

FIRST PRINT

WAGGA WAGGA RACECOURSE BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- to provide for Wagga Wagga Racecourse to be continued as a public reserve for horse racing and other public purposes;
- to confirm the status of the existing reserve trust;
- to facilitate the incorporation of the existing Murrumbidgee Turf Club and to transfer the assets of that Club to the body corporate resulting from that incorporation; and
- to consequentially repeal the Murrumbidgee Turf Club Act 1876.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day to be fixed by proclamation.

Clause 3 defines certain expressions used in the proposed Act. The expressions defined are "assets", "liabilities", "rights", "the former Club", "the former trustee", "the incorporated Club" and "Wagga Wagga Racecourse".

Clause 4 clarifies the current status of the land comprising the Wagga Wagga Racecourse. The 1866 deed-poll or grant of the land from the Crown to certain persons will, to the extent that it applies to the Wagga Wagga Racecourse, be revoked and the land is to be Crown land dedicated for the following purposes:

- use as a racecourse for holding horse races;
- use as a training ground where race horses can be trained;
- use as a cricket ground or for any other form of sporting or recreational activity;
- use for any other public amusement or public purpose declared by the Governor-in-Council.

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Part 5 of the Crown Lands Act 1989 will apply to the Racecourse. Under that Part a dedication of land for a public purpose may be revoked. Parliament, however, can disallow such revocation.

Clause 5 continues the reserve trust established under the Crown Lands Act 1989 as trustee of the Wagga Wagga Racecourse for the purposes of that Act. The reserve trust is to have the corporate name of "Wagga Wagga Racecourse Reserve Trust". The appointment of the members of the existing trust board is confirmed.

Clause 6 makes it clear that nothing in the Murrumbidgee Turf Club Act 1876 prevents the members of the Murrumbidgee Turf Club from becoming incorporated as a body corporate under any law that enables persons to form a body corporate. As soon as practicable after the Club has become incorporated, the Minister will be required to publish in the Gazette a notice to the effect that the body corporate resulting from the incorporation is the incorporated Murrumbidgee Turf Club.

Clause 7 provides that, on the publication in the Gazette of the notice referred to in proposed section 6, the assets, rights and liabilities of the former Club (including the assets currently held by the chairman of the Club on its behalf) are to vest in the incorporated Club.

Clause 8 enables the Governor to make a proclamation repealing the Murrumbidgee Turf Club Act 1876 at any time on or after the publication in the Gazette of the certificate of the Minister referred to in proposed section 6.

Clause 9 empowers the Governor to make regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature.

Schedule 1 contains a description of the land comprising the Wagga Wagga Racecourse.

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SCHEDULE 1—WAGGA WAGGA RACECOURSE—DESCRIPTION OF LAND

WAGGA WAGGA RACECOURSE BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to provide for Wagga Wagga Racecourse to be continued as a public reserve for horse racing and for other purposes; to provide for the assets, rights and liabilities of the Murrumbidgee Turf Club to be vested in a body corporate to be formed by the members of that Club; and to repeal the Murrumbidgee Turf Club Act 1876.

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The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Wagga Wagga Racecourse Act 1993.

Commencement

- 5 2. This Act commences on a day to be appointed by proclamation.

Definitions

3. In this Act:

10 “**assets**” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents;

“**liabilities**” means all liabilities, debts and obligations (whether present or future and whether vested or contingent);

15 “**rights**” means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent);

“**the former Club**” means the members of the unincorporated body known as the Murrumbidgee Turf Club;

20 “**the former trustee**”, in relation to Wagga Wagga Racecourse, means the trustee for the Racecourse holding office under Division 4 of Part 5 of the Crown Lands Act 1989 immediately before the commencement of this Act;

“**the incorporated Club**” means the body corporate declared by the Minister under this Act to be the incorporated Murrumbidgee Turf Club;

25 “**Wagga Wagga Racecourse**” means the land described in Schedule 1.

Status of Wagga Wagga Racecourse

30 4. (1) The deed-poll or grant from the Crown, dated 10 September 1866, granting Wagga Wagga Racecourse to Thomas Wardle Hammond, Edward Charles Pearson and Henry Wallace and their heirs and assigns is, to the extent that it applies to the Wagga Wagga Racecourse, cancelled and revoked.

(2) The Wagga Wagga Racecourse is declared to be land vested in the Crown that is dedicated under section 80 of the Crown Lands Act 1989 for the following public purposes:

- 35 (a) for use as a racecourse for horse racing;

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- (b) for use as a training ground for race horses;
- (c) for use as a cricket ground or for any other form of sporting or recreational activity;
- (d) for any other form of public amusement or public purpose that the Governor has, by order published in the Gazette, declared to be a form of public amusement or public purpose for which the Racecourse, or a specified part of the Racecourse, is permitted to be used. 5

(3) Part 5 of the Crown Lands Act 1989 (Dedication and reservation of land), and such of the other provisions of that Act as are relevant to the operation of that Part, apply to the Wagga Wagga Racecourse. This subsection has effect despite subsection (2). 10

(4) Nothing in this section affects the operation of any lease of the Wagga Wagga Racecourse that was in force immediately before the commencement of this Act. 15

(5) No attornment to the reserve trust by a lessee or sublessee from the former trustee is required.

Continuation of Wagga Wagga Racecourse Reserve Trust

5. For the purposes of Division 4 of Part 5 of the Crown Lands Act 1989 (Formation of reserve trusts): 20

- (a) the former trustee continues as a reserve trust and as a corporation constituted by that Act with the corporate name of "Wagga Wagga Racecourse Reserve Trust"; and
- (b) the appointment of the reserve trust as trustee of the Wagga Wagga Racecourse is confirmed; and 25
- (c) each of the persons holding office as members of the trust board of the former trustee immediately before the commencement of this Act continues in office as a member of the trust board of the reserve trust.

Incorporation of the former Club 30

6. (1) Nothing in the Murrumbidgee Turf Club Act 1876 prevents the former Club from being incorporated under any law enabling persons to form a body corporate.

(2) On being satisfied that the former Club has become incorporated as a body corporate, the Minister must, by notice in writing published in the Gazette, declare the body corporate to be the incorporated Murrumbidgee Turf Club for the purposes of this Act. 35

Assets, rights and liabilities of the former Club to vest in the incorporated Club

7. (1) On the date of publication of the notice referred to in section 6, the following provisions have effect:

- 5 (a) the assets of the former Club vest in the incorporated Club by force of this section and without the need for any conveyance, transfer, assignment or assurance;
- (b) the rights and liabilities of the former Club become by force of this section the rights and liabilities of the incorporated Club;
- 10 (c) all legal proceedings by or on behalf of, or against, the former Club begun before, and pending immediately before, that date are taken to be legal proceedings pending by or on behalf of, or against, the incorporated Club;
- 15 (d) any thing done or omitted to be done in relation to the former Club before that date by, to or in respect of that Club is, to the extent that it continues to have effect, taken to have been done, or omitted to be done, by, to or in respect of the incorporated Club;
- 20 (e) a reference in any Act, or any document (including an instrument made under an Act), to the former Club is, subject to any regulations in force under section 9, to be read as, or as including, a reference to the incorporated Club.

(2) In this section, the assets of the former Club include any lease of the Wagga Wagga Racecourse to the chairman of the former Club that was in existence immediately before the date referred to in subsection (1).

- 25 (3) The operation of this section is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong; or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights and liabilities; or
- 30 (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- 35 (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(5) No attornment to the incorporated Club by a lessee or sublessee from the former Club is required.

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Repeal of the Murrumbidgee Turf Club Act 1876

8. (1) The Murrumbidgee Turf Club Act 1876 is repealed on a date to be appointed by proclamation published in the Gazette.

(2) The date is not to be a date that is earlier than the date of publication of the notice referred to in section 6. 5

Regulations

9. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. 10

(2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.

(3) A provision referred to in subsection (2) may, if the regulations so provide, take effect as from the date of assent to this Act or a later date.

(4) To the extent to which a provision referred to in subsection (2) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as: 15

(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or 20

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of any thing done or omitted to be done before the date of its publication.

**SCHEDULE 1—WAGGA WAGGA
RACECOURSE—DESCRIPTION OF LAND**

25

(Sec. 3)

The land comprising the Wagga Wagga Racecourse is as follows:

All that parcel of land at Wagga Wagga in the City of Wagga Wagga, Parish of South Wagga Wagga, County of Wynyard, of about 60.26 hectares comprising the remainder of portion 209 of the Parish and contained in Certificate of Title Volume 15139 Folio 250 at the Land Titles Office, Sydney. 30
