

Queensland



EAGLE FARM RACECOURSE BILL 1993

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1993

A BILL

FOR

**An Act to consolidate and amend the law for the management and
development of Eagle Farm racecourse, and for related purposes**

The Parliament of Queensland enacts—

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PART 1—PRELIMINARY

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Short title

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*Clause*1. This Act may be cited as the *Eagle Farm Racecourse Act 1993*.

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Commencement

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*Clause*2. This Act commences on a day to be fixed by proclamation.

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Definitions

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*Clause*3. In this Act—

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“**club**” means the race club registered under the *Racing and Betting Act 1980* under the name ‘Queensland Turf Club’;

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“**develop**” includes construct, improve and replace;

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“**official name**” of the trustees means ‘Trustees of Eagle Farm Racecourse’;

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“**racing venue land**” means the part of the trust land prescribed by regulation to be racing venue land;

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“**trustee**” means a person who is appointed under this Act as a trustee;

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“**trust land**” means the land prescribed by regulation to be trust land;

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“**trust property**” means—

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(a) the property held by the trustees on trust under the *Eagle Farm Racecourse Act 1955* immediately before the commencement of section 12; and

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(b) property acquired by the trustees under this Act, but does not include property sold or otherwise disposed of by the trustees under this Act.

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PART 2—THE TRUSTEES

Appointment

Clause4.(1) The Governor in Council may appoint a person (other than a member of the management committee of the club) to be a trustee.

(2) However, the number of trustees at any time must be either 3 or 4.

Duration of appointment

Clause5. The appointment of a trustee is for the term (not longer than 3 years) specified in the trustee's instrument of appointment.

Conditions of appointment

Clause6. A trustee holds office on the conditions not provided in this Act decided by the Governor in Council.

Termination of appointment

Clause7.(1) The Governor in Council may, at any time, terminate the appointment of all or any trustees for any reason or none.

(2) Without limiting subsection (1), the Governor in Council may terminate the appointment of a trustee if the trustee becomes a member of the management committee of the club.

Powers

Clause8.(1) The trustees may, in their official name—

- (a) sell or otherwise dispose of trust land; or
- (b) mortgage trust land; or
- (c) lease trust land (other than the racing venue land); or
- (d) accept grants or gifts of property; or
- (e) acquire or develop land.

(2) However, the trustees may exercise a power under subsection (1)

only with the written agreement of the Minister.	1
(3) The Minister may impose conditions on the agreement.	2
(4) The trustees must comply with the conditions.	3
 Exercise of powers not affected because of vacancy	4
<i>Clause9.</i> Despite section 4(2), the exercise of a power by the trustees is not affected merely because of vacancies in offices of trustee.	5 6
 Trustees may sue and be sued	7
<i>Clause10.</i> The trustees may sue and be sued in their official name.	8
 Right of access to racing venue land	9
<i>Clause11.</i> The trustees have a right of access to the racing venue land at all times free of any charge.	10 11
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<i>Clause12.</i> The trust property vests in the trustees in their official name.	14
 Declaration of trust	15
<i>Clause13.</i> The trustees hold trust property on trust for the members for the time being of the club—	16 17
(a) so far as the property relates to the trust land—to be used as a racecourse and for other purposes approved by the Minister; and	18 19
(b) so far as the property relates to other trust property—to be used in connection with the purposes mentioned in paragraph (a).	20 21

PART 4—THE CLUB	1
Right to use and occupy racing venue land	2
<i>Clause14.</i> The club has the right to use and occupy the racing venue land.	3
Liability	4
<i>Clause15.</i> A liability arising out of the club’s use or occupation of the racing venue land that would, apart from this section, attach to the trustees attaches instead to the club.	5 6 7
Management and development of racing venue land	8
<i>Clause16.(1)</i> The club is to manage the racing venue land.	9
<i>(2)</i> The club must not develop the racing venue land without the trustees’ written agreement.	10 11
Trustees to agree to club’s applications for certain advances	12
<i>Clause17.</i> The club may make an application under the <i>Racing and Betting Act 1980</i> for an advance from the Racing Development Fund to develop the racing venue land only with the trustees’ written agreement.	13 14 15
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<i>Clause18.</i> The trustees are a statutory body under the <i>Financial Administration and Audit Act 1977</i> .	18 19
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<i>Clause19.</i> The Registrar of Titles is to record in the appropriate register the vesting of the trust land in the trustees in their official name.	21 22

Regulations

Clause20. The Governor in Council may make regulations for the purposes of this Act.

PART 6—TRANSITIONAL AND REPEALS**Trustees continue to hold office**

Clause21.(1) The persons who were trustees under the *Eagle Farm Racecourse Act 1955* immediately before the commencement of this section are taken to have been appointed to be trustees under section 4 on the commencement.

(2) The appointment is for 3 years.

Repeals

Clause22. The following Acts are repealed—

- *Eagle Farm Racecourse Act 1955*
- *Eagle Farm Racecourse Amendment Act 1991.*

Expiry of Part

Clause23. This Part expires at the end of the day it commences.