

Riccarton Racecourse Bill

Local Bill

As reported from the Local Government and Environment Committee

Please refer to the joint commentary on the Riccarton Racecourse Development Enabling Bill and the Riccarton Racecourse Bill.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Dr Nick Smith

Riccarton Racecourse Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Riccarton Racecourse Act **2015**.

2 Commencement

- (1) **Sections 3, 9, and 13** come into force on the day after the date on which this Act receives the Royal assent. 5

(1A) **Section 4** comes into force on the day after the date on which this Act receives the Royal assent for the purpose of applying to terms used in **sections 9 and 13** that are defined in **section 4**.

- (2) The rest of this Act comes into force, and **section 4** comes fully into force, on the same day that **subpart 2 of Part 2** of the **Riccarton Racecourse Development Enabling Act 2015** comes into force (in accordance with **section 2** of that Act). 10

3 Repeal

If **subpart 2 of Part 2** of the **Riccarton Racecourse Development Enabling Act 2015** does not come into force (because **sections 2(1)(b) and 3** of that Act apply), this Act is repealed on the close of the day that is 1 year after the date on which that Act receives the Royal assent. 15

4 Interpretation

In this Act, unless the context otherwise requires,— 20

1878 Act means the Christchurch Racecourse Reserve Act 1878

Board means the body continued by **section 5**

development land means the land described in **Part 2 of the Schedule 2**

development scheme means the scheme approved by the Governor-General by Order in Council made under **section 11** of the Riccarton Racecourse Development Enabling Act **2015** 25

Minister means the Minister responsible for the administration of the Reserves Act 1977 or any enactment that replaces that Act

reserve land means the land described in **Part 1 of the Schedule 2**.

4A Transitional, savings, and related provisions 30

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

Board of Trustees

5 Board of Trustees continues

- (1) The Board of Trustees named (as The Trustees of the Christchurch Racecourse) and incorporated by sections 2 and 3 of the 1878 Act is continued.
- (2) The Board ~~continues to have~~ has the powers and authorities conferred on it by ~~section 3 of the 1878 this Act.~~ 5
- (3) ~~However, the Board may deal with the development land in accordance with the powers conferred on it by section 9 of this Act.~~

6 Board membership

- (1) A member of the Board remains a member until the earliest of the following: 10
 - (a) the member dies:
 - (b) the member resigns by giving written notice to the Minister:
 - (c) the member becomes directly or indirectly concerned in any contract with the Board:
 - (d) the member receives or is entitled to receive any money or emolument 15
for any work done or to be done for the Board:
 - (e) the member is absent from 3 consecutive meetings of the Board without leave of the Board:
 - (f) the member is adjudicated bankrupt or insolvent or takes the benefit of or is brought under the operation of any enactment relating to bankrupt 20
or insolvent debtors:
 - (g) the member is convicted of an offence punishable by a term of imprisonment of 2 years or more.
- (2) If a vacancy arises, the Minister must appoint a fit and proper person to fill the vacancy. 25

Reserve land

7 Powers of Board in relation to reserve land

- (1) The reserve land is—
 - (a) held by the Board on trust for the purposes of racing; and
 - (b) subject to the Reserves Act 1977 (as a recreation reserve for racecourse 30
purposes).
- (2) The Board may—
 - (a) vary the portion of the reserve land that is set apart as a racecourse; or
 - (b) set apart another portion of the reserve land in lieu of that set apart as a 35
racecourse.

- (3) The Board may lease the reserve land, or any portion of it, for the rent and on the conditions that it thinks reasonable and not inconsistent with the purposes of the racecourse so long as the lease is for a term of no more than 7 years (including renewals).

8 Income from reserve land 5

All income received by the Board from or in relation to the reserve land must be applied, after deducting the expenses incurred in its management, for 1 or more of the following purposes:

- (a) cultivating and improving the reserve land, including (without limitation) by protecting the amenity and open space values of the reserve land: 10
- (b) rendering any portion of the land set apart as a racecourse under **section 7(2)** suitable for that purpose:
- (c) providing prizes, prize money, stake money, or any other reward (including bonuses) for races to be run on the racecourse: 15
- (d) encouraging the breeding, ownership, and training of racehorses:
- (e) cultivating and improving the development land while the Board holds the fee simple estate in the land.

Development land and development scheme

9 Powers of Board in relation to development scheme 20

- (1) Subject to the requirements of this Act and the Riccarton Racecourse Development Enabling Act **2015**, the Board has the power to do everything that the Board considers necessary or desirable to enable—
 - (a) the preparation and finalising of the development scheme:
 - (b) the implementation of the development scheme. 25
- (2) However, any action taken by the Board for the purposes of **subsection (1)(a)** before the commencement of this section must be taken to be, and always to have been, valid to the extent that it would have been valid under this section had the section been in force at the time.
- (3) To avoid doubt, the Board is not itself required to undertake any of the matters in **subsection (1)** unless this Act or the **Riccarton Racecourse Development Enabling Act 2015** specifically requires the Board to do so. 30

10 Income from development land

- (1) Any income received by the Board from or in relation to the development land must be applied, after deducting any expenses incurred in relation to it, for either or both of the following purposes: 35
 - (a) 1 or more of the purposes specified in **section 8(a) to (e)**:

- (b) exercising its powers under **section 9(1)(b)**.
- (2) In this section, **income** includes any proceeds from the sale of all or a part of the development land.

General provisions

- 11 Board must keep accounts** 5
 - (1) The Board must keep accounts of all its income and expenditure from or in relation to the reserve land and the development land.
 - (2) On 30 June of each year, or within 1 week of that date, the Board must prepare accounts and a balance sheet that set out—
 - (a) the income and expenditure of the Board during the previous 12-month period; and 10
 - (b) the financial state of the Board as at that date.
 - (3) The Board must provide the Minister with a copy of the accounts and balance sheet for each year.
- 12 Board may make rules** 15

The Board may make rules for the following purposes:

 - (a) to regulate the Board’s proceedings:
 - (b) to prescribe the conditions for public access to the racecourse ~~on race-days~~ when it is used for racing purposes, including the fee, if any, for admission: 20
 - (c) to set fees for the admission of horses and vehicles to the racecourse:
 - (d) to set fees for vendors occupying any part of the racecourse for the sale of refreshments, merchandise, goods, or chattels:
 - (e) to exclude the public from any part of the reserve land as is necessary or desirable to improve or lay down in artificial grasses. 25
- 13 Relationship with 1878 Act and Reserves Act 1977**

Until its repeal by **section 14(1)** of this Act, the 1878 Act and the Reserves Act 1977 apply to the Board, the reserve land, and the development land subject to the following modifications:

 - (a) the Board may apply income received by the Board from or in relation to the reserve land or the development land, or both, for the purposes of exercising its powers under **section 9(1)(a)**; and 30
 - (b) the Board may deal with the reserve land or the development land, or both, in any manner necessary for the purposes of exercising its powers under **section 9(1)(a)**. 35

14 Repeals

- (1) The Christchurch Racecourse Reserve Act 1878 (1878 No 29 (L)) is repealed.
- (2) **Section 13** of this Act is repealed.

Schedule 1
Transitional, savings, and related provisions

s 4A

Part 1
Provisions relating to Act as enacted

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1 Continuation of rights and liabilities, etc, under 1878 Act as rights and liabilities under Act

On the commencement of **section 14(1)** (in accordance with **section 2** of this Act), the continuation of the Board under this Act does not affect—

- (a) any real or personal property vested in the Board (including the **development land**, within the meaning of the **Riccarton Racecourse Development Enabling Act 2015**, which remains vested in the Board subject to **section 16(1)** of that Act); or 10
- (b) the rights and liabilities of the Board that existed immediately before the commencement of **section 14(1)** (including, to avoid doubt, the existing powers and authorities of the Board set out in section 3 of the 1878 Act), which continue as rights and liabilities of the Board continued by this Act; or 15
- (c) any proceedings commenced by or against the Board before the commencement of **section 14(1)**, which may be carried on, completed, or enforced by or against the Board continued by this Act. 20

Schedule 2

Land descriptions

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Part 1

Reserve land

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82.3770 hectares, more or less, being Section 1 SO 486359, part computer freehold registers CB47C/254 and CB9F/515

Part 2

Development land

40.3050 hectares, more or less, being Sections 2, 3, 4, and 5 SO 486359, part computer freehold registers CB47C/254 and CB9F/515 10

Legislative history

19 October 2015
3 November 2015

Introduction (Bill 78–1)
First reading and referral to Local Government and Environment Committee