

Western Australia

**Western Australian Turf Club
(Property) Act 1944**

As at 14 Mar 2003

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Western Australian Turf Club (Property) Act 1944

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Western Australian Turf Club (Property) Act 1944

An Act to resolve certain doubts concerning the power of The Western Australian Turf Club under *The Western Australian Turf Club Act 1892*, to acquire, dispose of and otherwise deal with real and personal property for the purposes of the Club and to enter into agreements for those purposes.

[Long title amended by No. 24 of 1997 s. 14.]

Whereas certain doubts have arisen concerning the power of The Western Australian Turf Club under *The Western Australian Turf Club Act 1892*, to acquire, dispose of and otherwise deal with real and personal property for the purposes of the Club and to enter into agreements for those purposes and it is deemed desirable and expedient that the said Club shall have such power and be deemed to have had such power and to resolve such doubts accordingly:

[Preamble amended by No. 24 of 1997 s. 15.]

Be it therefore enacted by the King'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 the *Western Australian Turf Club (Property) Act 1944*¹.

s. 2

2. This Act to be read in conjunction with *The Western Australian Turf Club Act 1892*

This Act shall be read in conjunction with *The Western Australian Turf Club Act 1892*, hereinafter referred to as the principal Act.

3. Interpretation

In this Act, unless the context otherwise requires —

Club means The Western Australian Turf Club.

Chairman means the person who from time to time and at any time is the Chairman of the Committee.

Committee means the Committee from time to time and at any time of the Club.

4. Power to Club to acquire and hold real and personal property

- (1) The Committee shall have and may exercise, and shall be deemed always to have had under the principal Act, power through the Chairman and under his name —
 - (a) to acquire (including on lease), hold, mortgage, dispose of (including by lease), and otherwise deal with real and personal property for the purposes of the Club; and
 - (b) enter into agreements for any of those purposes.
- (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).
- (2a) Subsection (1) does not apply to —
 - (a) the land referred to in section 7 of the principal Act; or
 - (b) land demised under section 8 of that Act,

except with the consent of the Governor given on the recommendation of the Minister administering the *Land Act 1933*².

- (2b) An approval under subsection (2a) in respect of any land may be given —
- (a) subject to conditions including a condition for payment of money to the Crown; and
 - (b) if the Governor thinks fit, in terms that discharge the land from any trust or purpose affecting the land by operation of this Act.
- (3) A certified copy of the minute 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) 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 of 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.

[Section 4 amended by No. 24 of 1997 s. 16.]

Notes

- ¹ This is a compilation of the *Western Australian Turf Club (Property) Act 1944* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Western Australian Turf Club (Property) Act 1944</i>	8 and 9 Geo. VI, 1944	21 Dec 1944	21 Dec 1944
<i>Turf Club Legislation Amendment Act 1997 Pt. 3</i>	24 of 1997	24 Sep 1997	24 Sep 1997 (see s. 2)

Reprint 1: The *Western Australian Turf Club (Property) Act 1944* as at 14 Mar 2003
(includes amendments listed above)

- ² Under the *Land Administration Act 1997* s. 281(3), a reference in a written law to the *Land Act 1933* is, unless the contrary intention appears, to be construed as if that reference were a reference to the *Land Administration Act 1997*.