



Queensland

Mt. Gravatt Showgrounds Amendment Bill 2011



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2011

A Bill

for

An Act to amend the *Mt. Gravatt Showgrounds Act 1988* for particular purposes

The Parliament of Queensland enacts— 1

Clause 1	Short title	2
	This Act may be cited as the <i>Mt. Gravatt Showgrounds Amendment Act 2011</i> .	3 4
Clause 2	Commencement	5
	Section 17, to the extent it inserts part 6, division 4, commences on a day to be fixed by proclamation.	6 7
Clause 3	Act amended	8
	This Act amends the <i>Mt. Gravatt Showgrounds Act 1988</i> .	9
Clause 4	Amendment of s 4 (Interpretation)	10
	(1) Section 4, heading, ‘Interpretation’—	11
	<i>omit, insert—</i>	12
	‘Definitions’.	13
	(2) Section 4—	14
	<i>insert—</i>	15
	‘ <i>commencement</i> , for part 6, see section 29.	16
	<i>pre-amended Act</i> , for part 6, see section 29.’.	17
Clause 5	Amendment of s 6 (Membership of trust)	18
	(1) Section 6(1)(a) to (c)—	19
	<i>omit, insert—</i>	20
	‘(a) 2 persons, each of whom is recommended for appointment to the trust by the Minister—	21 22
	(i) from persons nominated for appointment by Brisbane City Council; or	23 24

-
- (ii) under section 6C or 6D; and 1
 - (b) 3 persons, each of whom is recommended for 2
 - appointment to the trust by the Minister— 3
 - (i) from persons nominated for appointment by the 4
 - society; or 5
 - (ii) under section 6C or 6D; and'. 6
 - (2) Section 6(1)(d), 'selected'— 7
 - omit, insert—* 8
 - 'recommended for appointment to the trust'. 9
 - (3) Section 6(1)(d)— 10
 - renumber* as section 6(1)(c). 11
 - (4) Section 6(3), 'selection pursuant to subsection (1)(d)'— 12
 - omit, insert—* 13
 - 'recommendation under subsection (1)(c)'. 14
 - (5) Section 6— 15
 - insert—* 16
 - '(4) One of the persons recommended by the Minister under 17
 - subsection (1)(a)(i) must be the person mentioned in section 18
 - 6A(4)'. 19

Clause 6 Insertion of new ss 6A to 6F 20

After section 6— 21

insert— 22

'6A Nominations by Brisbane City Council or society 23

- '(1) This section applies if— 24
 - (a) Brisbane City Council is nominating persons for 25
 - appointment to the trust under section 6(1)(a)(i); or 26
 - (b) the society is nominating persons for appointment to the 27
 - trust under section 6(1)(b)(i). 28

[s 6]

- ‘(2) There is no upper limit on the number of persons Brisbane City Council or the society may nominate for appointment.
1
2
- ‘(3) Brisbane City Council or the society must—
3
- (a) make any nomination at least 3 months before the end of the period of membership of the whole number of members of the trust appointed under section 7; and
4
5
6
- (b) in nominating a person for appointment—
7
- (i) have regard to the range of skills, expertise and experience necessary or desirable for members of the trust; and
8
9
10
- (ii) have regard to the need for balanced gender representation in the membership of the trust and nominate men and women.
11
12
13
- ‘(4) Also, Brisbane City Council must nominate the person elected for the time being as councillor of Brisbane City Council who represents the ward of Brisbane in which the showgrounds are situated.
14
15
16
17
- ‘(5) Subsection (3)(b) does not apply to the nomination of the councillor under subsection (4).
18
19

‘6B Nominations by association or group representative of community interest 20
21

- ‘(1) This section applies if an association or group is nominating persons for appointment to the trust on the invitation of the Minister under section 6(3).
22
23
24
- ‘(2) There is no upper limit on the number of persons the association or group may nominate for appointment.
25
26
- ‘(3) The association or group must—
27
- (a) make a nomination within a time fixed by the Minister; and
28
29
- (b) in nominating a person for appointment—
30
- (i) have regard to the range of skills, expertise and experience necessary or desirable for members of the trust; and
31
32
33

	(ii) have regard to the need for balanced gender representation in the membership of the trust and nominate men and women.	1 2 3
'6C	Failure to nominate within particular time or failure to nominate councillor	4 5
	'(1) This section applies if—	6
	(a) Brisbane City Council—	7
	(i) does not make a nomination of 1 or both of the 2 persons for the purpose of section 6(1)(a)(i); or	8 9
	(ii) does not nominate the person mentioned in section 6A(4);	10 11
	within the time mentioned in section 6A(3)(a); or	12
	(b) the society does not nominate 1 or more of the 3 persons for the purpose of section 6(1)(b)(i), within the time mentioned in section 6A(3)(a).	13 14 15
	'(2) The Minister may recommend a person, whom the Minister considers appropriate, for appointment to the trust in place of a person Brisbane City Council or the society could have nominated for appointment.	16 17 18 19
	'(3) If subsection (1)(a)(ii) applies, the Minister must recommend the person mentioned in section 6A(4).'	20 21
'6D	Failure to have regard to balanced gender representation	22 23
	'(1) This section applies if—	24
	(a) either—	25
	(i) Brisbane City Council makes a nomination for the purpose of section 6(1)(a)(i); or	26 27
	(ii) the society makes a nomination for the purpose of section 6(1)(b)(i); and	28 29
	(b) the Minister considers that the nomination does not comply with section 6A(3)(b)(ii).	30 31

[s 6]

‘(2) The Minister may—	1
(a) refuse to recommend a person, nominated by Brisbane City Council or the society, for appointment as a member of the trust; and	2 3 4
(b) recommend another person, whom the Minister considers appropriate, for appointment as a member of the trust in place of a person nominated for appointment by Brisbane City Council or the society.	5 6 7 8
‘(3) The power of the Minister to refuse to recommend a person for appointment as a member of the trust under subsection (2)(a) is in addition to, and does not limit, a power the Minister may exercise under section 9.	9 10 11 12
 ‘6E Matters Minister must have regard to for appointment	 13 14
‘In recommending a person for appointment to the trust the Minister must have regard to—	15 16
(a) the range of skills, expertise and experience necessary or desirable for members of the trust; and	17 18
(b) the need for balanced gender representation in the membership of the trust.	19 20
 ‘6F No inconsistency with Anti-Discrimination Act 1991	 21
‘To remove any doubt, it is declared that—	22
(a) a requirement in relation to the need for balanced gender representation in the membership of the trust under section 6A, 6B, 6D or 6E is not unlawful discrimination on the basis of sex for the <i>Anti-Discrimination Act 1991</i> ; and	23 24 25 26 27
(b) the making of a decision or the doing of another act that is necessary to comply with, or is specifically authorised by, section 6A, 6B, 6D or 6E is not inconsistent with the <i>Anti-Discrimination Act 1991</i> .’.	28 29 30 31

Clause 7	Amendment of s 7 (Appointment of members of trust)	1
	(1) Section 7(1), ‘, other than the member ex officio’—	2
	<i>omit.</i>	3
	(2) Section 7(2), ‘, other than the member ex officio’—	4
	<i>omit.</i>	5
Clause 8	Amendment of s 10 (Disqualification for membership of trust)	6
	(1) Section 10—	7
	<i>insert—</i>	8
	‘(3A) A person who is a member of the Commonwealth or State	9
	Parliament or a councillor of a local government, other than	10
	the councillor mentioned in section 6A(4), is disqualified for	11
	appointment as a member of the trust.’.	12
	(2) Section 10(4), ‘4 penalty units’—	13
	<i>omit, insert—</i>	14
	‘10 penalty units’.	15
	(3) Section 10(5), ‘1 penalty unit’—	16
	<i>omit, insert—</i>	17
	‘2 penalty units’.	18
	(4) Section 10(3A) to (5)—	19
	<i>renumber</i> as section 10(4) to (6).	20
	(5) Section 10—	21
	<i>insert—</i>	22
	‘(7) The maximum penalty to which a person is liable under	23
	subsection (6) is 20 penalty units.’.	24
		25
Clause 9	Replacement of s 11 (Vacating member’s office)	26
	Section 11—	27
	<i>omit, insert—</i>	28

[s 10]

‘11	Vacating member’s office	1
	‘The office of a member of the trust becomes vacant if—	2
	(a) the member resigns office by signed notice given to the Minister; or	3
		4
	(b) the member is removed from office under section 12; or	5
	(c) for a member who is the councillor mentioned in section 6A(4)—the member stops being that councillor.’	6
		7
Clause 10	Amendment of s 12 (Removal from office)	8
	Section 12(1), ‘, other than the member ex officio,’—	9
	<i>omit.</i>	10
Clause 11	Amendment of s 13 (Casual vacancies)	11
	(1) Section 13(1)—	12
	<i>omit, insert—</i>	13
	‘(1) Where a vacancy occurs in the office of a member of the trust, another person who is not disqualified for membership under section 10 may be nominated or recommended under sections 6 to 6E and appointed to fill the vacancy.	14
		15
		16
		17
	‘(1A) However, if the vacancy occurs under section 11(c), only the person who is presently the councillor mentioned in section 6A(4) may be nominated or recommended for appointment.	18
		19
		20
	‘(1B) For subsection (1), sections 6A to 6E apply with any necessary or convenient changes.	21
		22
	‘(1C) Also, for applying section 6A(3)(a) for this section, the paragraph is taken to require that any nomination be made before the date stated in a written notice given to the Brisbane City Council or society by the Minister.’	23
		24
		25
		26
	(2) Section 13(1A) to (2)—	27
	<i>renumber</i> as section 13(2) to (5).	28

Clause 12	Insertion of new s 13A	1
	After section 13—	2
	<i>insert—</i>	3
‘13A	Appointment of chairperson of trust	4
	‘(1) This section applies if—	5
	(a) the members of the trust are newly appointed under	6
	section 7; or	7
	(b) the office of the chairperson of the trust becomes vacant.	8
	‘(2) At the next meeting of the trust, the members must nominate	9
	at least 2 members to be the chairperson.	10
	‘(3) A member of the trust chosen by the members present at the	11
	meeting is to preside at the meeting.	12
	‘(4) The trust must give the nominations to the Minister within 14	13
	days after the meeting.	14
	‘(5) The Minister must appoint 1 of the nominees as chairperson	15
	of the trust by written notice given to the trust.’.	16
Clause 13	Amendment of s 14 (Proceedings of trust)	17
	Section 14(1), from ‘chairperson’ to ‘deputy chairperson’—	18
	<i>omit, insert—</i>	19
	‘deputy chairperson of the trust’.	20
Clause 14	Amendment of s 21 (Powers of trust)	21
	(1) Section 21(d), after ‘persons’—	22
	<i>insert—</i>	23
	‘, including, for example, the right of the society to use the	24
	showgrounds to conduct an annual district show under section	25
	23’.	26
	(2) Section 21—	27
	<i>insert—</i>	28

[s 15]

‘(2) Before letting, leasing or permitting the use of the
showgrounds, or any part of the showgrounds, to or by an
entity other than the society for a period that will include the
period of 2 weeks for conducting the annual district show
mentioned in section 23(1), the trust must consult with the
society.’.

Clause 15 Amendment of s 23 (Rights of society)

(1) Section 23(1), ‘sole’—
omit.

(2) Section 23—
insert—

‘(3) The society’s right to occupation of the showgrounds under
subsection (1) is subject to a right granted by the trust to an
entity, other than the society, under section 21(1)(d).’.

Clause 16 Amendment of s 25 (By-laws)

Section 25(2), ‘4 penalty units’—
omit, insert—
‘10 penalty units’.

Clause 17 Insertion of new pt 6

After section 28—
insert—

‘Part 6	Transitional provisions for the Mt. Gravatt Showgrounds Amendment Act 2011	1 2 3
‘Division 1	Preliminary	4
‘29	Definitions for pt 6	5
	‘In this part—	6
	<i>commencement</i> means the commencement of this section.	7
	<i>pre-amended Act</i> means this Act as in force before the commencement of this section.	8 9
‘Division 2	Continuation of membership and office holders	10 11
‘30	Members of trust continue in office	12
	‘(1) This section applies to a person who, immediately before the commencement, was a member of the trust under the pre-amended Act.	13 14 15
	‘(2) The person continues in office as a member of the trust until the membership of the trust is dissolved under section 34.	16 17
‘31	Chairperson and deputy chairperson continue in office	18 19
	‘(1) This section applies to the member of the trust who, immediately before the commencement, was the chairperson or deputy chairperson of the trust under the pre-amended Act.	20 21 22
	‘(2) The member continues in office as the chairperson or deputy chairperson of the trust until membership of the trust is dissolved under section 34.	23 24 25

[s 17]

‘32	Removal of member	1
	‘Sections 30 and 31 apply subject to the member being removed from office under section 12.’	2 3
‘Division 3	Nomination process etc. before dissolution of membership of trust	4 5
‘33	Action may be taken to appoint members of trust	6
	‘(1) Action may be taken under this Act and this Act applies for the purpose of the appointment of members of the trust that is to take effect on the dissolution day.’	7 8 9
	‘(2) For applying section 6A(3)(a) for this section, the paragraph is taken to require that any nomination be made before the date stated in a written notice given to the Brisbane City Council or society by the Minister.’	10 11 12 13
	‘(3) In this section— <i>dissolution day</i> means the day division 4 commences.’	14 15
‘Division 4	Dissolution of membership of trust	16
‘34	Dissolution of membership of trust	17
	‘On the commencement of this division, the members of the trust who continued in office under section 30 go out of office.’	18 19 20 21