

South Australia

Port Pirie Racecourse Site Act 1946

An Act to vest certain land in the Port Pirie Trotting and Racing Club Incorporated, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Port Pirie Racecourse Site Act 1946*.

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.

3—Vesting of site of racecourse

- (1) The defined land is hereby vested in the club for an estate in fee simple.
- (2) Without limiting the rights of the club as owner of the defined land it is declared that the club shall have power to mortgage that land or any part thereof.

4—Use of the racecourse

- (1) The club shall use the defined land for the objects for which the club is established.
- (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.
- (3) If upon the expiration of six months from the giving of the notice the Minister is satisfied that the club has not during that period of six months 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.

- (4) Upon the making of such a proclamation—
- (a) the title of the club to the resumed land shall be determined and that land shall vest in the Crown;
 - (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;
 - (c) subject to the rights of any mortgagee, or holder of an approved lease, licence or easement, to or in relation to the resumed land, the club shall have the right to remove all erections and buildings on the resumed land;
 - (d) the rights of any mortgagee to or in relation to the resumed land shall remain in full force and effect; or
 - (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.

5—Maintenance and alteration of drain

- (1) The club shall permit the Port Pirie Regional Council at all times—
- (a) to maintain and repair the drain existing on the defined land at the time of the passing of this Act; and
 - (b) to make any alterations to that drain; and
 - (c) to enter upon the defined land by its agents and servants, with or without vehicles, machinery and plant, and to do all things necessary or convenient for such maintenance and alterations.
- (2) The cost of any alterations to the drain rendered necessary or expedient by reason of the use or occupation of the land by the club shall be paid by the club and may be recovered by the said council from the club by action.

6—Exemption from rates and taxes

The defined land and all buildings and erections thereon, other than land or buildings used for residential purposes or under an approved lease, licence or easement, shall be exempt from land tax and council rates.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1946	45	<i>Port Pirie Racecourse Site Act 1946</i>	19.12.1946	19.12.1946
1960	28	<i>Port Pirie Racecourse Land Revestment Act 1960</i> repealed by 1/2016	27.10.1960	27.10.1960
1965	11	<i>Port Pirie Racecourse Land Revestment Act 1965</i> repealed by 1/2016	21.10.1965	21.10.1965
1981	7	<i>Port Pirie Racecourse Land Revestment Act 1981</i> repealed by 1/2016	5.3.1981	5.3.1981
2016	1	<i>Port Pirie Racecourse Site Amendment Act 2016</i>	18.2.2016	18.2.2016

Provisions amended

New entries appear in bold.

Provision	How varied	Commencement
	The 1946 Act as read together with or amended by the revestment Acts is amended as follows:	
s 2	substituted by 1/2016 s 3(a)	18.2.2016
s 4		
s 4(1a)—(1d)	inserted by 1/2016 s 3(b)	18.2.2016
s 4(2)	substituted by 1/2016 s 3(b)	18.2.2016
s 4(2a)	inserted by 1/2016 s 3(b)	18.2.2016
s 4(3)	amended by 1/2016 s 3(c)	18.2.2016
s 4(4)	amended by 1/2016 s 3(d)—(i)	18.2.2016
s 5		
s 5(1)	amended by 1/2016 s 3(j)	18.2.2016
s 6	amended by 1/2016 s 3(k), (l)	18.2.2016