the death, resignation or other removal from office of the trustees or any of them appoint new trustees or a new trustee.

the board of management means the board of management as defined by the *Brisbane Trades Hall Management Act 1984*.