

SYDNEY TURF CLUB ACT.

Act No. 22, 1943.

An Act to constitute and incorporate a Sydney Turf Club and to declare its objects, functions and powers; to provide for the acquisition by that club of certain racecourses and the equipment thereof; to provide for the discontinuance of the licenses of certain racecourses; to provide for the establishment of a Racing Compensation Fund in the Treasury; to amend the Gaming and Betting Act, 1912-1938, and certain other Acts; and for purposes connected therewith. [Assented to, 28th July, 1943.]

George VI.
No. 22, 1943.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Sydney Turf Club Act, 1943." Short title.

(2) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commencement.

Sydney Turf Club Act.

No. 22, 1943.

Division
into Parts.**2.** This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY.

PART II.—SYDNEY TURF CLUB.

DIVISION 1.—*Incorporation and Constitution.*DIVISION 2.—*Objects, functions and powers.*DIVISION 3.—*Financial.*DIVISION 4.—*Acquisition of lands and equipment.*

PART III.—RACING COMPENSATION FUND.

PART IV.—GENERAL.

SCHEDULES.

Interpreta-
tion.
No. 25,
1912, s. 3.**3.** In this Act, unless the context or subject matter otherwise indicates or requires—

“Bookmaker” includes any person who carries on the business of or acts as a bookmaker or turf commission agent or who gains or endeavours to gain his livelihood wholly or partly by betting or making wagers.

“By-law” means by-law made by virtue of the provisions of this Act.

“Club” means the Sydney Turf Club incorporated by this Act.

“Compensation Fund” means the Racing Compensation Fund established by this Act.

“Director” means a director of the Club.

“Member” means member of the Club.

“Prescribed” means prescribed by this Act or by regulations made thereunder or by by-law.

“Racecourse” means land used for race meetings and to which admission is granted by payment of money, by ticket or otherwise.

“Race meeting” means a meeting for horse racing, or a meeting for pony racing as defined in the Gaming and Betting Act, 1912-1938, or a meeting for trotting or pacing contests.

PART

PART II.

SYDNEY TURF CLUB.

DIVISION 1.—*Incorporation and Constitution.*

4. (1) There is hereby constituted a Club which shall have the objects and functions set out in this Act. Constitution.

(2) The Club shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

(3) The corporate name of the Club so incorporated and constituted by this section shall be the "Sydney Turf Club." Corporate name.

(4) The Club shall be deemed to be a company limited by guarantee and not having a share capital, within the meaning of the Companies Act, 1936, and the provisions of that Act to the extent to which they are not inconsistent with any provisions of this Act shall apply to and in respect of the Club, its directors and officers, as if the Club were formed and registered as such a company under that Act. Application of Companies Act, 1936.

(5) The registered office of the Club shall be situated in the city of Sydney or at such other place within the county of Cumberland as may from time to time be determined by the directors. Registered office.

(6) The liability of a member for any debts or liabilities of the Club is limited to the sum of five pounds which said sum each member shall be liable to contribute to the assets of the Club in the event of its being wound up while he is a member or within one year after, for payment of the debts and liabilities of the Club contracted before he ceases to be a member and of the costs, charges and expenses of winding-up and for the adjustment of the rights of the contributories among themselves. Limit of members' liability.

(7)

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Exemption
from
certain
provisions
of
Companies
Act, 1936.

(7) The Club shall enjoy all the privileges of a limited company within the meaning of the Companies Act, 1936, and shall be subject to all the obligations of such a company except those of using the word "Limited" as part of its name and of publishing its name and of sending lists of members to the Registrar-General, and of sending to the members a copy of the balance-sheet pursuant to paragraph (a) of subsection one of section one hundred and eleven of that Act. Section thirty-four of that Act shall not extend to the Club.

Regulations-
Articles of
association.

(8) (a) The regulations set out in the First Schedule to this Act shall subject to this subsection be the regulations of the Club in the same manner and to the same extent as if they were contained in duly registered articles of association.

(b) The Governor may by regulations made under this Act amend the First Schedule to this Act.

The provisions of section thirty-two of this Act shall apply to and in respect of any regulations made for the purposes referred to in this paragraph.

The First Schedule as so amended shall be the First Schedule to this Act.

Application
of income.

5. (1) The income and property of the Club from whatsoever source derived shall be applied solely towards the promotion of the objects of the Club as set forth in this Act, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit or gain to the members of the Club or to any of them.

(2) Nothing contained in this section shall prevent or preclude the payment of interest at a rate not exceeding five pounds per centum per annum or the repayment of principal to any member in respect of any money which may at any time be owing to him by the Club or of reasonable or proper rent for premises demised or let by any member to the Club or the payment in good faith of remuneration to any officer or servant of the Club or to any member of the Club in return for any services actually rendered by him to the Club.

(3)

(3) No remuneration or other benefit in money ^{No. 22, 1943.} or money's worth shall be given by the Club to any director except repayment of out-of-pocket expenses or payment of interest at a rate not exceeding five pounds per centum per annum in respect of money owing to him by or reasonable and proper rent for premises demised or let by him to the Club.

(4) Nothing in this section shall prevent any member of the Club, whether a director thereof or not, from entering and racing any horse or pony and competing for and receiving any money or any prize in any race or competition offered by the Club or prevent any member who may be a successful competitor or exhibitor at any competition, sport, game, exhibition or show held or promoted by the Club or to the cost of establishing or holding which the Club may have subscribed out of its income or property from receiving, as such competitor or exhibitor, a prize, medal, or other recognition, pecuniary or otherwise, which may under the rules or conditions affecting such race, competition, sport, game, exhibition or show be awarded to him, and no such member shall be liable to account to the Club in respect of any such money, medal or prize won and received by him.

(5) If upon the winding-up or dissolution of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Club, but shall be given or transferred to some other institution, company or corporation having objects similar to those of the Club and which is a non-proprietary association within the meaning of that expression as defined in the Gaming and Betting Act, 1912, as amended by subsequent Acts, such institution, company or corporation to be determined by the members of the Club by special resolution at or before the time of dissolution or in default thereof by the Chief Judge in Equity of the Supreme Court of New South Wales or such other Judge of that Court as may have or acquire jurisdiction in the matter, and if and so far as effect cannot be given to the aforesaid provision the said property shall be applied to such charitable object as the said Chief Judge or Judge may direct.

Application
of surplus
assets on
winding-up.

Sydney Turf Club Act.

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First
members,
directors
and
auditors.

6. (1) The first twelve members of the Club shall be persons selected by the Governor and appointed by notification published in the Gazette.

(2) The members so appointed shall, by such notification, be appointed as directors of the Club, and of such directors one shall by such notification be appointed chairman of directors, one other appointed vice-chairman and one other appointed honorary treasurer of the Club.

(3) Six of the directors appointed under this section shall subject to this Act hold office as such until the first ordinary general meeting of the Club held after the thirtieth day of June, one thousand nine hundred and forty-five, and the remaining six of the directors so appointed shall, subject to this Act, hold office as such until the next following ordinary general meeting of the Club.

Directors who cease to hold office by operation of this subsection shall, if otherwise qualified, be eligible for election as directors.

(4) The notification referred to in subsection one of this section shall indicate at which of the ordinary general meetings referred to in subsection three of this section each of the directors is to retire from office as such.

(5) Any member appointed under this section shall at the first meeting of directors which he attends sign in the minute book of the company an acknowledgment that he agrees to be bound by the regulations of the Club in force for the time being and accepts the obligations of a member and a director of the Club.

(6) If any vacancy occurs in the office of a director appointed under this section the Governor may, by notification in the Gazette, appoint any member of the Club to be a director.

A director appointed under this subsection shall hold office for the balance of his predecessor's term of office and shall, if otherwise qualified, be eligible for election as a director.

(7) Subject to this Act other members may be elected and admitted to the Club in the manner prescribed by the regulations appearing in the First Schedule to this Act.

(8)

(8) Subject to this subsection the provisions of No. 22, 1943. regulation 48 of the regulations in the First Schedule to this Act shall extend to the directors appointed by the Governor, but paragraph (e) of that regulation shall, in relation to such directors, be read as if the words "pursuant to regulation 46 (2)" were omitted and the words "by the Governor" were inserted in lieu thereof.

Should either the chairman, vice-chairman or honorary treasurer vacate his office as director or without so vacating his office as director resign the office of chairman, vice-chairman or honorary treasurer, then the following provisions shall have effect:—

- (a) If the vacancy or resignation occurs before the time arrives when the whole of the directors are to be elected by the members, the vacancy is to be filled by the Governor from among the directors.
- (b) If the vacancy or resignation occurs after such time the remaining directors, in the case of a vacancy, or the directors, in the case of a resignation, shall fill the office of chairman, vice-chairman or honorary treasurer from among the directors.

DIVISION 2.—Objects, functions and powers.

7. (1) The Club shall have the following objects and Objects and functions of club. may exercise all or any of the following functions:—

- (a) the promotion and encouragement of racing generally;
- (b) the carrying on of the business or occupation of racecourse keepers and sports ground proprietors;
- (c) the promotion, arrangement, holding and conducting of race meetings upon racecourses licensed under the Gaming and Betting Act, 1912, as amended by subsequent Acts;
- (d) the acquisition pursuant to this Act of all or any of the racecourses specified in the Second Schedule to this Act;
- (e) the control and management of any racecourse or ground for the time being vested in or acquired by the Club;

H

(f)

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(f) the promotion and encouragement of any sports upon lands vested in or acquired by the Club or of which it has for the time being the control and management;

(g) the carrying out of any function expressly or impliedly conferred on the Club by or under this Act or any other Act.

(2) The Club shall apply for registration as a racing club with the Australian Jockey Club.

(3) That the Club may attain any of its objects and effectively carry out any of its functions, it shall have power to do all such things as it may deem incidental or conducive to the profitable and effective carrying out thereof.

Certain powers.

(4) The Club shall have in addition to any powers which are expressly or impliedly conferred upon it by or under this Act or any other Act the specific powers set out in the Third Schedule to this Act.

(5) The mere enumeration of specific powers in the Third Schedule or the conferring of other specific powers by any other section of this Act shall not operate to limit the general powers conferred by this section.

Acting secretary.

8. (1) The Governor may appoint some member of the Public Service to be the acting secretary of the Club until the directors shall appoint a secretary thereof.

(2) The Governor shall fix the salary and allowances of such acting secretary and such salary and allowances may be paid by the Colonial Treasurer.

DIVISION 3.—Financial.**Temporary accommodation.**

9. (1) For the temporary accommodation of the Club it may obtain advances by overdraft on current account in any bank or banks upon the credit of the Club's assets and revenues to such extent as may from time to time be approved by the Governor.

(2) The Colonial Treasurer may advance such moneys to the Club as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon.

(3)

(3) Any moneys paid by the Colonial Treasurer for the salary and allowances of the acting secretary or for the payment of any preliminary expenses incurred in connection with the initiation of the operations of the Club shall be repaid to the Colonial Treasurer out of the funds of the Club as and when required by him. No. 22, 1943.

10. (1) Subject to this Act the Club may from time to time with the approval of the Governor borrow and reborrow at interest such sums of money as it thinks requisite for the purposes of this Act, for the renewal of loans, or the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank and without limiting the generality of the foregoing powers may borrow with such approval by mortgage, debentures or otherwise any sum of money required for— Power to borrow.
Public Hospitals Act, 1929-1937, s. 37.

(a) The execution of any works which may be approved by the Governor on the recommendation of the Minister whether in connection with the improvement of any racecourse vested in it or of which the Club has the control or management or the erection, enlargement or equipment of the buildings thereon or used and occupied in connection therewith.

(b) The discharge or partial discharge of any capital indebtedness of the Club arising out of the acquisition of any lands, racecourses or grounds or other property whatsoever by the Club in furtherance of its objects.

The approval of the Governor to any borrowing under this subsection shall not be given except upon the recommendation of the Colonial Treasurer.

(2) A person advancing money to the Club shall not when the borrowing has been so approved be bound to inquire into the application of the money advanced or be in any way responsible for the non-application or mis-application thereof.

(3) A notification in the Gazette of the approval of the Governor having been given to a borrowing on behalf of the Club shall, in favour of a lender, be conclusive evidence that all conditions precedent to the borrowing have been complied with and that the borrowing is for a purpose authorised by this section.

(4)

No. 22, 1943.

(4) Every such borrowing shall be binding on the Club and if the borrowing is by mortgage the mortgage may be over the real and personal property of the Club or any part thereof or over the revenues of the Club from whatsoever source derived and may contain such powers and provisions as the Governor approves.

(5) Any borrowing under this section shall be sufficiently evidenced by an instrument under the common seal of the Club.

(6) No notice of any trusts express implied or constructive shall be received by the Club or by any officer of the Club in relation to any debentures or coupons issued or mortgage given by the Club.

(7) When the borrowing is by way of mortgage over the revenues of the Club the charge thereby created shall be deemed to be a floating charge on the undertaking and property of the Club and Part IX of the Companies Act, 1936, shall apply in respect thereof as well as to any charge created for the purpose of securing any issue of debentures and which is required to be registered under that Part.

(8) Where in connection with the acquisition of any racecourse or other land by the Club in accordance with the provisions of this Act, an arrangement is made whereby the obligations of the Club in respect of such acquisition are to be discharged, in whole or in part, by the giving of a mortgage or by the issue of debentures to the persons from whom the land is acquired or to their nominees, or where an arrangement is made whereby the obligations of the Compensation Fund in respect of compensation under section seventeen of this Act are to be discharged by the issue by the Club of debentures to the persons entitled to such compensation or to their nominees then the money secured by a mortgage given or debentures issued pursuant to any such arrangement shall, for the purposes of this section, be deemed to be moneys borrowed by the Club under this section, and the foregoing provisions of this section shall apply accordingly.

Insurance.

11. (1) The Club shall—

- (a) insure at full insurable value with the Government Insurance Office of New South Wales (in this

this subsection hereinafter referred to as the "said office") all buildings on all lands vested in it or on any lands the control and management whereof is vested in it by this Act, together with the fencing of such lands and shall also insure all its personal property with such office. No. 22, 1943.

For the purpose of any such insurance the Club shall be deemed to have an insurable interest in all property under its control and management;

- (b) insure with the said office against claims for compensation for accidents to members of the public and damage to any property arising from any operations carried on by or on behalf of the Club upon any racecourse vested in it or upon any lands the control and management whereof is vested in it by this Act;
- (c) insure with the said office against claims for compensation against it under any Workers' Compensation Act for the time being in force by any employee of the Club other than an employee who is a worker of the nature referred to in subsection ten of section six of the Workers' Compensation Act, 1926-1942.

(2) The Club may out of its funds contribute—

- (a) to any mutual benefit or sick or accident fund formed for the benefit of its officers or employees or to any fund formed for the relief of any jockeys; or
- (b) to the funds of any public hospital; or
- (c) to the funds of any district under the Ambulance Transport Service Act, 1919, in the area of which any racecourse vested in it or any lands whereof it has the control and management are situated; or
- (d) to the funds of St. John Ambulance Association or any other like body which may provide ambulance or first-aid treatment on such racecourses or lands.

Charitable contributions, superannuation, &c.

No. 22, 1943.

(3) The Club may by by-law establish a fund for the purpose of providing sums of money or annuities to officers, servants or employees who contributed to such fund to be payable to them on their retirement from their office, service or employment under the Club or on the cessation or abolition of their offices or, in case of their death, to their widows, surviving children or dependent relatives, and/or in such case to provide for their funeral expenses.

The rule of law relating to perpetuities shall not apply to or in respect of such fund or the purposes thereof.

(4) The Club may, if such fund as is referred to in subsection three of this section is established—

- (a) contribute to the said fund such sums of money as it thinks fit not exceeding a pound for pound subsidy upon contributions made by employees;
- (b) deduct from the salary or wages of any of its officers, servants or employees, as the case may be, such sums of money, if any, as they are required by by-law to pay into the superannuation fund.

The provisions of the Truck Act, 1900, and of section ninety-two of the Industrial Arbitration Act, 1940, as amended by subsequent Acts, shall not apply in respect of deductions from salary or wages of officers, servants or employees made under the authority of this subsection.

(5) Notwithstanding anything contained in subsection four of this section the Club may out of its funds grant superannuation allowances or gratuities to any of its officers, servants or employees on their retirement and/or funeral benefits on their deaths.

The power conferred by this subsection may be exercised in favour of and in respect of officers or servants of any club or company whose racecourse becomes vested in the Club or over which the Club is given the control and management, and whose services are not continued by the Club.

(6) The Club may out of its funds contribute in respect of its officers, servants and employees to the Metropolitan Hospitals Contribution Fund or to the contribution

contribution fund of any public hospital in the district ^{No. 22, 1943.} in which any racecourse vested in the Club or any lands whereof the Club has the control and management is situated.

(7) The Club shall not apply any of its funds directly or indirectly in or towards any political object or purpose.

DIVISION 4.—Acquisition of lands and equipment.

12. (1) The Club may acquire from any person, ^{Purchase.} including the Crown any of the racecourses specified in the Second Schedule to this Act or any other land (not being a racecourse licensed under the Gaming and Betting Act, 1912-1942) which it may require for any of the purposes of this Act by lease, purchase, appropriation or resumption in accordance with this Division.

“Land” in this Division means either land in fee simple or any easement, right or privilege in, over or affecting land.

(2) The Club may acquire a leasehold estate in any land.

(3) The approval of the Governor to the purchase of the land or the acquisition of the leasehold interest shall be first obtained.

13. (1) When the Club proposes to acquire land by ^{Resumption.} appropriation or resumption it may apply to the Governor through the Minister.

(2) The Club shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(3) The Governor may authorise the appropriation or resumption.

(4) Thereupon the Governor may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and

(b) notify that the land is vested in the Club.

(5) Thereupon the land shall vest in the Club.

(6)

No. 22, 1943.

(6) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act and the compensation in respect of such appropriation or resumption shall, subject to subsections eight and nine of this section, be determined accordingly.

(7) Where a racecourse is acquired by resumption the Gazette notice of the resumption of the land shall also operate to divest from the owner of the racecourse any plant or equipment whether affixed to the land or not belonging to him on it and used in connection with the racecourse, and such plant and equipment shall thereupon vest in the Club.

(8) The value of such plant or equipment shall be taken into account in the ascertainment of the compensation to be paid for the resumption of the land and in determining such value—

- (a) in relation to plant or equipment acquired by the owner thereof before the commencement of this Act, due regard shall be had to the value at which such plant or equipment stands in the books of the owner thereof at such commencement and to any depreciation reserve, or, if there is no depreciation reserve or if the depreciation reserve is inadequate, to depreciation at a just rate;
- (b) in relation to plant or equipment acquired by the owner thereof after such commencement, due regard shall be had to the cost thereof and to depreciation at a just rate.

(9) In ascertaining the amount of compensation to be awarded for the resumption of any of the racecourses which the Club may acquire pursuant to this Act the value of the land and buildings shall be determined in accordance with the law applicable with respect to land appropriated or resumed under Division 1 of Part V of the Public Works Act, 1912, as amended by subsequent Acts, but any compensation (including any claim for special value) over and above the fair value of the land and buildings, shall be limited to a payment for goodwill not exceeding three years purchase of the average

average net profits of the racecourse after excluding all reasonable expenses and outgoings and an amount equivalent to the fair rent of the land and buildings. Such average net profits shall be the average for the period of fifteen years immediately preceding the year in which the racecourse is resumed, having regard to the varying number of race days upon which race meetings have been held thereon during such period and to the provisions of the Gaming and Betting Act, 1912, as amended by subsequent Acts. No. 22, 1943.

14. (1) Before the thirtieth day of June in the year one thousand nine hundred and forty-four the directors of the Club shall decide which of the racecourses specified in the Second Schedule to this Act the Club desires to acquire either by purchase or resumption whether forthwith or at some date not later than the first day of January, one thousand nine hundred and forty-six, for the purposes of this Act and of carrying on the same as racecourses. Selection
of
racecourses
to be
acquired.

(2) It shall be the duty of the person for the time being acting as secretary of the Club to furnish the Minister with a copy of the resolution evidencing the decision of the directors certified as correct within fourteen days of the passing thereof.

(3) No license for horse racing or for pony racing under the Gaming and Betting Act, 1912, as amended by subsequent Acts, for the year one thousand nine hundred and forty-five, or any subsequent year, shall be issued in respect of any of the racecourses specified in the Second Schedule to this Act other than in respect of the racecourses which the Club has so expressed its desire to acquire.

(4) The race days which in the Fourth and Fifth Schedules to the Gaming and Betting Act, 1912, as amended by subsequent Acts and this Act, are set out opposite the name of any racecourse in respect of which by reason of this section no license for horse racing or for pony racing is to be issued for the year one thousand nine hundred and forty-five, may be utilised in that and in subsequent years for the holding of race meetings on all or any of the racecourses specified in the Second Schedule to this Act in respect of which a license for horse racing or for pony racing is issued for such year.

(5)

No. 22, 1943.

(5) Nothing in this section shall preclude the Club from acquiring at any time subsequent to the year one thousand nine hundred and forty-four any of the race-courses specified in the Second Schedule to this Act and should the Club at any time acquire any of such race-courses and desire to conduct race meetings thereon then the provisions of subsection three of this section shall cease to operate in respect of that racecourse and an adjustment of race days may thereupon be made pursuant to subsection four of this section.

(6) The Governor may by proclamation extend the time within which the decision of the directors under subsection one of this section is to be made until a date not later than the thirtieth day of September, one thousand nine hundred and forty-four, if so requested by resolution of the directors.

PART III.

RACING COMPENSATION FUND.

Establish-
ment in
Treasury.

15. (1) There shall be established and kept in the Treasury an account in special deposit account to be called the Racing Compensation Fund.

(2) Not later than the thirty-first day of January in the year one thousand nine hundred and forty-six and in each succeeding year the Club, the Australian Jockey Club, Tattersall's Club and City Tattersall's Club shall each pay to the Colonial Treasurer for the credit of the Compensation Fund a contribution calculated at the rate of five pounds per centum (or at such lower rate as the Governor may from time to time fix by notification published in the Gazette in respect of any year) on its income from racing during the year ending on the thirty-first day of December then last past.

For the purposes of this subsection the expression "income from racing" in its application to or in respect of the Club or the Australian Jockey Club, or Tattersall's Club or City Tattersall's Club, as the case may be, means the amount which remains after deducting from the gross income derived by the club from all race meetings conducted by it on any racecourse during the year ending on the thirty-first day of December, any sums paid by
way

way of taxation on fees from bookmakers or entertain- **No. 22, 1943.**
 ment or admission tax and any amount paid to the
 Colonial Treasurer pursuant to the Totalizator Act, 1916,
 as amended by subsequent Acts.

The payment shall be accompanied by an account and
 statement in the prescribed form.

(3) The Governor may at any time direct that
 the accounts of the Club be audited by the Auditor-
 General who shall have in respect to such audit all the
 powers conferred on him by any law relating to the
 audit of the Public Accounts.

(4) There shall also be paid by the Club to the
 Colonial Treasurer for the credit of the Compensation
 Fund the proceeds of the sale of debentures of the Club
 the issue of which has been approved by the Governor.

(5) Moneys to the credit of the Compensation
 Fund may be applied by the Colonial Treasurer in or
 towards—

- (a) the repayment of any amount due by the Club to
 the Colonial Treasurer on any account whatso-
 ever.
- (b) the payment of any compensation payable under
 the provisions of this Act;
- (c) the redemption of any debenture issued by the
 Club for any purpose whatsoever;
- (d) the liquidation of any overdraft of the Club
 with any bank; or
- (e) the payment of compensation, costs, charges
 and expenses of and in connection with the
 acquisition on behalf of the Club by resumption
 or appropriation of any land.

(6) The moneys to the credit of the Compensa-
 tion Fund may be so applied by the Colonial Treasurer
 from time to time without further warrant than this
 section, but any moneys paid into such Fund by the Club
 for a special purpose shall be applied in or towards that
 purpose.

16. (1) Where the Club acquires by resumption any **Compen-**
 racecourse the officers and servants who, before such **sation to**
 acquisition, were continuously employed by the proprie- **officers**
 tors thereof in connection with the conduct of race **and**
 meetings or the care, control and management of the **servants.**
 racecourse

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No. 22, 1943. racecourse or were employed by the proprietors in connection with race meetings conducted on the racecourse shall be entitled to receive compensation in the cases and to the extent following only:—

(a) *Officers and servants continuously employed.*

The Club shall, within one month after such acquisition, determine which of the officers and servants who were so continuously employed at the date of such acquisition, are and are not to be retained in the service of the Club, and shall notify each of such officers and servants of its determination.

Where any such officer or servant is notified that his services are to be retained by the Club, at not less than his rate of pay immediately before such acquisition, and on the like conditions of employment, he shall not be entitled to compensation.

Where any such officer or servant is notified that his services will not be retained, or that his services will be retained at a lesser rate of pay, he shall be entitled to receive as compensation an amount equivalent to one month's pay at the rate subsisting at the date of such acquisition for each complete year of such continuous service with the proprietors; and for the purposes of this paragraph war service shall be deemed not to break the continuity of service with such proprietors.

Any such officer or servant whose services are not retained by the Club shall, if he so elects, be entitled to render his accustomed services for a period of one month after the date of such acquisition, and in such case shall be entitled to be paid in respect of such services at the rate subsisting immediately before such acquisition.

(b) *Officers and servants employed as casuals.*

The Club shall, within one month after such acquisition, determine which of the officers and servants (being officers and servants who were employed by the proprietors not continuously but only in connection with race meetings conducted on such racecourse) who were so employed immediately before such acquisition it will or will not continue to

to employ, subject to behaviour and work being and remaining satisfactory to the directors, and shall notify each of such officers and servants of its determination. No. 22, 1943.

Where any such officer or servant is notified that he will be so employed he shall not be entitled to compensation.

Where any such officer or servant is notified that the Club will not so continue to employ him he shall be entitled to receive as compensation an amount equivalent to his pay for one race day at the accustomed rate for each twelve race days or part of twelve race days during which he was so casually employed by the proprietors.

(2) The Colonial Treasurer may pay such sums out of the Compensation Fund upon the certificate of the chairman of directors of the Club.

17. (1) When by reason of the operation of this Act a racecourse is precluded from being licensed under the Gaming and Betting Act, 1912-1938, for the year one thousand nine hundred and forty-five, compensation shall be paid out of the Compensation Fund in respect of the damage sustained by the proprietors of the racecourse by such deprivation. Compensation
for pro-
prietors
delicensed.

(2) In assessing the compensation to be awarded to the proprietors of the racecourse pursuant to this section regard may be had to the amount of capital actually expended in improvements to or upon the racecourse, and to the then present suitability and value of the land for subdivision and sale for residential, factory or business purposes.

(3) In ascertaining the amount of compensation to be awarded to the proprietors of the racecourse pursuant to this section any compensation (including any claim for special value) over and above the compensation assessed under subsection two of this section shall be limited to a payment for goodwill not exceeding three years purchase of the average net profits of the racecourse after excluding all reasonable expenses and outgoings, and an amount equivalent to the fair rent of the racecourse.

Such average net profits shall be the average for the period of fifteen years immediately preceding the year one

No. 22, 1943. one thousand nine hundred and forty-five having regard to the varying number of race days upon which race meetings have been held thereon during such period and to the provisions of the Gaming and Betting Act, 1912-1942.

(4) In subsections one, two and three of this section the expression "proprietors of the racecourse" means the persons who held the license under the Gaming and Betting Act, 1912-1942, for the year one thousand nine hundred and forty-four, and in any case where such persons were not the owners of the land upon which the racecourse is situated, includes such owners.

Members
of non-
proprietary
associa-
tions.

(5) When such proprietors were at the commencement of this Act a non-proprietary association within the meaning of the Gaming and Betting Act, 1912-1938, and the members thereof had been charged and had paid entrance fees on becoming members of such association, any such member shall, if he becomes a member of the Club constituted by this Act, be entitled to do so on payment of such reduced entrance fee as the directors may determine, having regard to the circumstances, the age of such person and the length of time he had been a member of such association. And any such member, if his application for membership of the Club is declined by the directors, shall be entitled to a refund of his entrance fee to such association from the Compensation Fund.

Compen-
sation to
employees
of race-
courses
delicensed.

(6) Where any racecourse is by the operation of this Act precluded from being licensed for the year one thousand nine hundred and forty-five the officers and servants who, before the first day of January, one thousand nine hundred and forty-five (in this subsection hereinafter referred to as "the said day") were continuously employed by the proprietors thereof in connection with the conduct of race meetings or the care, control and management of the racecourse or were employed by the proprietors in connection with race meetings conducted on the racecourse, shall be entitled to receive compensation in the cases and to the extent following only:—

(a) *Officers and servants continuously employed.*

Any such officer or servant who was so continuously employed immediately before the said day,
and

and who, by reason of the failure of the proprietors to obtain a license for the racecourse by reason of the operation of this Act, loses his employment on the said day, and who is not offered employment by the Club at not less than his rate of pay immediately before the said day, shall be entitled to receive as compensation an amount equivalent to one month's pay at the rate subsisting immediately before the said day for each complete year of service with the proprietors; and for the purposes of this paragraph war service shall be deemed not to break the continuity of service with such proprietors.

(b) *Officers and servants employed as casuals.*

Any such officer or servant who was employed by the proprietors not continuously but only in connection with race meetings conducted on such racecourse and was so employed immediately before the said day, and who by reason of the failure of the proprietors to obtain a license for the racecourse by reason of the operation of this Act, loses his employment on the said day, and who is not offered like employment by the Club, shall be entitled to receive as compensation an amount equivalent to his pay for one race day for each twelve race days or part of twelve race days during which he was so casually employed by the proprietors.

(7) The Colonial Treasurer may pay such sums out of the Compensation Fund upon the certificate of the chairman of directors of the Club.

18. (1) If any dispute or difference arises between the Club and any person claiming compensation under section sixteen or section seventeen of this Act the question of whether such person is entitled to compensation and, if so, to what amount, shall be decided—

Assessment
of com-
pensation.

- (a) in the case of a claim for compensation by the proprietors of a racecourse under section seventeen of this Act—by the Land and Valuation Court;
- (b) in the case of a claim for compensation by an officer or servant under section sixteen or subsection six of section seventeen of this Act—by a stipendiary magistrate appointed in that behalf by the Governor.

The

No. 22, 1943.

The decision of such Court or magistrate shall be final and conclusive, and if it or he decides that an amount is payable to the claimant it shall be the duty of the chairman of directors to certify to the Colonial Treasurer in accordance with such decision.

(2) The manner of making claims under this section and any matter in connection therewith may be prescribed—

- (a) in the case of claims made before the Land and Valuation Court—by rules of court of that Court;
- (b) in the case of claims made before a stipendiary magistrate—by the regulations made under this Act.

(3) The Minister, the Club and any claimant may appear by solicitor or counsel at any inquiry held for the assessment of compensation under this section.

PART IV.

GENERAL.

Bookmakers
not
eligible as
members.
cf. A.J.C.
Rule 11A.

19. (1) No bookmaker shall be eligible for election as a member of the Club.

(2) Any member who shall at any time carry on or be engaged or interested or employed in the business of a bookmaker shall thereupon forfeit his right to membership.

On proof thereof to the satisfaction of the directors they shall remove the name of such member from the Register of Members of the Club.

cf. A.J.C.
Rule 11B.

(3) Where any member is proved to the satisfaction of the directors to have made default in the payment of any bet made by him, the directors shall remove the name of such member from the Register of Members of the Club and such member shall cease to be a member of the Club.

(4) Before any action is taken by the directors under the authority of subsection two or subsection three of this section, due enquiry into the facts of the case shall

shall be held by or on behalf of the directors of which enquiry the person liable to be affected shall have due notice and at which he shall be entitled to be heard. No. 22, 1943.

The by-laws made pursuant to this Act shall prescribe the procedure to be followed in connection with such enquiry.

20. (1) The rights and privileges of a member of the Club shall be personal to the member and shall not be capable of transfer by the member or of being transmitted by operation of law. Rights of member personal.

(2) The rights and privileges of a member of the Club shall cease on his death, upon his resignation, or upon his expulsion, and upon his ceasing to be a member in any other way whatsoever specified in the regulations of the Club set out in the First Schedule to this Act.

(3) Upon the ceasing of the rights and privileges of a member his name shall be removed by the directors from the register of members, but such removal shall not affect any liability of such member under any provision of this Act.

21. (1) The directors of the Club or an absolute majority in number of such directors present at any meeting duly summoned for that purpose may from time to time, subject to the special provisions of this Act, make such by-laws as they may think fit for regulating all matters concerning or connected with any lands which may be acquired by the Club or of which it has the control and management and the admission thereto and the expulsion therefrom of members of the Club or any person respectively and for the general management of any such lands or any racecourse or sports ground thereon. By-laws.

(2) Any such by-law may from time to time be altered or repealed by any other by-law.

(3) No by-law shall be made which is repugnant to the laws for the time being in force in the State of New South Wales.

(4) Every by-law shall be reduced into writing and shall be signed by the Chairman.

(5) Different by-laws may be made relating to the matters aforesaid to have effect with regard to various racecourses or sports grounds.

Sydney Turf Club Act.

No. 22, 1943.

Commence-
ment of
by-laws.

22. (1) No by-law made under the authority of this Act shall be of any force or effect until the expiration of one month after the same or a copy thereof signed by the Chairman shall have been sent to the Minister and until publication as hereinafter in this section provided.

(2) The Governor may at any time within the said month disallow any such by-law and if so disallowed such by-law shall not come into operation.

(3) Every such by-law shall at the expiration of such month, if not so disallowed, be published in the Gazette together with a notice stating when the by-law was sent to the Minister and that such by-law has not been disallowed and upon the publication such by-law shall come into operation.

(4) The production of a copy of the Gazette containing any such by-law and notice shall be conclusive proof that such by-law was duly made and had not been disallowed.

(5) The Governor may at any time by proclamation published in the Gazette declare that from a time to be specified in such proclamation and not less than six months from the date of publication thereof any by-law made under this Act shall be repealed and from and after the time specified such by-law, unless previously repealed by by-law made by the directors, shall be absolutely repealed and of no effect.

Any such repeal pursuant to this subsection shall not interfere with or affect any action, suit, prosecution or other proceeding commenced before the time of such repeal, but the same may be continued as if no such repeal had taken place.

Public
notification
of by-laws.

23. (1) A copy of all by-laws made under this Act and for the time being in force with regard to any particular racecourse or sports ground shall be painted on board or printed on paper and pasted on boards and hung up and affixed and continued in some conspicuous place at or near the principal entrance of the racecourse or sports ground to which they relate and also on the front or other conspicuous part of the grandstand on the racecourse or sports ground so as to give public notice thereof to the parties interested or affected thereby.

(2)

(2) Such boards shall from time to time be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed. No. 22, 1943.

No penalty imposed by any such by-laws shall be recoverable unless the by-laws shall be published and kept published as prescribed by this section.

(3) Such by-laws when so published and affixed shall be binding upon and be observed by all parties and shall be sufficient to justify all persons acting under the same.

(4) For proof of the publication of any such by-laws it shall be sufficient to prove that a printed paper or painted board containing a copy of such by-laws was affixed and continued as directed by this section and that in case of such copy being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

(5) The by-laws may impose a penalty not exceeding twenty-five pounds for any breach thereof.

Such penalty may be recovered in a summary manner before a stipendiary magistrate.

(6) If the breach or non-observance of any by-law is or may be attended with danger or annoyance to the public or hindrance to the directors or any of the officers of the Club or the public in the lawful use of any race-course or sports ground in regard to which the by-laws are made it shall be lawful for the directors or any of them or any officer or servant of the Club summarily to interfere to obviate or remove such danger, apprehended danger, annoyance or hindrance and that without prejudice to any penalty incurred by reason of the breach of any such by-law.

24. (1) Any person who wilfully obstructs any officer, servant or agent of the Club in the execution of his duty upon any land vested in the Club or of which the control and management is vested in the Club or upon any building or premises connected therewith shall be liable on summary conviction to a penalty not exceeding ten pounds. Obstructing
of officers.
A.J.C. Act,
1873, s. 20.

(2) Any person who wilfully trespasses upon any land vested in the Club or of which the control and management is vested in the Club or upon any building Wilful tres-
pass on
land of
the Club.

or *Ibid.*

No. 22, 1943. or premises connected therewith or who removes or wilfully injures any building, enclosure, post, tree or shrub upon any such land shall be liable on summary conviction to a penalty not exceeding ten pounds.

Offender
may be
arrested.
A.J.C. Act,
1873, s. 21.

(3) Any director, officer or servant of the Club and any person called by him to his assistance may seize and detain any person who shall have committed any offence against the provisions of this Act or of the by-laws made thereunder and whose name and residence shall not be given to such director, officer or servant upon his requiring the same to be given and give such offender in charge to a police constable.

Such constable shall convey the offender with all convenient despatch before the nearest court of petty sessions without any other authority than this Act and such court shall proceed with all convenient despatch to the hearing of the complaint against the offender.

Liability to
penalty not
to relieve
offender
from other
liabilities.
cf. *Ibid.*
s. 22.

Notwithstanding the liability of any person to any penalty under the provisions of this Act or of the by-laws made thereunder he shall not be relieved from any other liability to which he would have been subject if this Act had not been passed.

Exclusion of
undesirable
persons.
Ibid., s. 31.

25. (1) A person may be refused admission to any lands vested in the Club or of which the Club has the control and management or may be expelled from any such lands if he is a person for the time being under any disqualification by the Committee of the Australian Jockey Club pursuant to the rules of racing of that Club for the time being in force or under any disqualification by the Club constituted under this Act or by any other Club of another State whose disqualifications are recognised and given effect to by the Committee of the Australian Jockey Club.

(2) A person may be refused admission to the said lands or may be expelled therefrom if the directors of the Club resolve that there are reasonable grounds for believing that his presence on the said lands would be undesirable in the interests of the public resorting thereto or prejudicial to the proper conduct of racing or of any other sport.

(3) The preceding provisions of this section shall be construed as supplemental to and not in derogation of or limited by the provisions of this Act relating to by-laws.

26. (1) The directors may by any by-law from time to time prescribe and vary at pleasure the scale of tolls and charges to be levied or taken for admission to lands for the time being vested in the Club or to any building standing or being thereon and may demand, recover and receive such tolls and charges from any person coming upon such land or any part thereof or into or upon any such building.

No. 22, 1943.
Directors may fix tolls and charges. cf. A.J.C. Act, 1873, s. 23.

(2) The scale of tolls and charges to be levied and taken for admission to one racecourse or sports ground may be different from that prescribed in respect of another racecourse or sports ground and the charges for one racecourse may vary according to the days on which and the purposes for which admission is sought or allowed.

(3) The power conferred by this section shall extend to the prescribing by by-law of charges for the use of any part of the lands for any purpose within the objects of the Club.

27. The Club may demise for any particular race meeting or meetings or for any other amusement or sport any portion of the lands for the time being vested in it or of which it has the control and management or any buildings erected thereon or all or any of the tolls or charges demandable under and by virtue of this Act and the lessee, his collectors, servants and agents shall have the same power of demanding, recovering and receiving the said tolls and charges as are by this Act given to the Club or the directors.

Power to let lands, buildings or tolls. *Ibid.* s. 24.

28. (1) The Minister may when he thinks fit authorise any proper person being a member of the Public Service to inspect the whole or any part of the lands vested in the Club or of which it has the control and management and all buildings thereon and the person so authorised, on producing (if required) to any director, officer or servant of the Club, requiring the same, his authority, may at all reasonable times enter upon and examine the said lands and the buildings erected and being thereon and may exercise all such powers and authorities as may be required for the purpose of such inspection.

Inspection. cf. *Ibid.* s. 26.

(2)

No. 22, 1943.

Notice to
repair.

A.J.C. Act,
1873, s. 27.

(2) If the person so authorised certify under his hand to the Minister that in his opinion the surface of the said lands or any part thereof is imperfectly kept in order for the purposes of a public racecourse or that any building thereon is in want of repair or is unsafe to the public or in any other respect improper or unfit for use, which certificate shall contain a detailed statement of all such defects and want of repair, the Minister may by notice in writing under his hand, addressed to the Chairman, require the directors within a reasonable time after receipt of such notice well and sufficiently to repair and make good all or any of such defects and want of repair.

Service or
notice.

Every such notice with a true copy of such certificate shall be served upon the Chairman personally or by registered letter post addressed to him at the registered office of the Club.

Club to
repair, etc.
Ibid. s. 29.

29. The directors shall within a reasonable time after service of such notice well and sufficiently repair and make good all such defects and want of repair mentioned in the certificate as by the said notice they shall be required to do.

Indemnity.
cf. Act No.
79, 1939,
s. 37.

30. Save in so far as express provision is made in this Act no action, claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or the Minister or the Club or any director thereof or any person acting in the execution of this Act for or in respect of any damage, loss or injury sustained or alleged to be sustained by reason of the passing of this Act or of its operation or of anything done or purporting to be done bona fide for the purpose of carrying out or giving effect to this Act.

Amendment
of Act No.
25, 1912,
s. 530.

31. The Gaming and Betting Act, 1912-1942, is amended by omitting from subsection one of section 53c the words "six years" and by inserting in lieu thereof the words "seven years".

Regulations.

32. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by the Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out and generally giving effect to the purposes of this Act.

(2)

(2) A penalty not exceeding twenty-five pounds No. 22, 1943. may be imposed for any breach of such regulations.

Any such penalty may be recovered in a summary manner before a stipendiary magistrate.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(4) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Sec. 4 (8).

Regulations for the Sydney Turf Club.

1. (a) In these Regulations, unless the context or subject-matter otherwise requires— Interpretation.

“Act” means the Companies Act, 1936.

“Club” means the Sydney Turf Club.

“Club’s Act” means the Sydney Turf Club Act, 1943.

“Companies Act” means the Companies Act, 1936, and any Act amending or replacing that Act.

“Office” means the registered office of the Club for the time being.

“Rules of Racing” means the Rules of Racing of the Australian Jockey Club in force at the commencement of the Sydney Turf Club Act, 1943, and as from time to time thereafter amended and in force for the time being.

(b) Expressions used in these Regulations shall, unless the contrary intention appears, have the same meanings as in the Companies Act, 1936, and the Club’s Act respectively:

Provided

Sydney Turf Club Act.

No. 22, 1943. Provided that where the same expression has different meanings in each of those Acts, that expression when used in these Regulations shall unless the contrary intention appears have the same meaning as in the Club's Act.

(c) Where any provision of the Companies Act, 1936, or of the Club's Act is referred to in these Regulations, the reference is to such provision as modified by any law for the time being in force.

(d) The provisions of the Interpretation Act of 1897 shall extend to the construction of these Regulations.

Title and how constituted.

2. The Club shall be called the Sydney Turf Club and shall consist of all persons selected by the Governor pursuant to the Club's Act to be the first members thereof, all persons subsequently appointed pursuant to that Act and all persons who are duly elected as members in the manner provided in these Regulations and the names of all such persons shall be entered in the Register of Members accordingly.

Number of members.

3. The number of members shall be limited to 1,500 exclusive of supernumerary and non-effective members.

Names to be displayed.

4. The names and addresses of persons proposed as ordinary members of the Club shall be displayed in a conspicuous place in the office for one week before their election and an interval of two weeks shall elapse between the nomination and the election of ordinary members.

Minors not eligible.

No person under the age of twenty-one years shall be admitted a member of the Club.

Nominations.

5. (a) Subject to paragraph (c) of this clause every candidate for membership of the Club other than a member appointed by the Governor pursuant to the provisions of the Club's Act shall be proposed by one and seconded by another member of the Club to both of whom the candidate shall be personally known.

(b) The application for membership of every such candidate shall be made in writing and shall be in the following form and shall be signed by the applicant and by the persons proposing and seconding the candidate and left at the office:—

I desire to become a member of the Sydney Turf Club, a company limited by guarantee, and I hereby agree if elected to be bound by the provisions of the Sydney Turf Club Act, 1943, and the regulations set out in the First Schedule thereto and I authorise the secretary of the Club to enter my name in the Register of Members of the Club.

The following particulars are accurate:—

- (Full name of Candidate)
- (Address)
- (Rank and Profession or Occupation)
- (Signature of Candidate)

The

Sydney Turf Club Act.

The abovenamed candidate is personally known to us and we believe him to be a suitable person to be elected a member of the Sydney Turf Club. **No. 22, 1943.**

(Signed)
Proposer.

(Signed)
Seconder.

Dated this day of 19 ..

(c) In the case of a person who is a financial member of any of the following clubs at the commencement of the Club's Act the directors may admit such person to membership of the Club upon his own application and without requiring him to be proposed and seconded by a member of the Club.

The clubs referred to are the Australian Jockey Club, the Rosehill Racing Club Limited, the Ascot Racing Club Ltd., the Canterbury Park Turf Club Limited, Hawkesbury Race Club, Moorefield Turf Club Limited, Rosebery Turf Club Limited, The Victoria Park Turf Club Limited.

(d) Election of members shall be dealt with only at a meeting of directors convened by the Secretary on at least two clear days' notice. The notice shall set out the names of the candidates to be submitted for election and the names of the proposer and seconder of the candidate, if such there be, and if not the ground for the absence of a proposer and seconder. **Meetings for elections. A.J.C. R. 2B.**

The Secretary shall enter in the Minute Book of directors' meetings the names of the directors present at the meeting and of the voting of the directors.

6. The directors may refuse to approve of any application for membership without assigning any reason or ground for such refusal. **Rejection of application.**

7. The election of a candidate to membership shall not be given effect to by the entry of the name of the candidate in the Register of Members of the Club unless and until the prescribed entrance fee and subscription are paid; such payment must be made within one month of such election unless the candidate justifies such non-payment to the satisfaction of the directors. **Payment of entrance fee and subscription.**

Members nominated and elected prior to the 1st January, 1944, shall so far as the payments of entrance fee and annual subscription are concerned be deemed to have been elected on that date.

8. The Secretary of the Club shall register the addresses of members as stated in the form of application for membership or as subsequently furnished to him in writing by a member. **Addresses of members.**

Letters addressed to the address appearing in such register shall be deemed to be sufficiently addressed.

9. The Governor-General of the Commonwealth of Australia and his staff and the Governor of New South Wales and his staff shall be honorary members of the Club and may have and enjoy all the privileges of a member of the Club, but shall not vote at any meeting of the Club. **Honorary members.**

Sydney Turf Club Act.

No. 22, 1943. 10. The directors may admit visitors to the State as honorary members at any race-meeting held by the Club without payment of any subscription.

Visitors.

Non-effective members.

11. All commissioned officers of the Imperial or Commonwealth Navy, Army or Air Force on the full pay list whilst employed in the Naval, Military or Air Force of the Commonwealth and all Ministers to Australia from other countries, consuls and others holding diplomatic appointments in New South Wales and not engaged in professional or commercial pursuits in any of the Australian States or New Zealand during the time they hold such diplomatic appointments may, subject to the approval of the directors, be non effective members of the Club without entrance fee upon payment of a subscription fixed from time to time by the directors but as non-effective members shall not be entitled to be present or vote at any meeting.

Each non-effective member shall be entitled to two ladies' tickets.

Super-numerary.

12. Any member signifying to the Secretary his intention to be absent from the State for a period of not less than twelve months may be placed by the directors on the list of supernumerary members and be exempt during his absence from the payment of his annual subscription.

On the return of such member to the State he shall on payment of an amount fixed by the directors be readmitted to the privileges of membership.

In fixing such amount the directors shall have regard to the number of race meetings remaining to be held during the current financial year of the Club.

Deprivation of membership in certain events.

13. If a member shall commit a breach of any of these Regulations or of the by-laws of the Club or shall be guilty of conduct either on or off a racecourse which shall be deemed by the directors to be detrimental to the character and interests of the Club or to render the member unfit to remain as a member of the Club, the directors shall call his attention to such breach of conduct and request him to give an explanation or to resign and if the member so requested does not within fourteen days of his receiving such request either offer an explanation of his conduct satisfactory to the directors or resign the directors may by resolution expel such member from the Club.

The member whose conduct is in question shall be given at least one week's notice of the meeting at which such resolution is to be moved and of such proposed resolution and may attend such meeting and be heard thereat, but shall not be present at the voting or take part in the proceedings otherwise than as the directors may allow.

Penalties for breaches of these regulations or of by-laws.

14. The directors may impose by way of penalties for breach of these Regulations or of the by-laws by any member or for any misconduct which would render such member liable to expulsion from the Club under these regulations, fines not exceeding twenty-five pounds or suspension from the Club for such period as the directors may determine for each offence.

When

When any member fails to pay any fine so imposed within one month or such further time as the directors may allow, the directors may by resolution declare that his membership of the Club has ceased as from a date specified in the resolution. **No. 22, 1943.**

15. (1) Any member who becomes bankrupt or makes any assignment of his estate for the benefit of his creditors or enters into a deed of arrangement with his creditors shall cease to be a member of the Club. **Bankruptcy, &c., of member.**

(2) Any member who has ceased to be a member pursuant to sub-clause 1 of this clause may on obtaining his certificate of discharge or his release or otherwise ceasing to be bankrupt or insolvent be readmitted as a member without entrance fee.

16. (a) Subject to paragraph (b) of this clause any member who shall be disqualified under the Rules of Racing by the directors or whose disqualification by the Stewards or Committee of the Australian Jockey Club or any other club or meeting shall have been adopted by the directors of the Club shall, upon such disqualification or adoption, automatically cease to be a member of the Club. **Disqualified persons to cease to be members.**

(b) In the case of a member disqualified pursuant to any of the following Rules of Racing, namely, Numbers 9, 10, 11 or 11A, such member shall not automatically cease to be a member of the Club but the directors may request him to give due explanation of his conduct or to forthwith resign. **Unregistered meetings.**

If the member so requested does not within fourteen days of his receiving such request either offer an explanation of his conduct satisfactory to the directors or resign the directors may by resolution expel such member from the Club.

17. A member of the Club may at any time resign his membership by giving to the Secretary a written notice in that behalf and from the date stated in the notice or when no date is so stated from the date of the receipt by the Secretary, the resignation shall take effect and the membership shall cease. **Resignation.**

18. Membership badges or medals are not transferable. Every member shall on demand produce to the gatekeeper at any racecourse of the Club or other person having authority from the directors, his badge or medal of membership and on failure to do so may be excluded from or removed from the racecourse. **Membership badges.**

Where proof is given to the satisfaction of the directors that any member has allowed his badge or medal to be used by any other person for the purpose of obtaining admission to a racecourse or any division thereof he shall be liable to a fine not exceeding Twenty-five pounds and to forfeit his badge or medal and to be expelled from the Club.

19. All persons ceasing to be members of the Club by resignation, expulsion, death, neglecting to pay the annual subscription or otherwise howsoever shall automatically forfeit all right or claim upon the Club and all rights and privileges of membership thereof. **Persons ceasing to be members.**

When

Sydney Turf Club Act.

No. 22, 1943. When a person has ceased to be a member of the Club the directors may by resolution cause his name to be removed from the Register of Members as from a date to be specified in the resolution, such person, however, not being a bankrupt, shall remain liable for and shall pay to the Club all moneys which at the time the membership ceases was due and owing by him to the Club and he shall also remain liable in respect of the debts and liabilities of the Club contracted before he ceases to be a member as provided in subsection six of section four of the Club's Act.

Entrance fee and annual subscription. 20. The entrance fee and annual subscription shall be of such amounts respectively and be payable at such times as the directors may from time to time determine.

Non-payment of subscription. 21. When any member fails to pay his subscription within one month after the due date of payment notice shall be sent to him by the Secretary calling his attention thereto and if he does not pay such subscription within one month of the posting of such notice he shall cease to be a member.

If at any time he shall give the directors a satisfactory explanation in writing he may in their discretion and upon payment of all arrears due by him as a member be readmitted to membership without payment of any entrance fee.

No entrance fee shall be payable by the first twelve members of the Club or by any person appointed by the Governor to take the place of any of such members.

Financial year. 22. The financial year of the Club shall close on the Thirtieth day of June in each year and the annual subscription shall be payable in advance on the First day of July in each year. The directors may determine a reduced rate of subscription for members admitted to membership after the First day of January in any financial year.

General meetings. 23. An Ordinary General Meeting of the Club shall be convened for the fourth Monday in August in each year at such time and place as may be determined by the directors.

Style of meeting. 24. The General Meetings referred to in clause 23 shall be called Ordinary General Meetings and all other meetings of the Club shall be called Extraordinary General Meetings.

Extraordinary general meetings. 25. The directors may whenever they think fit convene an Extraordinary General Meeting and subject to section ninety-four of the Companies Act shall on the requisition of not less than twenty members forthwith proceed to convene an Extraordinary General Meeting of the Club and in the case of such requisition the following provisions shall have effect:—

(1) The requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the office and may consist of several documents in like form each signed by one or more of the requisitionists.

(2)

(2) If the directors do not proceed to cause a meeting to be held within twenty-one days after the date of the requisition being so deposited the requisitionists or a majority of them may themselves convene the meeting but any meeting so convened shall not be held after three months from the date of such deposit. No. 22, 1943.

(3) Any meeting convened under this clause by the requisitionists shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

26. Subject to section ninety-seven of the Companies Act at least seven clear days' notice to the members specifying the place, day and hour of meeting, and in case of special business the general nature of such business, shall be given by notice sent by post or otherwise served as hereinafter provided. The accidental omission to give notice of any meeting to or the non-receipt of any such notice by any of the members shall not invalidate any resolution passed at any such meeting or the proceedings thereof. Notice of meetings.

27. A copy of the Annual Report and Balance-sheet shall be furnished to each member of the Club before the Ordinary General Meeting. Report and balance-sheet.

28. The business at an Ordinary General Meeting shall be to receive and consider the Balance-sheet, the Profit and Loss Account and reports of the directors and of such other officers as may be determined by the directors, to elect members of the directors in the place of those retiring by rotation, to fill up any vacancy in the office of and to fix the remuneration of the Auditors and to transact any other business which under these presents ought to be transacted at an Ordinary General Meeting. Proceedings of general meetings.

All other business transacted at an Ordinary General Meeting and all business transacted at an Extraordinary General Meeting shall be deemed special.

29. The quorum for any General Meeting shall be seven members personally present. Quorum.

30. No business shall be transacted at any General Meeting unless the quorum requisite shall be present at the commencement of the business. Commencement of business.

31. The Chairman of the directors or, in his absence, the Vice-Chairman, shall be entitled to take the chair at every General Meeting. Chairman of meeting.

If there be no Chairman or Vice-Chairman or if at any general meeting one shall not be present within fifteen minutes after the time appointed for holding such meeting or is unwilling to act the directors present may choose a chairman of the meeting and in default of their doing so the members present shall choose one of the directors present to be chairman of the meeting and if no director present be willing to take the chair they shall choose one of their number to be chairman of the meeting.

Sydney Turf Club Act.

- No. 22, 1943.** 32. If within fifteen minutes after the time appointed for the meeting a quorum is not present the meeting, if convened upon such requisition as aforesaid, shall be dissolved, but in any other case it shall stand adjourned to the same day in the next week at the same time and place or to such other day, time and place as the Chairman may by notice to the members appoint.
- Absence of quorum.** If at such adjourned meeting a quorum is not present any five or more members who are present shall be a quorum and may transact the business for which the meeting was called.
- The notice referred to in this clause shall be given by advertisement published in the Sydney Morning Herald and another morning newspaper circulating in Sydney, and in The Sun and in another evening newspaper so circulating.
- Method of voting.** 33. Every question submitted to a meeting shall be decided by a show of hands and in the case of an equality of votes the chairman of the meeting shall have a casting vote in addition to the vote to which he may be entitled as a member.
- Declaration of results of voting.** 34. At any General Meeting a declaration by the chairman of the meeting that a resolution has been carried or carried by a particular majority or lost or not carried by a particular majority and an entry to that effect in the minute book of the Club shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.
- Chairman's decision.** 35. In case of any dispute as to the admission or rejection of a vote the chairman of the meeting shall determine the same and such determination shall be made in good faith and shall be final and conclusive.
- Adjournment.** 36. The chairman of any General Meeting may with the consent of the meeting adjourn the same from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- Votes of members.** 37. Every member present in person shall have one vote and, until otherwise determined by the Club in General Meeting, voting by proxy shall not be allowed.
- Financial members only to vote.** 38. A member shall not be entitled to vote at any General Meeting if any money is then presently payable by him to the Club.
- Powers and duties of directors.** 39. The Club shall be governed and its affairs administered by the directors who may exercise all such powers of the Club as are not by the Companies Act, 1936, or by these Regulations required to be exercised by the Club in General Meeting, subject nevertheless to any provision of these Regulations to the provisions of the said Act and those of the Club's Act and to such Regulations being not inconsistent with the aforesaid as may be prescribed by the Club in general meeting held after the thirtieth day of June, 1945; but no regulation made by the Club in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

40. Subject to section 6 of the Club's Act the directors shall be twelve of the members who shall be elected at Ordinary General Meetings in the manner and for the term of office hereinafter provided.

No. 22, 1943.

Number of directors.

41. Subject to the provisions of section 6 of the Club's Act and to clause 49 of these regulations, six directors shall retire from office at every Ordinary General Meeting but shall be eligible for re-election. The directors who shall so retire shall be those who have held office or are deemed to have held office for a period of two years since the date of their election or last election as directors.

Six directors to retire annually.

Any member elected to fill a casual vacancy shall, for the purpose of this clause, be deemed to have held office since the last election of the director whose place he has taken.

42. No member shall be eligible to become a director unless (his written consent having been first obtained) he shall be nominated in writing by two members of the Club twenty-one days at least previous to the Ordinary General Meeting or Extraordinary General Meeting at which the election is to take place.

Members eligible for election.

The Secretary shall thereupon cause the names of members so nominated to be exhibited at the office of the Club.

Retiring directors shall be eligible for re-election without nomination.

If at any Ordinary General Meeting the number of candidates does not exceed the number required to fill the vacancies among the directors, such candidates shall, except where the number of vacancies to be filled exceeds six, be elected without any ballot being held. If at any Ordinary General Meeting the number of candidates is less than the number required to fill the vacancies among the directors any vacancy thereby occurring shall be deemed to be a casual vacancy.

43. (1) If at any Ordinary General Meeting the number of candidates exceeds the number required to fill the vacancies among the directors, the vacancies shall be filled by an election by ballot.

Election of directors.

(2) Where under the regulations contained in this Schedule an election is to be by ballot, the ballot shall be conducted as follows:—

The Secretary shall forward to each member an envelope addressed to the Secretary, Sydney Turf Club, Sydney, endorsed "Voting Paper," enclosing a list of the retiring directors seeking re-election and of the other candidates, together with a summary of the attendance of each retiring director at the various directors' meetings held during his term of office.

Any member wishing to vote shall erase the names of such candidates as he may not approve of, retaining no more and no less than the required number, and shall return the list in the envelope as above, first signing his name inside.

All such envelopes returned to the Secretary shall be by him handed over unopened, on the day of election, to the scrutineers, and shall by them be then and there opened, and the voting paper therein contained shall be placed in the ballot box without being unfolded.

Members

Sydney Turf Club Act.**No. 22, 1943.**

Members present at the meeting, who may not have voted in the manner above prescribed, may, if necessary, obtain voting papers from the scrutineers.

The ballot shall remain open for the space of one hour and the six candidates receiving the greatest number of votes shall be elected as directors. But if, before the ballot is opened, the number of candidates is reduced to six by withdrawal or otherwise, the six remaining shall be elected as directors without ballot.

Meetings of directors.

44. (1) The directors shall meet as often as they may deem necessary to transact the current business.

Seven shall form a quorum.

Minutes of the proceedings at each meeting shall be entered in a book, and be read and confirmed at the next meeting.

Questions arising at any meeting shall be decided by a majority of votes.

In the case of an equality of votes the Chairman shall have a second or casting vote.

A director may and the Secretary shall on the requisition of a director summon a meeting of the directors.

(2) A meeting of the directors at which a quorum is present shall be competent to exercise all or any of the authorities, powers and directions by the regulations of the Club for the time being vested in or exercisable by the directors.

Chairman.

45. (1) Subject to the Club's Act the directors shall elect one of their number to be Chairman, one other to be the Vice-Chairman and one other to be the Honorary Treasurer of the Club.

Such election shall take place each year at the first meeting after the election of the directors (or in the event of the death or resignation of the holder of any such offices, at the first meeting after such death or resignation).

(2) The Chairman shall preside at all meetings of the directors at which he is present, and, in his absence, the Vice-Chairman shall preside.

If neither the Chairman nor the Vice-Chairman is present at any such meeting within ten minutes after the time for which the meeting was convened, the directors present shall elect one of their number to preside at the meeting.

Honorary treasurer.

(3) The Honorary Treasurer shall be charged with the duties of supervising the accounts of the Club and subject to the regulations of the directors as a board of attending to and performing all matters of a financial nature and periodically and as required by the directors of reporting on any such financial matter.

Retirement of directors.

46. (1) A director may retire from his office upon giving to the Secretary one week's notice in writing of his intention so to do and such resignation shall take effect upon the expiration of such notice or its earlier acceptance by the directors.

(2)

(2) The Club may by extraordinary resolution remove from office any director elected by the Club before the expiration of his period of office. No. 22, 1943.
Removal of directors.

47. The directors as a board may act notwithstanding any vacancy in its body but so that if the number falls below the quorum fixed by clause 44 of these Regulations the directors shall not, except in emergencies or for the purpose of calling meetings to fill the vacancies, act so long as such number is below such quorum. Directors may act notwithstanding vacancies.

48. The office of a director shall become vacant:—

- (a) if he becomes an insane patient or an insane or incapable person within the meaning of the Lunacy Act of 1898; or
- (b) if he ceases to be a member of the Club from any cause or reason whatsoever; or
- (c) if he absents himself from the meetings of the directors for a continuous period of three months without special leave of absence from the directors and the directors resolve that his office be vacated; or
- (d) if he retires from his office of director; or
- (e) if he is removed from his office pursuant to regulation 46 (2); or
- (f) if he becomes prohibited from being a director by reason of any order made under section two hundred and fifty-five or section three hundred and seven of the Act; or
- (g) if he is directly or indirectly interested within the meaning of section one hundred and twenty-nine of the Act, in any contract with the Club or participates in the profits of any contract with the Club:

Vacation of office of director.

Provided, however, that a director shall not vacate his office by reason of his being a member of any corporation, firm, society or association which has entered into contracts with or done any work for the Club if he shall have declared the nature of his interest in manner required by section one hundred and twenty-nine of the Act.

A director shall not vote in respect of any contract in which he is interested or any matter arising thereout, and if he does so vote his vote shall not be counted.

49. Subject to the Club's Act should any casual vacancy occur in the office of a director the same shall be filled at an election at an Extraordinary General Meeting of the Club to be called by the directors for that purpose and such election shall be conducted and governed in all respects as in the case of the election of directors at the Ordinary General Meeting of the Club. Casual vacancies.

The Secretary shall advertise the fact of the vacancy and the date of such Extraordinary General Meeting at least twenty-eight days before the same is held.

I

Should

No. 22, 1943. Should any such vacancy occur within three months before an Ordinary General Meeting of the Club an election need not take place before such Ordinary General Meeting and when the election is so deferred till the Ordinary General Meeting the following provisions shall have effect:—

- (a) if the retirement of a vacating director was due at the Ordinary General Meeting he for the purpose of this clause shall be deemed to have retired at the meeting and six members shall be elected in the usual manner;
- (b) if, however, the retirement of the vacating directors was not due at the Ordinary General Meeting, the number of the casual vacancies shall be added to the six other places to be filled and a ballot for the total number of places conducted.

The six more successful candidates shall be declared to be elected to fill the places of the six retiring directors and the candidate receiving the next highest number of votes shall be declared to fill the place of the director who first vacated his place and so on.

Filling more than one vacancy at an extraordinary meeting.

50. Where at an Extraordinary General Meeting there is more than one casual vacancy to be filled the candidate receiving the highest number of votes shall take the place of the vacating director who had the longest term of office to run and so on.

If the number of candidates and of vacancies is equal the succession to the particular vacancies shall be decided by lot.

Equal voting decision by lot. Delegation to committee.

51. Where in the counting of votes in any election under these Regulations it is necessary to decide between two candidates receiving the same number of votes, the matter shall be determined by lot.

52. The directors may delegate any of their powers to a committee consisting of such directors or director as may be thought fit and may from time to time revoke such delegation.

Any such committee shall in the exercise of the powers so delegated conform to any regulations that may from time to time be imposed upon it by the directors.

Chairman.

53. A committee may elect a chairman of its meeting; if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

Meetings.

54. A committee may meet and adjourn as it thinks proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

Validation of certain acts.

55. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

56. The directors shall cause minutes to be made in books provided **No. 22, 1943.**
for the purpose— **Minutes.**

- (a) of all appointments of officers made by the directors;
- (b) of the names of the directors present at each meeting of the directors and of any committee of the directors;
- (c) of all resolutions and proceedings at all meetings of the Club, and of the directors, and of committees of directors;

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

57. The seal of the Club shall not be affixed to any instrument **Seal.**
except by the authority of a resolution of the directors, and in the presence of a director and of the secretary or such other person as the directors may appoint for the purpose; and that director and the secretary or other person as aforesaid shall sign every instrument to which the seal of the Club is so affixed in their presence.

58. (1) The directors may from time to time at their discretion **Exercise of borrowing powers.**
but subject to the provisions of the Club's Act raise or borrow or secure the payment of any sum or sums of money for the purposes of the Club.

(2) Subject to the provisions of the Club's Act the directors may raise or secure the payment or repayment of such moneys in such manner and upon such terms and conditions in all respects as they think fit and in particular by the issue of debentures or debenture stock (terminable or perpetual) of the Club or mortgage charge or other security charged upon all or any part of the property and assets of the Club (both present and future) or not so charged.

(3) Debentures, debenture stock or other securities may be made assignable free from any equities between the Club and the person to whom the same may be issued.

(4) Any debentures, debenture stock or other security may be issued at a discount premium or otherwise and with any special privileges as to redemption surrender drawings attending and voting at any General Meetings of the Club and otherwise and any debenture or debentures may be reissued notwithstanding that it or they may have been paid off or satisfied and a commission or allowance may be paid or made directly or indirectly in connection with the subscription for or issue of any such debenture, debenture stock or other securities.

59. (1) All deeds executed on behalf of the Club may so far as **Authentication of deeds and documents.**
the same are within the powers and authorities of the directors be in such form and contain such powers, provisoes, conditions, covenants, clauses and agreements as the directors shall think fit.

(2) All bills of exchange, promissory notes, or other negotiable instruments shall be accepted, made, drawn, or endorsed for and on behalf of the Club and all cheques or orders for payment shall be **signed**

Sydney Turf Club Act.

No. 22, 1943. signed on behalf of the Club by such persons as the directors shall appoint.

(3) Cheques or other negotiable instruments paid to the Club's bankers for collection and requiring the endorsement of the Club may be endorsed on its behalf in such manner as the directors may from time to time direct.

All moneys belonging to the Club shall be paid to such bankers or others as the directors shall from time to time in writing or by resolution of the directors appoint and all receipts for money paid to the Club shall be signed by such officers as the directors may appoint for that purpose and such receipt shall be an effectual discharge for the money therein stated to be received.

(4) Any instrument bearing the common seal of the Club and issued for valuable consideration shall be binding on the Club notwithstanding any irregularity touching the authority of the directors to issue the same.

Accounts.

60. The directors shall cause true accounts to be kept of all sums of money received and expended by the Club and the matters in respect of which such receipt and expenditure take place and of all sales and purchases of goods by the Club and of the assets, credits and liabilities of the Club.

Books to be kept at office.

61. The Books of Account shall be kept at the registered office of the Club or at such other place or places as the directors think fit.

Inspection of books.

62. The directors shall from time to time, subject to the provisions of the Companies Act, 1936, determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the Club or any of them shall be open to the inspection of the members and no member (not being a director) shall have any right of inspecting any account or book or document of the Club except as conferred by Statute or authorised by the directors or by a resolution of the Club in General Meeting.

Balance sheets.

63. The directors shall from time to time in accordance with section one hundred and three of the Act cause to be prepared and to be laid before the Club in General Meeting such profit and loss accounts, balance-sheets and reports as are referred to in that section.

Audit.

64. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and thirteen, one hundred and fourteen and one hundred and fifteen of the Companies Act.

Notices.

65. A notice shall be served by the Club upon any member, either personally or by sending it through the post in a prepaid letter envelope or wrapper, addressed to such member at his registered place of address.

Registration of addresses.

66. (1) Each member whose registered place of address is not in the Commonwealth of Australia may from time to time notify in writing to the Club an address in the Commonwealth of Australia which

which shall be deemed his registered place of address within the **No. 22, 1943.**
 meaning of clause 65.

(2) As regards those members who have no registered place of address in the Commonwealth of Australia a notice posted up in the office shall be deemed to be well served on such members at the expiration of twenty-four hours after it is so posted up.

67. Any notice sent by post shall be deemed to have been served on the day following that on which the letter, envelope, or wrapper containing same is posted and in proving such service it shall be sufficient to prove that the letter, envelope, or wrapper containing the notice was properly addressed and put into the post office. **Notices by post: when served.**

A certificate in writing, signed by the Secretary or other officer of the Club, that the letter, envelope, or wrapper containing the notice was so addressed and posted shall be conclusive evidence thereof.

68. Any notice or document sent by post to or left at the registered address of any member shall be deemed to have been duly served and such service shall for all purposes of these presents be deemed a sufficient service of such notice or document on him. **Service of notices.**

69. The signature to any notice to be given by the Club may be written or printed. **Signatures.**

70. Where a given number of days' notice or notice extending over any other period is required to be given the day of service shall, unless it is otherwise provided, be counted in such number of days or other period. **Computation of time.**

71. The directors shall appoint a Secretary and such other officers and employees of the Club as they shall think fit and shall determine the conditions of their employment, the terms of their employment, and their remuneration, and may from time to time remove any such Secretary or officer and appoint another person in his place. **Officers of the club.**

72. Every director or officer of the Club or any person (whether an officer of the Club or not) employed by the Club as auditor shall be indemnified out of the funds of the Club against any liability incurred by him as such director, officer or auditor in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted or in connection with any application under section three hundred and sixty-one of the Companies Act in which relief is granted to him by the Court. **Indemnity to officers and auditors.**

This clause shall extend to the Acting Secretary appointed pursuant to section eight of that Act.

SECOND SCHEDULE.

NAMES OF RACECOURSES.

Secs. 7,
12, 14.

Ascot,
Canterbury,
Moorefield,

Rosebery,
Rosehill,
Victoria Park.

THIRD

THIRD SCHEDULE.

SPECIFIC POWERS OF THE CLUB.

(a) To acquire and hold by purchase, lease or otherwise any real or personal property and any rights or privileges which the Club may think necessary or convenient or expedient for the purposes of its business as racecourse keepers and sports ground proprietors or for the carrying out of any of its objects or functions and in particular any land, buildings, easements or machinery but the approval of the Governor to any purchase of land or acquisition of a leasehold interest shall be first obtained.

(b) To lay out, prepare and maintain any lands for the time being vested in it or under its control and management for the running of horse and/or pony races, steeplechases, trotting or pacing contests or races of any other kind whatsoever and for the running thereon of athletic races and for the playing thereon of athletic games and sports and for the carrying on of any other kind of amusement, recreation, sport or entertainment and for the drilling, encampment, training and reviewing of troops.

(c) To provide, construct, erect, exchange, alter, repair and maintain such club houses, pavilions, grand or other stands, enclosures, lavatories, kitchens, refreshment rooms, workshops, garages, booths, stabling for horses and ponies, sheds and other erections, buildings and conveniences, works, machinery and plant whether of a permanent or a temporary nature which the Club may consider necessary, convenient, expedient or advisable to effectively carry out its objects or functions or any of them.

(d) To promote, arrange, hold and conduct race meetings, bicycle, motor car and motor cycling, sporting and athletic meetings, athletic races, games and other sports, cricket, football, bowls, golf, tennis, polo, basket ball, baseball, lacrosse, archery and other matches and competitions and any other kind of recreation, sport or entertainment whatsoever and also agricultural, horse, pony, cattle, sheep, dog, motor car, flower and any other show or exhibition whatsoever in or upon the lands vested in the Club or of which it has for the time being the control and management.

(e) Upon or in connection with such lands and any meeting or gathering thereon to carry on the businesses of licensed victuallers, refreshment purveyors, caterers and contractors in all their respective branches.

(f) To appoint racing stewards and other officers and to vest in them such powers as may be deemed necessary or expedient and to fix the remuneration to be paid to each of such stewards or officers.

(g) To raise money for entrance fees and subscriptions from members of the Club, by charges to the public for admission, by license fees from bookmakers and all other methods usual and accustomed in connection with the operation of racecourses or sports or show grounds.

(h)

(h) To give and contribute towards prizes, plates, cups, stakes and other rewards or prizes for competition at any race meeting or other meeting or competition whatsoever held on any lands vested in the Club of which it has the control and management or elsewhere wheresoever. **No. 22, 1943.**

(i) In connection with any race, sports, tournament or other meetings to grant rights and privileges to bookmakers, trainers, subscribers, licensed victuallers, caterers, tobacconists and other vendors and to determine and receive the charges for the same respectively.

(j) To instal, use or work and maintain totalisators and other machines and appliances, including broadcasting and television apparatus, and to grant the right of installing, using or working the same upon any lands vested in or under the control and management of the Club and to arrange the terms upon which such right is granted and the payment to be made therefor.

(k) To print and publish or to arrange for the printing or publishing of race books, programmes and advertisements and such other publications as the Club may deem expedient and to acquire the copyright therein.

(l) To register, purchase or apply for or otherwise acquire either wholly or in part any invention, copyright, trade or other mark or design, patent, patent rights and privileges, licenses, concessions or other like rights conferring any exclusive or non-exclusive or limited right to use any mark, device, brand, process or invention which may seem capable of being used in the exercise or in furtherance of any of the functions of the Club or the acquisition of which may seem to be calculated directly or indirectly to benefit the Club and to sell, dispose of, use, exercise and develop such rights or inventions or to grant licenses or privileges in respect thereof.

(m) To carry on any business which may seem capable of being conveniently carried on and which is calculated directly or indirectly to enhance the value of or render profitable the operations of the Club and to render more effective the carrying out of its functions.

(n) To enter into and carry out any contracts or arrangements with the Government of New South Wales or of the Commonwealth of Australia or with any public authority or any person relating to the occupancy or use of the lands vested in the Club and particularly with regard to the carriage of persons, animals and goods to and from the lands vested in the Club or of which it has the control and management.

(o) To join or become members of any association or society formed for the protection or advancement of persons engaged in horse-racing or the breeding of horses of any class or in any sport or in any function or business similar to any which the Club is authorised to carry on and to subscribe to or subsidise any such association or society.

(p)

No. 22, 1943. (p) To sell, lease, demise, mortgage or dispose of any of the real or personal property of the Club as may be thought expedient, but no sale of any lands vested in the Club shall be made save with the previous consent of the Minister.

(q) To invest and deal with any of the moneys of the Club not immediately required for the carrying out of its functions in any security on which trustees may lawfully invest or on fixed deposit with the Commonwealth Bank.

(r) To receive and apply donations whether made by gift or by will or otherwise.

(s) To pay wholly or partly in cash or debentures or otherwise for any property acquired by the Club or for any services rendered to the Club.

(t) To make, draw, accept, endorse, discount, execute and issue all cheques, promissory notes, bills of exchange, debentures and any other negotiable or transferable instruments.

(u) To appoint from time to time, either with full or restricted powers of sub-delegation and either with or without remuneration, agents, attorneys, solicitors, managers or other persons for the purpose of conducting, carrying on or carrying out or executing or performing any function of the Club or any business transaction or matter in which the Club is for the time being interested or concerned and from time to time to revoke and cancel all or any such appointments or delegations and to remove any person so appointed.

(v) To utilise, give and donate any moneys or profits belonging to or made by the Club for the promotion of horse racing or breeding or to any institution or object of a charitable, educational or benevolent nature associated with racing or any other sport whatsoever or to or for any exhibition or show or for any public charitable purpose whatsoever.

(w) To enter into any arrangement for sharing profits, union of interests co-operation, joint adventure, reciprocal concession or otherwise with any other club, society or corporation carrying on or engaged in or about to carry on or engage in any transaction, service or business wholly or partly of the nature of any which the Club is authorised to carry on or engage in and the entering into which is capable of being conducted so as to directly or indirectly benefit the Club and to apply the funds of the Club in furtherance of any such arrangement.