

Western Australia

**Kalgoorlie and Boulder Racing Clubs Act
Amendment Act 1953**

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Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953

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Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953

An Act to give effect to the amalgamation of the Kalgoorlie Racing Club and Boulder Racing Club in a new Club formed for the purpose of such amalgamation styled “The Kalgoorlie-Boulder Racing Club” and to vest the assets of the first mentioned club in such new Club and to confer on such new Club power to acquire by purchase or otherwise and to hold and otherwise deal with real and personal property for the purposes of the Club and for other purposes.

[Assented to 3rd November, 1953.]

Whereas all that piece of land being Hampton Location 2 the subject of Crown Lease registered Volume CLXXXVI, Folio 77, comprising the property known as Kalgoorlie Race Course is, pursuant to the *Kalgoorlie and Boulder Racing Clubs Act 1904*, vested in the Chairman for the time being of the Kalgoorlie Racing Club and his successors in office in trust for the said Club; and whereas all that piece of land being Boulder Town Lot 660 the subject of Crown Lease registered Volume CLXXIII, Folio 137, and CCXLIV, Folio 31, comprising the property known as the Boulder Race Course is, pursuant to the said Act, vested in the Chairman for the time being of the Boulder Racing Club and his successors in office in trust for the said Club; and whereas the said Clubs have by unanimous resolutions passed at separate general meetings of their members decided to amalgamate their activities in one club; and whereas a new Club known as “The Kalgoorlie-Boulder Racing Club” has been formed pursuant to the resolutions referred to; and whereas it is deemed desirable and expedient that the assets of the said Kalgoorlie Racing Club

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and the said Boulder Racing Club shall be vested in the said The Kalgoorlie-Boulder Racing Club that the said Act shall be deemed to apply to such Club in all respects as from the date of formation thereof and that the said The Kalgoorlie-Boulder Racing Club shall have power to acquire by purchase or otherwise and to hold and otherwise deal with real and personal property for the purposes of the said Club: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

1. Short title

This Act may be cited as *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*, and shall be read as one with the *Kalgoorlie and Boulder Racing Clubs Act 1904*, hereinafter referred to as the principal Act.

2. Citation of principal Act

The principal Act, as amended by this Act, may be cited as the *Kalgoorlie and Boulder Racing Clubs Act 1904*.

[Section 2 inserted by No. 74 of 2003 s. 138(2).]

3. Reference to Club

Wherever in the principal Act reference is made to “the Kalgoorlie Racing Club,” or to “the Boulder Racing Club,” or to “a Club,” or to “such club,” the same shall upon the passing of this Act be deemed to be a reference to the Club.

4. Amendment of section 2

Section two of the principal Act is amended as follows: —

- (a) By deleting the definition of “Club” and by inserting in lieu thereof a definition as follows: —

“

“**Club**” shall mean the Kalgoorlie-Boulder Racing Club.

”

- (b) By deleting the definition of “Committee” and inserting in lieu thereof a definition as follows: —

“

“**Committee**” means the Committee for the time being of the Club.

”

5. Amendment of section 26 of the principal Act

Section twenty-six of the principal Act is amended by deleting the words “not exceeding in the whole at any time the sum of ten thousand pounds” in lines two and three thereof.

6. Application of principal Act

As from the date of the formation of the Club, the principal Act shall be deemed to apply thereto in all respects as if the Club had been formed at the date of the passing of the principal Act and had been named therein.

7. Vesting of assets

- (1) Immediately upon the passing of this Act, all property, both real and personal, belonging to or held by any person in trust for, the said Kalgoorlie Racing Club, or the said Boulder Racing Club, and the rights of such clubs respectively to recover and receive all debts and choses in action shall, without any conveyance, transfer or assignment by force of this Act, be vested in the Chairman in trust for the Club; and all liabilities and engagements of the said Kalgoorlie Racing Club and of the said Boulder Racing Club respectively at the time of such vesting shall become liabilities and engagements of the Club and all uncompleted contracts or engagements theretofore entered into by any person or persons with either of such clubs shall

thereafter, to the extent the same shall be uncompleted, be deemed to have been entered into with the Club, and all the members of each of such clubs at the date of the passing of this Act, shall become members of the Club without payment of any entrance fee.

- (2) In relation to such of the property of the said Kalgoorlie Racing Club and the said Boulder Racing Club respectively becoming so vested in the club as shall consist of land under the *Transfer of Land Act 1893*, the Registrar of Titles shall, upon application in writing in that behalf by the club, accompanied by the relative Instruments of Title and upon payment of such registration fees as would be payable if such application were an Instrument of Transfer under the said *Transfer of Land Act 1893*, and payment of such portion (if any) of the *ad valorem* stamp duty as the Treasurer may require, make such entries in the Register Book kept under that Act as shall be necessary to constitute the Club the registered proprietor of such land, subject to any encumbrances appearing in the said Register Book.

8. Power of sale, lease, mortgaging, etc., of real and personal property

- (1) The Committee shall have and may exercise power through the Chairman and under his name to negotiate for and enter into agreements for the acquisition of, to acquire by purchase, exchange, lease or otherwise, and hold, sell, mortgage, lease and otherwise deal with real and personal property for the purposes of the Club, provided that no sale or mortgage of the real property vested in the Chairman by virtue of subsection (1) of section seven of this Act shall be made without the consent in writing of Governor in Council first had and obtained.
- (2) When so authorised by a resolution of the Committee, the Chairman may in his name execute all such agreements, transfers, leases, mortgages and other instruments necessary or requisite for the effectual exercise by the Committee of the power conferred by subsection (1) of this section.

- (3) A certified copy of the minutes of any such resolution signed by the secretary of the Club shall be evidence that where, pursuant to such resolution, the Chairman has executed any agreement, transfer, lease, mortgage or other instrument under the authority of subsection (2) of this section he has done so with the authority of and in a fiduciary capacity for the Committee.
- (4) Notwithstanding anything to the contrary contained in the *Transfer of Land Act 1893*, and where any land which has been acquired by the Committee is registered in the name of a person who at the time of such registration was the Chairman, and any dealing in relation to such land is subsequently tendered to the Registrar of Titles for registration in the name of another person, the Registrar may, subject to any other requirements of the said Act, accept such dealing for registration upon production therewith a declaration by the secretary of the Club that the land referred to in such dealing is the property of the Club and that the person who has executed such dealing is for the time being the Chairman.
- (5) Subject to this Act, any real or personal property acquired or held by the Committee under the power conferred by this Act shall be subject to the like powers, authorities and discretions as are vested in the Committee and the Chairman by the provisions of the principal Act in respect of real and personal property referred to in the principal Act, and the said provisions, with such adaptations as may be necessary, shall apply accordingly.

9. Winding-up of Clubs

Upon the vesting of the property of the Kalgoorlie Racing Club and of the Boulder Racing Club respectively in the Club pursuant to section seven of this Act, the Kalgoorlie Racing Club and the Boulder Racing Club shall each be deemed to be dissolved and wound-up.

Notes

1. This is a compilation of the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953* and includes the amendments made by the other written laws referred to in the following table².

Compilation table

Short title	Number and Year	Assent	Commencement
<i>Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953</i>	2 Elizabeth II 1953	3 Nov 1953	3 Nov 1953
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 138(2)	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

N.B. This Act is to be read as one with *The Kalgoorlie and Boulder Racing Clubs Act 1904*, 4 Edw. VII (Private Act).

- ² The *Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007* Pt. 4 reads as follows:

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Part 4 — Incorporation of Kalgoorlie-Boulder Racing Club and repeal of *Kalgoorlie and Boulder Racing Clubs Act 1904* and the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*

Division 1 — Incorporation and repeal

14. Meaning of terms used in this Part

- (1) Terms used in this Part have the same meaning as in the *Kalgoorlie and Boulder Racing Clubs Act 1904*.
- (2) In this Part —
“**incorporated Club**” means the Club after it is incorporated as an association under the *Associations Incorporation Act 1987*.

15. Power to incorporate under the *Associations Incorporation Act 1987*

- (1) The Club may become incorporated as an association under the *Associations Incorporation Act 1987*.
- (2) If the Club becomes incorporated as an association, nothing in the *Kalgoorlie and Boulder Racing Clubs Act 1904* or the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953* prevents the

real and personal property that is vested in and held by the chairman under those Acts from vesting in the incorporated Club under the *Associations Incorporation Act 1987* section 11.

16. Application for incorporation as an association

The *Associations Incorporation Act 1987* sections 5(2)(b)(iii), 6, 7 and 9(1)(d) do not apply to an application by the Club to become incorporated as an association under that Act.

17. Exemption from stamp duty

(1) In this section —

“**property of the Club**” means the real and personal property held by any person for or on behalf of the Club.

(2) Duty under the *Stamp Act 1921* is not payable on an instrument executed for the purpose of vesting or registering the property of the Club in the incorporated Club.

18. Repeals

On the Club becoming incorporated as an association under the *Associations Incorporation Act 1987* —

- (a) the *Kalgoorlie and Boulder Racing Clubs Act 1904*; and
- (b) the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*; and
- (c) the *Kalgoorlie-Boulder Racing Club By-laws 2004*; and
- (d) the *Kalgoorlie-Boulder Racing Club By-laws Notice 2004*,

are repealed.

Division 2 — Transitional and savings provisions

19. Interpretation Act 1984 not affected

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals effected by section 18.

20. Effect of incorporation on licence, permit or approval

A licence, permit or approval issued or given to the Club under a written law and in force immediately before the Club is incorporated under the *Associations Incorporation Act 1987* continues in force as if the licence, permit or approval, when issued or given, were issued or given to the incorporated Club.

- 21. Chairman's liabilities incurred prior to incorporation to transfer to incorporated Club**
- (1) A liability incurred by the chairman by or on behalf of the Club and existing immediately before the Club is incorporated under the *Associations Incorporation Act 1987* becomes a liability of and exercisable against the incorporated Club.
 - (2) This section operates despite the *Associations Incorporation Act 1987* section 10(c).
- 22. Powers in relation to transitional provision**
- (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this section may prescribe all matters that are required or necessary or convenient to be prescribed for dealing with the matter.
 - (2) Regulations made under subsection (1) may provide that specified provisions of this Part —
 - (a) do not apply; or
 - (b) apply with specified modifications,to or in relation to any matter.
 - (3) If regulations under subsection (1) provide that a specified state of affairs is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the day this section comes into operation, the regulations have effect according to their terms.
 - (4) In subsections (2) and (3) —
“**specified**” means specified or described in the regulations.
 - (5) If regulations contain a provision referred to in subsection (3), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to any person (other than the State) the right of that person existing before the day of publication of those regulations; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

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