



Queensland

Sporting Bodies' Property Holding Act 1975

Reprinted as in force on 7 December 1995

Reprint No. 1*

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2009 Act No. 30 s 47

* 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 7 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

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)
- 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 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

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

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

Spelling

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



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Sporting Bodies' Property Holding Act 1975

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Sporting Bodies' Property Holding Act 1975

[as amended by all amendments that commenced on or before 7 December 1995]

An Act to provide for the manner of holding real and personal property by trustees on behalf of sporting clubs and State and district associations of sporting clubs and of the registration of title to such property and for matters incidental thereto

1 Short title

This Act may be cited as the *Sporting Bodies' Property Holding Act 1975*.

2 Meaning of terms

(1) In this Act—

association includes any State association and any district association.

authorised representative means—

- (a) in relation to the Royal Queensland Bowls Association—the person who holds the appointment of State secretary of that association at the material time;
- (b) in relation to any other State association or any district association—the person who holds the appointment of secretary of that association at the material time;

and in every case includes any person who at the material time is duly appointed to act as secretary of the association in question.

district association means any board or association of persons which is constituted with respect to any district or area within the State for the promotion, furtherance or control of a sport within that district or area and with which are affiliated or

registered 2 or more sporting clubs formed for the promotion or furtherance of that sport.

register book means any register book kept by any registration authority.

registration authority means—

- (a) the registrar of titles; or
- (b) the chief executive of the department within which the *Land Act 1994* is administered; or
- (c) another entity with the function of registering title to property.

sporting club means an association of persons formed for the promotion or furtherance of any form of recreational activity engaged in competitively.

State association means any board or association of persons which is constituted with respect to the whole of the State for the promotion, furtherance or control of a sport within the State and with which are affiliated or registered 2 or more sporting clubs formed for the promotion or furtherance of that sport or 2 or more district associations.

(2) For the purposes of this Act—

- (a) the authorised representative of the Royal Queensland Bowls Association shall be the authorised representative of every district association that is affiliated with that body and every sporting club that is affiliated with that body or with any such district association;
- (b) the authorised representative of a State association constituted for the purpose of promoting, furthering or controlling a sport shall be the authorised representative of every district association that is affiliated or registered with that State association and every sporting club that is affiliated or registered with that State association or with any such district association;
- (c) in the absence of a State association constituted for the purpose of promoting, furthering or controlling a particular sport the authorised representative of a district association constituted for the purpose of promoting,

furthering or controlling that sport shall be the authorised representative of every sporting club that is affiliated or registered with that district association.

3 Application of Act

Subject to its being adopted as prescribed, this Act applies to property of—

- (a) the Royal Queensland Bowls Association, every district association affiliated with that body and every sporting club that is affiliated with that body or with any such district association;
- (b) a State association to which this Act is extended upon application duly made by that body, every district association affiliated or registered with that body and every sporting club that is affiliated or registered with that body or with any such district association;
- (c) a district association to which this Act is extended upon application duly made by that body and every sporting club that is affiliated or registered with that body;

and to no other property.

4 Extension of application of Act

- (1) Upon application being duly made to the Minister for extension to this Act to the applicant association the Minister shall cause to be investigated—
 - (a) the organisation within the State of the sport with which the applicant claims to be associated; and
 - (b) the standing of the applicant within that organisation;and, upon completion of the investigation, shall submit to the Governor in Council the application and the Minister's recommendation as to whether the same should be granted or refused.
- (2) A regulation may extend this Act to the applicant only if the Governor in Council is satisfied that—

- (a) the application is duly made by the applicant; and
- (b) the sport with which the applicant claims to be associated is soundly organised within the State and is likely to so continue; and
- (c) the applicant substantially represents the sporting clubs formed to promote or further that sport either within the whole State or within any district or area, as the case may require.

5 How application duly made

- (1) An application for extension of this Act to an association shall be made to the Minister by the appropriate association through its authorised representative.
- (2) The appropriate association referred to in subsection (1) shall be—
 - (a) in the case of a sport in respect of which there is a State association—that association and no other body or person;
 - (b) in the case of a sport in respect of which there is not a State association—a district association promoting or controlling that sport and no other body or person.

6 Application of Act dependent on adoption

- (1) This Act shall not apply to property of an association or sporting club referred to in section 3 unless that association or sporting club has first passed, in accordance with its constitution and rules, a resolution adopting this Act.
- (1A) Upon the due passing of such a resolution this Act shall apply to all the property of the association or sporting club concerned whether such property is held on behalf of the association or sporting club at the passing of the resolution or is subsequently acquired on behalf of the association or sporting club.
- (2) A certificate purporting to be signed by the president of an association or sporting club referred to in section 3 that on a

date stated therein a resolution adopting this Act was passed by that association or sporting club in accordance with its constitution and rules shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the association or sporting club duly adopted this Act on the stated date and such certificate shall be admissible, without further proof, upon its production in any legal proceeding in which it is relevant.

- (3) An association or sporting club referred to in section 3 is competent to adopt this Act as prescribed (and this Act shall thereupon apply as prescribed) notwithstanding that this Act is not adopted by the association to which the Act has been extended or by any other association or sporting club that might have adopted the Act as a result of the Act having been so extended.

7 Vesting of property to which Act applies

- (1) All property to which this Act applies of an association or sporting club, whether the same is held on behalf of the association or sporting club at the time this Act commences to apply thereto or is subsequently acquired on behalf of the association or sporting club, shall vest or, as the case may require, continue to vest in the trustees of that association or sporting club in the name the 'Trustees of the . . . (*name of the association or sporting club*) . . .' upon such trusts and subject to such encumbrances, liens and interests as affect the property.
- (2) All property to which this Act applies shall be taken to be vested in the persons whose names are shown in the register of trustees kept by the authorised representative as the current trustees of the association or sporting club for which the property is held.
- (3) When appointment is made of a new trustee of an association or sporting club which has adopted this Act and the trustee's particulars and particulars of appointment are entered in the register of trustees kept by the authorised representative property held on behalf of that association or sporting club shall thereupon pass to and vest in the persons who, following

the appointment, are shown in such register as current trustees of that association or sporting club without any conveyance, transfer or assignment.

8 Register of trustees

- (1) It is the duty of each member of the committee or governing body (by whatever name called) of an association or sporting club to whose property this Act applies to cause to be given to the authorised representative notice in writing of all particulars necessary to enable the authorised representative to keep the register of trustees prescribed by this section.
- (1A) Such notice shall be given, in the first instance, within 14 days after the passing of the resolution that adopts this Act by the association or sporting club concerned and thereafter within 1 month after the occurrence of the event of which particulars are required to be entered in the register.
- (1B) It shall be a sufficient compliance with subsections (1) and (1A) if, in each case, 1 written notice is given as prescribed by or on behalf of all members referred to in subsection (1).
- (2) The authorised representative of—
 - (a) the Royal Queensland Bowls Association; or
 - (b) an association to which this Act is at any time extended;shall cause to be kept a register of trustees in respect of property to which this Act applies and which is the property of the association or of any district association or sporting club affiliated or registered with it.
- (3) The register of trustees shall be kept in the form approved by the chief executive and shall be called and shall bear the heading the ‘. . . (*name of association*) . . . Register of Trustees’.
- (4) The authorised representative shall, when the authorised representative becomes aware of any error or omission in the register of trustees, amend the register by rectifying the error or supplying the omission and shall initial the amendment and add the date thereof but shall not erase or render illegible the part so amended.

9 Registration of title to property to which Act applies

- (1) Where property held on behalf of an association or sporting club at the date of the adoption of this Act by that association or sporting club is such that title to it is registered with any registration authority then upon production to that authority of a request acceptable to that authority accompanied by—
- (a) a certificate referred to in section 6(2) as to the adoption of this Act by the association or sporting club and as to the names of the current trustees of the association or sporting club; and
 - (b) an extract of the register of trustees kept by the authorised representative, purporting to be certified by that representative, showing that the names of the current trustees of the association or sporting club and particulars of their appointment have been entered in the register; and
 - (c) all other documents required by the registration authority;

the registration authority is hereby authorised to record in the register relevant to that title the name the ‘Trustees of the . . . (*name of the association or sporting club*) . . .’ as the name of the registered proprietor, lessee or owner to make such recordings, entries and endorsements in the appropriate register and do such acts and things as the registration authority thinks necessary or desirable to give full effect to the objects and purposes of this Act.

- (2) Where property acquired by an association or sporting club subsequently to the adoption of this Act by that association or sporting club is such that title to it is to be registered with any registration authority such title may be registered in the name the ‘Trustees of the . . . (*name of the association or sporting club*) . . .’ if the registration authority is satisfied on evidence referred to in subsection (1)(a) and (b) of the matters referred to in those paragraphs.
- (3) Where the title to land subject to the *Land Title Act 1994* is registered in the name the ‘Trustees of the . . . (*name of the association or sporting club*) . . .’ the persons whose names are shown in the register of trustees kept by the authorised

representative as the current trustees of the association or sporting club shall be deemed to be the registered proprietor of that land.

10 Majority of trustees may act for all

Any instrument or other document that purports to effect or evidence any dealing with property held on behalf of an association or sporting club which has adopted this Act and that is duly executed by a majority of the persons shown in the register of trustees kept by the authorised representative as the current trustees of that association or sporting club shall be effectual according to its terms as if it had been duly executed by all of such persons.

11 Evidentiary value of register etc.

A book or other writing purporting to be in either case a register of trustees kept by an authorised representative or an extract from such a register purporting to be certified by the authorised representative as a true copy of the original of which it is an extract shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the register and shall be admissible, without further proof, upon its production in any legal proceeding in which it is relevant.

12 Appointment of acting authorised representative

- (1) In the event of a vacancy in the office of authorised representative or of the temporary incapacity of an authorised representative the president (or other chief executive by whatever name called) of the association to which the authorised representative and the authorised representative's office are relevant may appoint any person to act as authorised representative of that association.
- (2) A person appointed to act as authorised representative—
 - (a) for so long as the person duly acts in that office, shall have and may exercise all the powers, authorities and

functions of an authorised representative conferred by this Act;

- (b) in all matters pertinent to this Act, shall designate himself or herself as acting authorised representative of the association to which the person's office is relevant;
- (c) shall hold office as such only until he, she or another person is appointed in accordance with the material constitution and rules as secretary of the association of which the person is acting authorised representative or for a period of 3 months whichever period is less.

13 Proof of certain appointments

- (1) A notice may be published in the gazette by the president of the Royal Queensland Bowls Association or by the president (or other chief executive by whatever name called) of any association to which this Act is extended of—
 - (a) the identity or appointment of secretary of the association;
 - (b) the appointment by the president of any person as acting authorised representative of the association.
- (2) The gazette notice is evidence of the matters stated in it.

14 Transitional provision about form for register of trustees

- (1) Until the chief executive approves a form for a register of trustees under section 8(3), the form that was specified in the schedule immediately before the commencement of this section is taken to be the approved form for the register.
- (2) This section expires 6 months after it commences.

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 7 December 1995. Future amendments of the Sporting Bodies' Property Holding Act 1975 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	1995 Act No. 58	28 November 1995	7 December 1995

5 List of legislation

Sporting Bodies' Property Holding Act 1975 No. 7

date of assent 1 May 1975
 commenced on date of assent
 amending legislation—

Sporting Bodies' Property Holding Act Amendment Act 1976 No. 36

date of assent 28 April 1976
 commenced on date of assent

Real Property Acts and Other Acts Amendment Act 1986 No. 26 s 4 sch

date of assent 8 April 1986

commenced on date of assent (see s 2(1))

Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 6

date of assent 14 November 1990

commenced on date of assent (see s 2)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

6 List of annotations

Meaning of terms

- s 2 amd 1976 No. 36 s 2
 def “**Minister**” ins 1990 (No. 2) No. 80 s 3 sch 6
 om 1995 No. 58 s 4 sch 1
 def “**property**” om 1995 No. 58 s 4 sch 1
 def “**registration authority**” sub 1995 No. 58 s 4 sch 1

Extension of application of Act

- s 4 amd 1995 No. 58 s 4 sch 1

Register of trustees

- s 8 amd 1995 No. 58 s 4 sch 1

Registration of title to property to which Act applies

- s 9 amd 1986 No. 26 s 4 sch

Proof of certain appointments

- s 13 amd 1995 No. 58 s 4 sch 1

Transitional provision about form for register of trustees

- s 14 ins 1995 No. 58 s 4 sch 1
 exp 28 May 1996 (see s 14(2))

SCHEDULE

om 1995 No. 58 s 4 sch 1

7 Table of changed citations and remade laws

under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Real Property Act 1861	Land Title Act 1994	Land Title Act 1994 s 207

8 Table of obsolete and redundant provisions

under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

9 Table of renumbered provisions

under the Reprints Act 1992 s 43

Previous	Renumbered as
6(1), 2nd sentence	6(1A)
8(1), 2nd sentence	8(1A)
8(1), 3rd sentence	8(1B)

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