

Queensland



RACING VENUES DEVELOPMENT ACT 1982

**Reprinted as in force on 5 November 1999
(includes amendments up to Act No. 18 of 1998)**

Reprint No. 1C

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Information about this reprint

This Act is reprinted as at 5 November 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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RACING VENUES DEVELOPMENT ACT 1982

[as amended by all amendments that commenced on or before 5 November 1999]

An Act to provide for racing venues to be placed under the control of trustees and for other purposes

Short title

1. This Act may be cited as the *Racing Venues Development Act 1982*.

Definitions

3. In this Act—

“**greyhound course**” means a place for the holding of lawful greyhound meetings.

“**meeting**” means a race meeting, trotting meeting or greyhound meeting.

“**paceway**” means a place for the holding of lawful trotting meetings.

“**racecourse**” means a place for the holding of lawful race meetings.

“**racing venue**” means a racecourse, paceway or greyhound course in Queensland at which a meeting may lawfully be held.

“**register**” means the register of trustees kept under this Act.

“**trustees**” means trustees appointed under this Act.

Appointment of trustees

- 4.(1) This section applies to land held by the State.

(1A) This section is subject to another Act providing for the purpose for which land may be used.

- (1B) The Governor in Council may appoint trustees to control land for

establishing, extending or developing the land as a racing venue, or for another purpose connected with racing decided by the Governor in Council.

(2) The Governor in Council may change the number of trustees appointed by increasing or decreasing the number, and may make additional appointments.

(3) The Governor in Council also may appoint a trustee as chairperson.

Official name of trustees

5. Trustees shall be known by the official name of ‘Trustees of (stating the style or title of the trustees or otherwise sufficiently identifying the trust)’ without individually naming the trustees.

Vacation of office

6. The office of a trustee shall become vacant if the trustee—

- (a) dies;
- (b) declines to act or to act further as a trustee;
- (c) resigns by signed notice addressed to the Minister (such resignation to be complete and take effect from the time it is received by the Minister);
- (d) is absent without prior leave granted by the other trustees from 4 consecutive meetings of the trustees of which due notice has been given to the trustee personally or in the ordinary course of post;
- (e) is removed from office as a trustee by the Governor in Council.

Disqualification from office

7. A person—

- (a) who is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankruptcy or insolvent debtors;
- (b) who has been convicted of an indictable offence;

- (c) who is a patient within the meaning of the *Mental Health Act 1974*;

shall not be capable of being or continuing to be a trustee.

Removal from office

8. The Governor in Council may at any time remove a trustee from office as trustee.

Register

10.(1) The chief executive shall cause to be kept a register of trustees of all land for the time being placed under the control of trustees and the official name of those trustees.

(3) Upon appointment under this Act of a new trustee there shall be inserted in the register the name of the new trustee and the reason for the trustee's appointment, the date of such appointment and the date of insertion of the trustee's name in the register and the person making any such entry shall sign the person's name in the register.

(4) The register shall at all reasonable times be open to inspection at the office of the department at Brisbane by any person on payment of the prescribed fee.

(5) The register may be amended at any time by rectifying any error or supplying any omission therein or therefrom, and the person making the rectification shall initial the amendment and insert the date thereof, but shall not render illegible the part so rectified.

(6) In any legal proceedings and on all occasions whatever—

- (a) a book purporting to be the register shall on production thereof by a person authorised in writing by the chief executive for the purpose be evidence and in the absence of evidence to the contrary, conclusive evidence of the matters contained therein;
- (b) every part of the register, and an extract of any part of the register purporting to be certified as correct by a person appointed in writing by the chief executive for the purpose shall, upon its production be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

Employees

11.(1) Trustees may appoint and employ a secretary and such other employees as they think necessary for obtaining their objects.

(2) Persons appointed pursuant to this section shall, subject to any applicable award of any industrial court, commission, tribunal or authority, be employed on such terms and conditions as the trustees think fit.

Trustees deemed to be owners for purpose of legal proceedings

12. For the purpose of any action or proceeding trustees are hereby deemed to be the owners of any property under their control as trustees.

Trustees may sue and be sued

13. Trustees by their official name may—

- (a) sue or be sued;
- (b) take action for removal of trespassers, protection of property under their control or for injury to or misuse of such property.

Rules

14.(1) Trustees may make rules under this Act about the following—

- (a) regulating their meetings and the conduct and management of the offices and business of the trust;
- (b) protecting the land and property of any description under their control from trespass, injury or misuse;
- (c) regulating the use and enjoyment of the land and property of any description under their control and imposing reasonable fees or charges therefor;
- (d) imposing penalties of not more than 10 penalty units for any breach of a rule;
- (e) generally for carrying out the objects and purposes of this Act.

(1A) Without limiting the generality of subsection (1)(e), the rules may provide that the land or any part thereof to be specified with reasonable

certainty shall be a public place within the meaning and for the purposes of any Act conferring or imposing upon police officers powers or duties with respect to public places or providing for the punishment of offences committed in public places and upon the commencement of those rules such land or part thereof shall be a public place accordingly.

(2) A rule made by trustees must be signed by them.

(3) A rule must be approved by the Governor in Council, and is subordinate legislation.

Superannuation schemes

15. The trustees may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

Financial administration

16. Trustees by their official name are a statutory body within the meaning of the *Financial Administration and Audit Act 1977* and the provisions of that Act apply accordingly.

Declaration that trustees are statutory body

17.(1) The trustees, by their official name, are a statutory body for the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the trustees' powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 29 of this Act.

No power of sale

18. Notwithstanding anything contained in any Act, trustees shall not have power to sell or transfer any land under their control.

Easements affecting land granted in trust

19. With the prior approval in writing of the Minister easements affecting land placed under the control of trustees under this Act may be created by agreement to which the trustees of the land are parties whether as grantors or grantees.

Power to lease

20.(1) Trustees shall not lease or agree to lease the whole or any part of land under their control or part of any building thereon without first obtaining the written approval of the Minister.

(2) Application for such approval shall be made to the Minister, shall be signed by the trustees and shall contain the following particulars—

- (a) the grounds on which the trustees consider it necessary or desirable that the whole or part of the land or the part of the building should be leased;
- (b) the terms of the proposed lease and the conditions thereof;
- (c) the rent to be reserved;
- (d) the purposes for which the rent is to be applied.

(3) The application shall be accompanied by a draft of the proposed lease.

(4) The Minister may refuse to approve the application or, if the Minister is satisfied that the proposed lease is—

- (a) not detrimental to the public interest; and
- (b) not inconsistent with the purpose for which the land was placed under the control of trustees under this Act; and
- (c) not for any excessive term and complies with the requirements of section 21;

the Minister may approve the application in whole or in part, and in either case subject to such conditions, reservations and modifications as it thinks fit.

Provisions applicable to leases

21.(1) The following provisions shall apply to every lease granted by trustees—

- (a) the term shall not exceed 75 years;
- (b) the lease shall not contain any covenant or agreement for renewal of lease or for purchase of the leased land, and the rent to be reserved shall be the highest annual rent that can reasonably be obtained;
- (c) the lease shall contain a covenant that the trustees may terminate the lease upon the failure of the lessee to observe or perform any covenant or condition of the lease that is expressed to be binding upon the lessee.

Minister's approval to be endorsed on lease

22.(1) Where a lease granted by trustees has been duly executed in accordance with the terms and conditions approved by the Minister, the original and all other executed copies of the lease shall be forwarded to the Minister for endorsement thereon of the Minister's approval of the lease.

(1A) One copy of the lease shall be retained by the Minister.

(2) A lease to which this section applies that is not endorsed with the Minister's approval shall have no validity or effect in law and shall not be capable of registration under the *Land Title Act 1994*.

Dealing with leases

23.(1) A lessee shall not transfer, mortgage or sublet a lease granted under this Act unless the lessee has first obtained the written approval of the Minister and the trustees of the land in question.

(1A) If the lessee contravenes subsection (1) the lease may be terminated by the Minister pursuant to section 25.

(2) A transfer, mortgage or sublease of a lease of land, or any part of land by trustees shall not without the Minister's approval endorsed on the instrument of transfer, mortgage or sublease, be capable of registration under the *Land Title Act 1994*.

Power to execute and register documents

24.(1) Notwithstanding that land placed under the control of trustees under this Act remains registered in the name of the State, trustees are hereby empowered to execute any mortgage, lease or other dealing in connection with the land which they are empowered by this Act so to do.

(2) Any such mortgage, lease or dealing shall be given effect to as if it were executed for and on behalf of the State and the registrar of titles is hereby authorised to register such mortgage, lease or dealing.

Cancellation of leases by Minister

25.(1) Notwithstanding the provisions of a lease granted under this Act, the Minister may, upon being satisfied that the lessee has failed to observe or perform any covenant or condition of the lease that is expressed to be binding upon the lessee, or that it is desirable in the public interest so to do, by notice in writing, cancel the lease.

(2) Upon cancellation under this section of a lease the lessee shall forthwith vacate the land and any improvements effected by the lessee upon the land pursuant to the lessee's lease shall, unless the Minister in writing permits their removal, become the property of the trustees.

(3) If the lessee fails forthwith to vacate the land the lessee shall be deemed to be a person in unlawful possession of the land.

(4) Upon receipt of a notice that the Minister has cancelled a lease granted by trustees, the registrar of titles shall make all necessary endorsements, entries and take all necessary actions to give effect to that notice without the production of the original and copies of the lease.

Revocation of appointment of trustees

26.(1) The Governor in Council may at any time revoke the appointment of trustees to control land.

(2) On the revocation of the appointment—

- (a) the trustees cease to hold office as trustees; and
- (b) any lease granted by the trustees ends.

(3) On the ending of a lease, the lessee must immediately leave the land.

(4) The improvements constructed on the land by the lessee, become the property of the State unless the Minister permits their removal.

Occupation or use contrary to trust

28. Trustees shall not—

- (a) permit any person to occupy or use the whole or part of land under their control for any purpose that is contrary to or inconsistent with the trustees' trust;
- (b) without the prior consent in writing of the Minister permit any person to occupy the whole or part of land under their control for a longer period than 1 month, whether continuously or intermittently, save when the use or occupation is authorised by a lease duly granted under this Act.

Mortgage of land

29.(1) In order to raise funds for effecting permanent improvements on land placed under the control of trustees under this Act, or for adding to or maintaining permanent improvements already effected on such land or for such other purposes as are specified under section 4(1A) the Governor in Council may authorise the trustees, either generally or in a particular case, to mortgage the land on the conditions decided by the Governor in Council.

(2) If trustees default in payment of moneys secured by, or otherwise fail in the observance of any of the covenants expressed in the bill of mortgage, the mortgagee shall give to the Minister 1 months notice in writing before exercising any right or remedy had under the mortgage.

(3) Notwithstanding any provision of the *Property Law Act 1974* or anything contained in the bill of mortgage, the mortgagee shall not sell the land in question until payment is made to the State of the amount of the unimproved value of the land, as at the date of the notice by the mortgagee.

(4) The amount of the unimproved value referred to in subsection (3) shall be the amount as agreed upon between the Minister and the mortgagee or, failing such agreement, as determined by the Land Court.

(5) The Minister may consent in writing to the sale if the mortgagee gives the State security, or an undertaking, for the money owing to the State.

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(5A) The security or undertaking under subsection (5) must be satisfactory to the Minister.

(6) For the purposes of subsection (3), the unimproved value of the land shall be the amount which, in the opinion of the Minister or the Land Court, as the case may be, experienced persons would be willing to pay for the fee simple of the land, assuming it were unimproved, freed and discharged from the trusts, and were offered for sale on such reasonable terms and conditions as a bona fide seller would require.

(7) Upon compliance by the mortgagee with the provisions of this section the mortgagee shall be entitled if default continues to sell the land freed and discharged from any encumbrances, provided that in the first instance the land is offered for sale by public auction.

(8) If land is sold under this section, the mortgagee must—

- (a) give to the Minister a declaration setting out—
 - (i) the gross amount received from the sale; and
 - (ii) the amount of the debt under the mortgage on the date of the sale; and
 - (iii) details of the expenses of the sale; and
 - (iv) the amount calculated by deducting from the gross amount received from the sale—
 - (A) any amount paid to the State under subsection (3); and
 - (B) the amount mentioned in paragraph (a)(ii); and
 - (C) the expenses of the sale; and
- (b) pay to the State—
 - (i) any amount mentioned in paragraph (a)(iv); or
 - (ii) if the mortgagee has given the State security or an undertaking under subsection (5)—the amount by which the value of the security or undertaking exceeds the amount mentioned in paragraph (a)(iv).

(9) Upon sale by the mortgagee of land pursuant to this section, the trustees of the land shall cease to hold office as trustees and the Minister may appoint some person to realise any property or assets on the land not

subject to the bill of mortgage under which sale of the land was effected.

(10) All money received by the person appointed under subsection (9) must be paid to the State.

Signature by majority of trustees sufficient

30. Any mortgage, lease or other dealing of or in any land under the control of trustees shall, if signed by a majority of the trustees for the time being named in the register as being the trustees of the land, be as effectual as if such mortgage, lease or other dealing had been duly signed by all the trustees of the land.

Application of moneys received

31.(1) Trustees shall apply solely for the purposes of this Act, all moneys received by way of rent or otherwise in respect of any lease of land under their control or any part thereof.

(2) If at the end of any financial year trustees have in their accounts moneys that are surplus to their requirements they shall pay those surplus moneys to the State.

Land leased from trustees to be rateable land

32. Notwithstanding any other Act to the contrary, all land leased by trustees to any person or body shall during the term of the lease be deemed rateable land within the meaning of the *Local Government Act 1993* or, as the case may be, *City of Brisbane Act 1924* and the lessee of the land shall be liable to pay any amount of rates levied by a local government during that term.

Regulation making power

35.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made prescribing a penalty of not more than 8 penalty units for an offence against a regulation.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 November 1999. Future amendments of the Racing Venues Development Act 1982 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	12 December 1995
1A	to Act No. 54 of 1996	6 June 1997
1B	to Act No. 18 of 1998	4 August 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Racing Venues Development Act 1982 No. 16

date of assent 20 April 1982

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 May 1982 (proc pubd gaz 24 April 1982 p 1851)

as amended by—

Racing Venues Development Act Amendment Act 1988 No. 69

date of assent 21 October 1988

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced on date of assent (see s 2)

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1, 9 sch 2

date of assent 16 June 1995

commenced on date of assent

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Racing Legislation Amendment Act 1998 No. 18 pts 1, 3

date of assent 26 March 1998
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 1999 (1999 SL No. 119)

7 List of annotations**Commencement**

s 2 om R1 (see RA s 37)

Definitions

prov hdg sub 1995 No. 58 s 4 sch 1
 s 3 def “**corporation**” om 1998 No. 18 s 45
 def “**financial year**” om 1995 No. 57 s 4 sch 1
 def “**fund**” om 1998 No. 18 s 45
 def “**Local Authority**” om 1995 No. 57 s 4 sch 1
 def “**Minister**” om 1995 No. 57 s 4 sch 1

Appointment of trustees

prov hdg sub 1998 No. 18 s 46(1)
 s 4 sub 1995 No. 57 s 4 sch 1
 amd 1998 No. 18 s 46(2)

Vacation of office

s 6 amd 1998 No. 18 s 47

Disqualification from office

s 7 amd 1995 No. 58 s 4 sch 1

Validity of proceedings

s 9 om 1995 No. 57 s 4 sch 1

Register

s 10 amd 1995 No. 57 s 4 sch 1; 1998 No. 18 s 48

Rules

s 14 amd 1988 No. 69 s 2; 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1;
 1998 No. 18 s 49

Superannuation schemes

s 15 sub 1988 No. 69 s 3; 1995 No. 36 s 9 sch 2

Financial administration

s 16 sub 1988 No. 69 s 3

Declaration that trustees are statutory bodies

s 17 prev s 17 om 1988 No. 69 s 3
pres s 17 ins 1996 No. 54 s 9 sch

Easements affecting land granted in trust

s 19 amd 1998 No. 18 s 50

Power to lease

s 20 amd 1998 No. 18 s 51

Minister's approval to be endorsed on lease

prov hdg sub 1998 No. 18 s 52(1)
s 22 amd 1998 No. 18 s 52(2)–(5)

Dealing with leases

s 23 amd 1998 No. 18 s 53

Power to execute and register documents

s 24 amd 1998 No. 18 s 54

Cancellation of leases by Minister

prov hdg sub 1998 No. 18 s 55(1)
s 25 amd 1998 No. 18 s 55(2)

Revocation of appointment of trustees

s 26 sub 1995 No. 57 s 4 sch 1
amd 1998 No. 18 s 56

Effect of discharge of trustees

s 27 om 1995 No. 57 s 4 sch 1

Occupation or use contrary to trust

s 28 amd 1998 No. 18 s 57

Mortgage of land

s 29 amd 1990 No. 88 s 3 sch; 1995 No. 57 s 4 sch 1; 1995 No. 58 s 4 sch 1;
1998 No. 18 s 58

Application of moneys received

s 31 amd 1988 No. 69 s 4; 1998 No. 18 s 59

Tenders called prior to appointment of trustees

s 33 om 1998 No. 18 s 60

Annual report

s 34 om 1988 No. 69 s 5

Regulation making power

s 35 sub 1995 No. 57 s 4 sch 1

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