

Wagga Wagga Racecourse Act 1993 No 109

[1993-109]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Contents

Long title	3
1 Name of Act	3
2 Commencement	3
3 Definitions	3
4 Status of racecourse	4
5 (Repealed)	4
6 Incorporation of the former Club	4
7 Assets, rights and liabilities of the former Club to vest in the incorporated Club	5
8 (Repealed)	5
9 Regulations	6
Schedule 1 Wagga Wagga Racecourse—description of land	6

Wagga Wagga Racecourse Act 1993 No 109



New South Wales

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

1 Name of Act

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

2 Commencement

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

3 Definitions

In this Act:

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

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent).

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

the former Club means the members of the unincorporated body known as the Murrumbidgee Turf Club.

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

the incorporated Club means the body corporate declared by the Minister under this Act to be the incorporated Murrumbidgee Turf Club.

Wagga Wagga Racecourse means the land described in Schedule 1.

4 Status of racecourse

- (1) The Wagga Wagga Racecourse continues, on and from the repeal day, to be Crown land that is dedicated for the following purposes under the *Crown Land Management Act 2016*:
 - (a) for use as a racecourse,
 - (b) for use as a training ground,
 - (c) for use as a sports ground,
 - (d) for any other form of public amusement or public purpose (whether or not related to sports) that the Governor has, by order published in the Gazette (whether before or after the repeal day), declared to be a form of public amusement or public purpose for which the Racecourse or a specified part of the Racecourse is permitted to be used.

Note—

Clause 11 of Schedule 7 to the *Crown Land Management Act 2016* operated on the repeal day:

- (a) to abolish the Wagga Wagga Racecourse Reserve Trust, and
 - (b) to replace it with a statutory land manager under that Act, and
 - (c) to appoint the members of the trust board of the Wagga Wagga Racecourse Reserve Trust as members of the board of the statutory land manager, and
 - (d) to appoint the statutory land manager as the Crown land manager of the Wagga Wagga Racecourse.
- (2) Subsection (1) does not limit or prevent the revocation of the dedication of the Wagga Wagga Racecourse, or the removal, alteration or addition of purposes for which it is dedicated, in accordance with the provisions of the *Crown Land Management Act 2016*.
 - (3) In this section:

repeal day means the day on which the *Crown Lands Act 1989* is repealed by the *Crown Land Management Act 2016*.

5 (Repealed)

6 Incorporation of the former Club

- (1) Nothing in the *Murrumbidgee Turf Club Act 1876* prevents the former Club from being incorporated under any law enabling persons to form a body corporate.
- (2) On being satisfied that the former Club has become incorporated as a body corporate, the Minister must, by notice in writing published in the Gazette, declare the body corporate to be the incorporated Murrumbidgee Turf Club for the purposes of this Act.

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

- (1) On the date of publication of the notice referred to in section 6, the following provisions have effect:
 - (a) the assets of the former Club vest in the incorporated Club by force of this section and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the rights and liabilities of the former Club become by force of this section the rights and liabilities of the incorporated Club,
 - (c) all legal proceedings by or on behalf of, or against, the former Club begun before, and pending immediately before, that date are taken to be legal proceedings pending by or on behalf of, or against, the incorporated Club,
 - (d) any thing done or omitted to be done in relation to the former Club before that date by, to or in respect of that Club is, to the extent that it continues to have effect, taken to have been done, or omitted to be done, by, to or in respect of the incorporated Club,
 - (e) a reference in any Act, or any document (including an instrument made under an Act), to the former Club is, subject to any regulations in force under section 9, to be read as, or as including, a reference to the incorporated Club.
- (2) In this section, the assets of the former Club include any lease of the Wagga Wagga Racecourse to the chairman of the former Club that was in existence immediately before the date referred to in subsection (1).
- (3) The operation of this section is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights and liabilities, or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.
- (4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.
- (5) No attornment to the incorporated Club by a lessee or sublessee from the former Club is required.

8 (Repealed)

9 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.
- (3) A provision referred to in subsection (2) may, if the regulations so provide, take effect as from the date of assent to this Act or a later date.
- (4) To the extent to which a provision referred to in subsection (2) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of any thing done or omitted to be done before the date of its publication.

Schedule 1 Wagga Wagga Racecourse—description of land

(Section 3)

The land comprising the Wagga Wagga Racecourse is as follows:

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