

4 ELIZ. II. No. 12, 1955. *Eagle Farm Racecourse Act.*

PART III.—  
AMENDMENTS  
OF "THE  
UNION  
TRUSTEE  
COMPANY OF  
AUSTRALIA,  
LIMITED,  
ACTS, 1890  
TO 1952."

(ii.) By inserting in subsection three, before the words "the presumptive or contingent shares of infants", the words and brackets "(or the Company may without such authority apply)"; and

(iii.) By repealing in subsection three the words "or advancement" and by inserting, in lieu of those repealed words, the words "advancement or benefit".

## RACECOURSES.

### An Act Relating to the Racecourse known as the Eagle Farm Racecourse.

[ASSENTED TO 20TH APRIL, 1955.]

4 ELIZ. II.  
NO. 12.  
THE EAGLE  
FARM  
RACECOURSE  
ACT OF  
1955.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Eagle Farm Racecourse Act of 1955.*" Short title.

2. \*"*The Brisbane Racecourse Act of 1875,*" and Repeals.  
†"*The Brisbane Racecourse Act of 1875 Amendment Act,*" are hereby repealed:

Provided that, but without prejudice to ‡"*The Acts Interpretation Act of 1954,*"—

- (a) All by-laws made under any enactment repealed by this section and subsisting immediately prior to the repeal of that enactment shall remain in force as if duly made under this Act, but any such by-law may be revoked, amended, altered, varied or otherwise modified by a by-law made under this Act;
- (b) Neither the repeal of any enactment repealed by this Act, nor the change made by this Act as on and from the date of the passing hereof in the trusts upon and subject to which the freehold lands under §"*The Real Property Acts, 1861 to 1952,*" described in the Schedule to this Act were theretofore vested in the

\* 39 V.

† 44 V.

‡ 3 Eliz. 2 No. 3.

§ 25 V. No. 14 and amending Acts.

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trustees, shall prejudice or affect howsoever any sale, mortgage, lease (save any lease to the Queensland Turf Club), or other transaction with respect to those lands or any part thereof lawfully made or entered into by the trustees pursuant to a power conferred upon them by any enactment repealed by this section before and subsisting immediately prior to the repeal of that enactment.

Meaning of terms.

**3.** In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

Minister.

“Minister”—The Treasurer or other Minister of the Crown for the time being charged with the administration of this Act;

Trustees.

“Trustees”—John Joseph Power, Ernest Edward Duckett White, William George Mack, and Douglas Wadley, and their predecessors and successors in whom the freehold land subject to \**“The Real Property Acts, 1861 to 1952,”* described in the Schedule to this Act shall have been at any time prior to, or shall be at any time after, the passing of this Act vested.

Declaration of trusts.

**4.** Upon the passing of this Act the freehold lands under \**“The Real Property Acts, 1861 to 1952,”* described in the Schedule to this Act shall, as on and from the date of such passing and by virtue of this Act—

(a) Be absolutely freed and discharged from the trusts upon and subject to which those lands have heretofore been vested in the trustees; and

(b) Be and remain vested in the trustees upon trust for the members for the time being of the Queensland Turf Club to be used as a racecourse and for such other purposes (not repugnant thereto) as the Minister may from time to time approve when requested by the trustees so to do.

Number of trustees and appointments of new trustees.

**5.** (1.) The number of trustees shall not be more than four nor less than three and in the event of a vacancy, howsoever arising, in the office of trustee, the Governor in Council may appoint a person to fill that vacancy.

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(2.) If a trustee becomes incapable, in the opinion of the Governor in Council, of performing the duties of his office as such, the Governor in Council may remove him from office and appoint another person to be a trustee in his stead.

6. (1.) Subject to this section the trustees may mortgage the freehold lands subject to \**The Real Property Acts, 1861 to 1952,*" described in the Schedule to this Act or any part of those lands. <sup>Powers of trustees.</sup>

(2.) The trustees may lease or agree to lease the whole or any part of the land described in the second part of the Schedule hereto.

(3.) The trustees shall not mortgage, lease, agree to lease, or deal otherwise howsoever with the said lands or any part thereof without the prior consent in writing of the Minister.

(4.) The Minister may, in his absolute discretion, give or refuse any consent applied for by the trustees under this section or he may give any such consent subject to terms and conditions as fixed by him.

(5.) Where the Minister consents to any transaction hereinbefore mentioned in this section subject to terms and conditions the trustees shall in respect of that transaction comply in every respect with those terms and conditions.

7. The trustees shall apply moneys arising from any sale, agreement to sell, mortgage, lease, agreement to lease, or other dealing made or entered into by them, or any acquisition, with respect to the freehold lands subject to \**The Real Property Acts, 1861 to 1952,*" described in the Schedule to this Act, or any part of those lands, so far as the same shall extend in liquidating any other mortgage over those lands, or any part of those lands (whether a mortgage existing when the transaction from which the moneys in question arise was made or entered into by the trustees or a mortgage given by the trustees thereafter), and in making, constructing, erecting, maintaining, extending, adding to, repairing, and renovating all such improvements to or on those lands as the trustees deem fit having regard to the trusts upon which those lands are vested in them. <sup>Application of moneys.</sup>

The reasonable expenses of and attending any of the aforementioned transactions may be paid out of moneys arising from that or any other of those transactions.

The trustees may determine the order in which any moneys shall be expended in pursuance of their power under this section.

By-laws.

8. (1.) The trustees or a majority of them may, with the approval of the Governor in Council, make from time to time all such by-laws as they shall deem necessary or expedient for prescribing, providing for, regulating, and controlling all matters concerning or connected with the said lands or any part thereof, and the general management thereof and for the purpose of carrying the provisions of this Act into effect including, but without limit to the generality of the foregoing provisions of this section, with respect to those lands or any part thereof—

- (a) The use thereof as a racecourse ;
- (b) The admission thereto and the expulsion therefrom of persons ;
- (c) The rates or charges to be paid for admission thereto (which rates or charges may differ with respect to different parts thereof or as to the persons admitted thereto).

(2.) A by-law under this Act may impose a penalty not exceeding twenty pounds for a breach thereof.

Such a penalty shall be recoverable in a summary way under \**“ The Justices Acts, 1886 to 1949.”*

(3.) Liability of a person to such a penalty shall not relieve him from any other liability, civil or criminal, save that where an act or omission is an offence against both a by-law under this Act and some other Act or law, then the offender may be punished under either but not both.

(4.) A by-law under this Act may be revoked, amended, altered, varied, or otherwise modified by another such by-law.

(5.) Every by-law under this Act shall be published in the *Gazette* and shall take effect on and from the date when so published unless it is hereby, or by another such by-law, prescribed to take effect on and from a later date (in which event it shall take effect as so prescribed).

\* 50 V. No. 17 and amending Acts.

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9. (1.) The trustees, their lessees, licensees, permittees, agents, and employees may demand, receive, and recover all such rates and charges as are payable under the by-laws. Enforcement  
of by-laws.

(2.) Where a contravention of or failure to comply with any provision of a by-law causes danger or annoyance to the public or hindrance to the trustees, their lessees, licensees, or permittees, or to the public in the lawful use of the said lands or any part thereof the trustees, their lessees, licensees, or permittees, or the agents or employees of any of them, may interfere summarily to obviate or remove that danger, annoyance or hindrance.

(3.) This section applies so as not to limit the liability of a person offending against the by-laws to be punished for that offence.

## SCHEDULE.

## PART I.

The land contained in Certificate of Title No. 313933, Volume 1698, folio 173, situated in the County of Stanley, Parish of Toombul, City of Brisbane, containing an area of 125 acres and 34 perches, and described as subdivision 6 of resubdivision D of subdivision N of allotment 16 of portion 2, shown on plan No. 44233 together with Easement No. 346000 (over 22·7 perches, being resubdivision 1 of subdivision 3 of resubdivision D of subdivision N of allotment 16 of portion 2).

## PART II.

Part of the land contained in partially cancelled Certificate of Title No. 494495, Volume 2498, folio 235, situated in the County of Stanley, parish of Toombul, City of Brisbane, containing an area of 1 acre 1 rood 27·2 perches, and described as resubdivision 1 of subdivision 1 of resubdivision 1 of subdivision 1 of resubdivision D of subdivision N of allotment 16 of portion 2, shown on plan No. 72751.

Part of the land contained in partially cancelled Certificate of Title No. 494495, Volume 2498, folio 235, situated in the County of Stanley, parish of Toombul, City of Brisbane, containing an area of 2 acres 2 roods 27 perches, and described as resubdivision 3 of subdivision 1 of resubdivision 1 of subdivision 1 of resubdivision D of subdivision N of allotment 16 of portion 2, shown on plan No. 72751.

The land contained in Certificate of Title No. 377305, Volume 1989, folio 145, situated in the County of Stanley, parish of Toombul, City of Brisbane, containing an area of 3 roods 1 perch, and described as subdivision 1 of resubdivision C of subdivision N of allotment 16 of portion 2, shown on plan No. 44233.

The land contained in Deed of Grant No. 136204, Volume 2815, folio 214, situated in the County of Stanley, parish of Toombul, City of Brisbane, containing an area of 1 acre 3 roods 38·7 perches, and described as subdivision 2 of resubdivision C of subdivision N of allotment 16 of portion 2, shown on plan S1·2082 (Survey Office).