

South Australia

Port Pirie Racecourse Site Amendment Act 2016

An Act to amend the *Port Pirie Racecourse Site Act 1946*; and to repeal the *Port Pirie Racecourse Land Revestment Act 1960*, the *Port Pirie Racecourse Land Revestment Act 1965* and the *Port Pirie Racecourse Land Revestment Act 1981*.

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The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Port Pirie Racecourse Site Amendment Act 2016*.

2—Interpretation

In this Act—

principal Act means the *Port Pirie Racecourse Site Act 1946* (as read together with or amended by the *Port Pirie Racecourse Land Revestment Act 1960*, the *Port Pirie Racecourse Land Revestment Act 1965* and the *Port Pirie Racecourse Land Revestment Act 1981*).

3—Amendment of principal Act

The principal Act is amended as follows:

- (a) Section 2 of the principal Act—delete section 2 and substitute:

2—Interpretation

In this Act—

approved lease, licence or easement means a lease, licence or easement approved by the Minister in accordance with section 4(1b);

club means the Port Pirie Harness Racing Club Incorporated;

defined land means Allotments 1 and 2 in Deposited Plan 37463, Hundred of Pirie (being the land that was vested in the club for an estate in fee simple on the enactment of this Act, but excluding the portions of land that ceased to be so vested under the *Port Pirie Racecourse Land Revestment Act 1960*, the *Port Pirie Racecourse Land Revestment Act 1965* and the *Port Pirie Racecourse Land Revestment Act 1981*);

easement includes a right-of-way.

- (b) Section 4(2) of the principal Act—delete subsection (2) and substitute:
- (1a) Without limiting the circumstances in which the club will be taken to comply with subsection (1), the following will be taken to comply with that subsection:
 - (a) the grant by the club to another person or body of a right to use the defined land or part of the defined land otherwise than for the objects for which the club is established, provided that the right is conferred under an approved lease, licence or easement;
 - (b) the use of land for purposes provided for under such a lease, licence or easement.
 - (1b) The Minister may, by notice in writing, approve the granting by the club of a lease, licence or easement in relation to the whole or a part of the defined land on such terms and conditions (if any) as the Minister considers necessary or appropriate and specifies in the notice.
 - (1c) A variation (other than a minor variation) of an approved lease, licence or easement is, unless the Minister has approved the proposed variation by notice in writing, voidable at the option of the Minister.
 - (1d) An approved lease, licence or easement continues as an approved lease, licence or easement following its renewal, provided that the terms and conditions of the lease, licence or easement are the same or substantially the same as those as originally approved.
- (2) If, at any time—
- (a) subsection (1) is not complied with; or
 - (b) a party to an approved lease, licence or easement does not comply with the terms and conditions of the lease, licence or easement,
- the Minister may, by notice in writing, require the club to take such action to remedy the default as the Minister thinks fit and specifies in the notice.

- (2a) Without limiting the generality of subsection (2), a notice by the Minister under that subsection may require the club—
- (a) to comply with any term or condition of an approved lease, licence or easement; or
 - (b) to enforce a term or condition of an approved lease, licence or easement against another party to that lease, licence or easement.
- (c) Section 4(3) of the principal Act—delete "used the defined land for the said objects, the Governor may by proclamation resume the land" and substitute:
- complied with the notice, the Governor may by proclamation—
- (a) resume the defined land; or
 - (b) if the notice related to an approved lease, licence or easement or land subject to an approved lease, licence or easement—resume the defined land or the part of the defined land subject to the lease, licence or easement.
- (d) Section 4(4)(a) of the principal Act—delete "defined" and substitute:
- resumed
- (e) Section 4(4)(b) of the principal Act—delete paragraph (b) and substitute:
- (b) the Registrar-General will, on application by the club or the Minister, and on production of such documents and information as the Registrar-General may require—
 - (i) make such entries and notations in a Register Book or other record or on any documents or certificates of title relating to the defined land or the resumed land; or
 - (ii) cancel or issue certificates of title relating to the defined land or the resumed land,as the Registrar-General considers appropriate for the purpose of giving effect to the proclamation:
- (f) Section 4(4)(c) of the principal Act—after "mortgagee" insert:
- , or holder of an approved lease, licence or easement,
- (g) Section 4(4)(c) of the principal Act—delete "defined", wherever occurring, and substitute in each case:
- resumed
- (h) Section 4(4)(d) of the principal Act—delete "defined" and substitute:
- resumed
- (i) Section 4(4) of the principal Act—after paragraph (d) insert:
- (e) the rights of any holder of an approved lease, licence or easement to or in relation to the resumed land will, subject to the terms and conditions of the lease, licence or easement, remain in full force and effect.

- (j) Section 5(1) of the principal Act—delete "council of the Corporation of the town of Port Pirie" and substitute:

Port Pirie Regional Council
- (k) Section 6 of the principal Act—after "residential purposes" insert:

or under an approved lease, licence or easement
- (l) Section 6 of the principal Act—delete ", and from rates payable under the Local Government Act, 1934-1946" and substitute:

and council rates

4—Repeal of revestment Acts

The following Acts are repealed:

- (a) the *Port Pirie Racecourse Land Revestment Act 1960*;
- (b) the *Port Pirie Racecourse Land Revestment Act 1965*;
- (c) the *Port Pirie Racecourse Land Revestment Act 1981*.