

WESTERN AUSTRALIA

TURF CLUB LEGISLATION AMENDMENT ACT 1997

No. 24 of 1997

AN ACT to amend —

- ***The Western Australian Turf Club Act 1892, and***
- ***the Western Australian Turf Club (Property) Act 1944,***

in relation to powers to borrow money, give mortgages and dispose of property.

[Assented to 24 September 1997.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Turf Club Legislation Amendment Act 1997*.

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

**PART 2 — THE WESTERN AUSTRALIAN TURF CLUB
ACT 1892 AMENDED**

Principal Act

3. In this Part, *The Western Australian Turf Club Act 1892** is referred to as the principal Act.

[* *Reprinted as at 18 August 1986.*

*For subsequent amendments see 1995 Index to
Legislation of Western Australia, Table 1, p. 241.]*

Section 6 amended

4. Section 6 of the principal Act is amended —

- (a) by inserting after the section designation “**6.**” the subsection designation “(1)”; and
- (b) by inserting the following subsection —

“

(2) Subsection (1) does not limit the rights of any person to whom security has been given over —

- (a) the land referred to in section 7; or
- (b) land demised under section 8,

if the Governor has under section 28 (2) or the *Western Australian Turf Club (Property) Act 1944* consented to the giving of the security.

”.

Section 10 amended

5. Section 10 of the principal Act is amended —

- (a) by inserting after the section designation “**10.**” the subsection designation “(1)”; and

(b) by inserting the following subsection —

“

(2) Subsection (1) has effect subject to the exercise of the discretion conferred by section 28 (4) of this Act and section 4 (2b) (b) of the *Western Australian Turf Club (Property) Act 1944*.

”.

Section 26 repealed and a section substituted

6. Section 26 of the principal Act is repealed and the following section is substituted —

“

Borrowing powers

26. (1) The chairman may —

- (a) borrow or re-borrow money; and
- (b) otherwise arrange financial accommodation.

(2) Money borrowed or otherwise becoming available under subsection (1) shall be applied for the purposes of the club.

(3) A person who lends or otherwise makes money available under subsection (1) is not bound to see to the application, nor answerable for the loss or misapplication, of the money.

”.

Section 27 repealed

7. Section 27 of the principal Act is repealed.

Section 28 repealed and a section substituted

8. Section 28 of the principal Act is repealed and the following section is substituted —

“

Power to give security

28. (1) To secure repayment of sums borrowed or made available under section 26, and payment of interest on those sums, the chairman may give and execute any mortgage, charge, assignment or other security over all or any part of the assets and property of the club, including rents and profits, tolls, charges and other revenue.

(2) This section does not apply to —

- (a) the land referred to in section 7; or
- (b) land demised under section 8,

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

(3) A consent under subsection (2) may be given in terms that impose requirements to be observed if a power of sale becomes exercisable by a mortgagee on default by the mortgagor.

(4) If a power of sale in respect of any land is exercised in accordance with those requirements, the Governor may, on the recommendation of the Minister administering the *Land Act 1933*, discharge the land from any trust or purpose affecting the land by operation of this Act.

”.

s. 9

Section 29 amended

9. Section 29 of the principal Act is amended by deleting “and every such transfer may be in the form in the Third Schedule or to the like effect”.

Section 43 amended

10. Section 43 of the principal Act is amended —

- (a) by inserting after the section designation “**43.**” the subsection designation “(1)”; and
- (b) by inserting the following subsection —

“

(2) Subsection (1) has effect subject to the exercise of the discretion conferred by section 28 (4) of this Act and section 4 (2b) (b) of the *Western Australian Turf Club (Property) Act 1944*.

”.

Second and Third Schedules repealed

11. The Second and Third Schedules to the principal Act are repealed.

Validation

12. Any exercise by the chairman before the commencement of this Act of his powers under section 26 or 28 of the principal Act that would have been valid if section 26, as inserted by section 6, and section 28, as inserted by section 8, had been in force at the time of such exercise is declared to be, and to have always been, valid.

**PART 3 — WESTERN AUSTRALIAN TURF CLUB
(PROPERTY) ACT 1944 AMENDED**

Principal Act

13. In this Part the *Western Australian Turf Club (Property) Act 1944** is referred to as the principal Act.

[* 8^o and 9^o Geo. VI.]

Long title amended

14. The long title to the principal Act is amended —

- (a) by deleting “**enter into agreements for the acquisition by purchase or otherwise of and to acquire by purchase or otherwise and hold**” and substituting the following —

“ **acquire, dispose of** ”; and

- (b) by inserting after “**the Club**” the following —

“
and to enter into agreements for those purposes
”.

Preamble amended

15. The preamble to the principal Act is amended —

- (a) by deleting “enter into agreements for the acquisition by purchase or otherwise of and to acquire by purchase or otherwise and hold” and substituting the following —

“ **acquire, dispose of** ”; and

(b) by inserting after “the Club” the following —

“
and to enter into agreements for those
purposes
”.

Section 4 amended

16. (1) Section 4 of the principal Act is amended, in subsection (1), by deleting the passage from and including “under his name” to the end of the subsection and substituting the following —

“
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) After section 4 (2) of the principal Act the following subsections are inserted —

“
(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*.

(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.

”.