

Queensland



# **RACING VENUES DEVELOPMENT ACT 1982**

**Reprinted as in force on 12 December 1995  
(includes amendments up to Act No. 58 of 1995)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 12 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- reorder other provisions consistent with current drafting practice (s 30A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **table of changed names and titles**
  - **table of changed citations and remade laws**
  - **table of obsolete and redundant provisions**
  - **table of corrected minor errors**
  - **table of renumbered provisions.**

# Queensland



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# RACING VENUES DEVELOPMENT ACT 1982

[as amended by all amendments that commenced on or before 12 December 1995]

## **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—

“**corporation**” means the Racing Development Corporation established under the *Racing and Betting Act 1980*, section 121.

“**fund**” means the Racing Development Fund established and maintained under the *Racing and Betting Act 1980*, section 116.

“**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.

**Trustees of land acquired by corporation**

**4.(1)** If the corporation acquires land under the *Racing and Betting Act 1980*, section 126A, the Governor in Council may appoint trustees to control the land for the purpose of establishing, extending or developing the land as a racing venue, or for another purpose 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 corporation (such resignation to be complete and take effect from the time it is received by the corporation);
- (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 corporation 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 corporation 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 the corporation or a person authorised in writing by the corporation in that behalf, 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 the corporation or a person appointed in writing by the corporation in that behalf 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)** Every rule made by trustees shall be duly signed by them and transmitted to the corporation to be dealt with in accordance with this section.

**(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.

### **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 corporation 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 the approval in writing of the corporation first had and obtained.

**(2)** Application for such approval shall be made to the corporation, 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 corporation may, in its discretion, refuse to approve the application or, if the corporation 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;

it 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.

### **Corporation'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 corporation, the original and all other executed copies of the lease shall be forwarded to the corporation for endorsement thereon of its approval of the lease.

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

**(2)** A lease to which this section applies that is not endorsed with the corporation'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 corporation and the trustees of the land in question.

**(1A)** If the lessee contravenes subsection (1) the lease may be terminated by the corporation 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 corporation'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 corporation, 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 by the corporation and the registrar of titles is hereby authorised to register such mortgage, lease or dealing.

**Cancellation of leases by corporation**

**25.(1)** Notwithstanding the provisions of a lease granted under this Act, the corporation 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 corporation 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 corporation 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) Any improvements made on the land by the lessee become the corporation's property, unless the corporation 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 corporation 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(1) 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 corporation 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 corporation 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 corporation and the mortgagee or, failing such agreement, as determined by the Land Court.

(5) The corporation may, in writing, consent to the sale if the mortgagee

gives it security or an undertaking to the corporation's satisfaction for the money owing to the corporation.

(6) For the purposes of subsection (3), the unimproved value of the land shall be the amount which, in the opinion of the corporation 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) Upon the sale of any land pursuant to this section the mortgagee shall lodge with the corporation—

- (a) a declaration setting out—
  - (i) the gross amount received from the sale of the land;
  - (ii) the amount of the mortgage debt as at the date of the sale of the land;
  - (iii) particulars of the expenses incurred in selling the land;
  - (iv) the amount (if any) remaining in the hands of the mortgagee after deducting any amount paid to the corporation as the unimproved value of the land, the amount of the mortgage debt and the expenses incurred in selling the land; and
- (b) the amount (if any) referred to in paragraph (a)(iv) or, where the mortgagee has given to the corporation security or an undertaking in respect of the payment of the unimproved value of the land, the amount by which the value of the security or undertaking exceeds the firstmentioned amount.

(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 corporation 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 that person shall be paid to the corporation

and together with any surplus money received from the mortgagee pursuant to subsection (8) shall be paid into the fund.

### **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 fund.

### **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.

### **Tenders called prior to appointment of trustees**

**33.(1)** Where prior to the commencement of this Act the corporation has acquired land and, in accordance with the provisions of this Act, places that land under the control of trustees the trustees may deal with any tenders lodged in respect of the development of that land as they see fit.

**(2)** Trustees shall not be bound by any tenders called prior to their appointment and they may refuse or accept the tenders or may call fresh

tenders.

(3) Trustees of land referred to in subsection (1) shall within such time and upon such terms and conditions as the corporation directs, repay to the corporation such moneys as the corporation directs in respect of any tenders called by it.

(4) Any moneys paid to the corporation pursuant to subsection (3) shall be paid to the fund.

### **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.

**ENDNOTES****1 Index to endnotes**

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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 12 December 1995. 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)	=	previously
amd	=	amended	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
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

### 4 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

## **5 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 **”financial year”** om 1995 No. 57 s 4 sch 1  
 def **”Local Authority”** om 1995 No. 57 s 4 sch 1  
 def **”Minister”** om 1995 No. 57 s 4 sch 1

### **Trustees of land acquired by corporation**

s 4 sub 1995 No. 57 s 4 sch 1

### **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

### **Rules**

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

### **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

### **Offence**

s 17 om 1988 No. 69 s 3

### **Revocation of appointment of trustees**

s 26 sub 1995 No. 57 s 4 sch 1

### **Effect of discharge of trustees**

s 27 om 1995 No. 57 s 4 sch 1

### **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

### **Application of moneys received**

s 31 amd 1988 No. 69 s 4

### **Annual report**

s 34 om 1988 No. 69 s 5

**Regulation making power**

s 35 sub 1995 No. 57 s 4 sch 1

**6 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 772(1)(a)
member of the police force	police officer	Police Service Administration Act 1900 s 11.1(1)(c) (see also s 1.4)

**7 Table of changed citations and remade laws**TABLE OF CHANGED CITATIONS AND REMADE LAWS  
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Local Government Act 193 6	Local Government Act 199 3	Local Government Act 1993 s 796(1)(o)
Real Property Act 1861	Land Title Act 1994	Land Title Act 1994 s 207

**8 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

**9 Table of corrected minor errors**TABLE OF CORRECTED MINOR ERRORS  
under the Reprints Act 1992 s 44

Provision	Description
14(1)	om 'may may' ins 'may'

**10 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under the Reprints Act 1992 s 43

Previous	Renumbered as
11, 1st sentence . . . . .	11(1)
11, 2nd sentence . . . . .	11(2)
14(1), 2nd sentence . . . . .	14(1A)
22(1), 2nd sentence . . . . .	22(1A)
23(1), 2nd sentence . . . . .	23(1A)
24, 1st sentence . . . . .	24(1)
24, 2nd sentence . . . . .	24(2)
29(9), 2nd sentence . . . . .	29(10)
33(3), 2nd sentence . . . . .	33(4)