



Currumbin Bird Sanctuary Act 1976

Current as at 26 September 2014

Reprint note

This is the last reprint before expiry. Expired on 26 September 2014 (see s 15).

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/Leg_Info/information.htm.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

Currumbin Bird Sanctuary Act 1976

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Currumbin Bird Sanctuary Act 1976

[as amended by all amendments that commenced on or before 26 September 2014]

An Act to provide with respect to the control or conduct of the Currumbin bird sanctuary by the National Trust of Queensland and for related purposes

1 Short title

This Act may be cited as the *Currumbin Bird Sanctuary Act 1976*.

2 Meaning of terms

(1) In this Act—

Currumbin bird sanctuary means the area consisting of those parcels of land particularised in schedule 1 and all other lands that at the date of passing of this Act are used by the National Trust for the purpose of the sanctuary together with all improvements and facilities therein and such other land as may from time to time be acquired by the National Trust for the purpose of the sanctuary together with all improvements and facilities therein.

National Trust means the body corporate called the National Trust of Queensland constituted under the *National Trust of Queensland Act 1963*, and any wholly owned subsidiary of it established for the purpose of conducting and operating the Currumbin bird sanctuary.

prescribed companies means those corporations particularised in schedule 2.

the Act means the *National Trust of Queensland Act 1963*.

(2) The expression—

control or conduct of the Currumbin bird sanctuary includes the holding by the National Trust of any number of shares in any of the prescribed companies.

3 Object of National Trust to conduct sanctuary

It shall be deemed that 1 of the objects of the National Trust declared by the Act is and always has been to control and conduct, subject to and in accordance with this Act, the Currumbin bird sanctuary as a commercial undertaking in the form in which it is conducted immediately before the passing of this Act.

4 National Trust's shareholding and commercial undertakings

It is declared that in pursuit of the object referred to in section 3 the National Trust is and always has been authorised—

- (a) to acquire and hold shares in the prescribed companies; and
- (b) to operate or cause to be operated in accordance with this Act such commercial undertakings as are or may be established in the Currumbin bird sanctuary by or with the permission of the National Trust.

5 National Trust's general powers to apply to sanctuary

The National Trust may, subject to the Act, exercise in respect of the Currumbin bird sanctuary and its conduct of the sanctuary all or any of the powers conferred on it by the Act.

6 Government representative on advisory bodies

- (1) The Governor in Council is entitled to appoint representatives not exceeding 2 in number to each body (by whatever name called) that is established (whether before or after the passing of this Act) to advise or assist the National Trust with respect to its control or conduct of the Currumbin bird sanctuary or the operation of any commercial undertaking therein.

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- (2) A representative appointed under subsection (1) shall hold office at the pleasure of the Governor in Council.

7 Special funds to be maintained

- (1) The National Trust shall establish and at all times maintain with respect to its control or conduct of the Currumbin bird sanctuary—
- (a) a general fund; and
 - (b) a loan fund; and
 - (c) a trust fund;
- separate and apart from all other funds kept by it.

8 General fund

- (1) There shall be paid into the general fund—
- (a) all moneys (other than moneys referred to in section 9 or 10) that have been received by the National Trust before the passing of this Act in or in connection with its control or conduct of the Currumbin bird sanctuary and its operation of commercial undertakings therein and that are held by it at the passing of this Act; and
 - (b) all moneys (other than moneys referred to in section 9 or 10) that are received by the National Trust after the passing of this Act in or in connection with its control or conduct of the Currumbin bird sanctuary and its operation of commercial undertakings therein.
- (2) Subject to section 12(1) the general fund shall be applied only in meeting expenses properly incurred by the National Trust whether before or after the passing of this Act in or in connection with its control or conduct of the Currumbin bird sanctuary and its operation of commercial undertakings therein.

9 Loan fund

- (1) There shall be paid into the loan fund all loan moneys borrowed by the National Trust and received by it for a purpose of or connected with the Currumbin bird sanctuary.
- (2) Moneys standing to the credit of the loan fund shall be applied only to the purpose or purposes for which those moneys were borrowed by the National Trust.

10 Trust fund

- (1) There shall be paid into the trust fund all moneys received by the National Trust by way of deposit or subject to a trust or direction that it be used for a purpose of or connected with the Currumbin bird sanctuary.
- (2) Moneys standing to the credit of the trust fund shall be applied only to the purpose or purposes for which those moneys were deposited or received by the National Trust.

11 Accounts to be kept

- (1) The National Trust shall cause to be kept with respect to each of the funds maintained pursuant to section 7 a separate banking account and shall cause to be kept in all other respects proper accounts sufficient to accurately record all transactions that relate to its control or conduct of the Currumbin bird sanctuary and its operation of commercial undertakings therein.
- (2) At least once in each year the National Trust shall prepare a statement of income and expenditure and a balance sheet with respect to the general fund and a statement of receipts and disbursements with respect to each other fund maintained pursuant to section 7.
- (3) The annual report prepared under the *Financial Accountability Act 2009* shall, in a separate section of the report, report on the activities of the National Trust in relation to the Currumbin bird sanctuary and shall include in that section of the report—

- (a) a copy of the statements and balance sheet referred to in subsection (2); and
- (b) a certificate of the Auditor-General about whether the accounts of the National Trust relating to the sanctuary have been properly kept and whether the statements and balance sheet referred to in subsection (2) are in agreement with such accounts and in his or her opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of the trust's affairs at the end of the period to which they relate in relation to the sanctuary.

12 Treatment of surplus and deficit

- (1) A surplus in the general fund or any part thereof shall not be applied to any purpose save the maintenance, improvement or enlargement of the Currumbin bird sanctuary unless the approval of the Governor in Council to their application to such purpose is first obtained.
- (2) A deficit in the general fund and any part thereof shall not be met by moneys appropriated for the purpose from moneys received by the National Trust in or for the purpose of the exercise of its powers and authorities under the Act.

13 National Trust's discretion preserved

Nothing in this Act shall be construed to restrict the authority of the National Trust in the conduct of the Currumbin bird sanctuary to alter the means whereby the sanctuary is conducted (including the liquidation of all or any of the prescribed companies) or to cease any commercial undertaking operated therein (whether the same was established before or after the passing of this Act) or to introduce into the sanctuary a particular commercial undertaking if in the trust's opinion the introduction of that undertaking is in keeping with the proper conduct and the best interests of the Currumbin bird sanctuary.

14 Application of Act on registration of National Trust of Australia (Queensland) Limited

Sections 3 to 13 and schedules 1 and 2 stop applying if National Trust of Australia (Queensland) Limited is registered under the Corporations Act, part 5B.1.

Note—

See the *National Trust of Queensland Act 1963*, part 3A (Transfer of incorporation of National Trust and related matters).

15 Expiry of Act

This Act expires on the day this section commences.

Schedule 1

sections 2 and 3

Subdivision 1 of allotment 12 of section 5 on registered plan number 1985, county of Ward, parish of Tallebudgera, 32p, Certificate of Title, volume 4418, folio 220.

Lot 2 on registered plan number 139714, county of Ward, parish of Tallebudgera, 6239m², Certificate of Title, volume 5395, folio 151.

Subdivisions 3 to 6 of allotment 11 of section 4 on registered plan number 95240, 2rd, county of Ward, parish of Tallebudgera, Certificate of Title, volume 3974, folio 38.

Lot 2 on registered plan number 108015, 2rd 17p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 3892, folio 61.

Subdivision 5 of allotment 4 of section 4 on plan catalogue number 1980, 2428m², county of Ward, parish of Tallebudgera, Certificate of Title, volume 5086, folio 246.

Subdivision 6 of allotment 5 of section 4 on plan catalogue number 1980, 2rd 16p, county of Ward, parish of Tallebudgera, Certificate of Title 334381, volume 1789, folio 121.

Allotment 10, resubdivisions 1 and 2 of subdivision 1 and resubdivisions 1 and 2 of subdivision 2 of allotment 11 of section 5 on registered plans numbers 100515 and 83078, 2ac 2rd 7.9p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 4243, folio 48.

Subdivision 2 of allotments 9 and 10 of section 4 on plan catalogue number 84819, 23.5p, county of Ward, parish of Tallebudgera, Certificate of Title 632449, volume 3069, folio 189.

Lots 1 and 2 on registered plan number 116371, 46ac 1rd 6.3p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 4223, folio 114.

Subdivision 2 of allotment 12 of section 5 on plan catalogue number 1985, 16p, county of Ward, parish of Tallebudgera, Certificate of Title 488103, volume 2472, folio 93.

Subdivision 3 of allotment 12 of section 5 on plan catalogue number 1985, 16p, county of Ward, parish of Tallebudgera, Certificate of Title 691180, volume 3310, folio 170.

Lot 4, on registered plan number 121504, 10ac 30p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 4502, folio 74.

Lot 6 on registered plan number 121504, 26ac 3rd 38p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 4390, folio 190.

Lot 1 on registered plan number 108611, 3ac 1rd 32.4p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 3963, folio 149.

Resubdivision 2 of subdivision 6 of resubdivision 2 of subdivision 2 of portion 20v on registered plan number 106198, area 3ac 2rd 2.6p, county of Ward, parish of Tallebudgera, Certificate of Title, volume 3880, folio 207.

Schedule 2

sections 2 and 4

Whipbird Pty. Ltd.

Ibis Pty. Ltd.

Roseneath Pty. Ltd.

The Rock Shop (Currumbin) Pty. Ltd.

Lorikeet Pty. Ltd.

Pelican Pty. Ltd.

Kookaburra Pty. Ltd.

Pee-Wee Pty. Ltd.

Corella Pty. Ltd.

Currawong Pty. Ltd.

Plover Pty. Ltd.

Endnotes

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2 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 version
num	= numbered	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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	3 November 1976	30 June 1995
Reprint No.	Amendments included	Effective	Notes
1A	2006 Act No. 9	15 March 2006	
1B	2006 Act No. 11	30 March 2006	
1C	2009 Act No. 9	1 July 2009	
Current as at 28 May 2014 26 September 2014		Amendments included 2014 Act No. 33 2014 Act No. 33	Notes

4 List of legislation

Currumbin Bird Sanctuary Act 1976 No. 62

date of assent 3 November 1976
 commenced on date of assent
[exp 26 September 2014](#) (see s 15)
 amending legislation—

Audit Legislation Amendment Act 2006 No. 9 pts 1, 7

date of assent 15 March 2006
 commenced on date of assent

Integrated Planning and Other Legislation Amendment Act 2006 No. 11 s 1, pt 5

date of assent 30 March 2006
 commenced on date of assent

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Environmental Offsets Act 2014 No. 33 pts 1, 15

date of assent 28 May 2014
 ss 1–2 commenced on date of assent
 ss 101, 102 (to the extent it ins s 14) commenced on date of assent (see s 2)

remaining provision commenced 26 September 2014 (2014 SL No. 222)

5 List of annotations

Meaning of terms

s 2 def *National Trust* amd 2006 No. 11 s 91

Accounts to be kept

s 11 amd 2006 No. 9 s 17; 2009 No. 9 s 136 sch 1

Application of Act on registration of National Trust of Australia (Queensland) Limited

s 14 ins 2014 No. 33 s 102

Expiry of Act

s 15 ins 2014 No. 33 s 102

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