

Riccarton Racecourse Bill

Local Bill

Explanatory note

This Bill is companion legislation to a Government Bill to be known as the Riccarton Racecourse Development Enabling Bill (the **Enabling Bill**). Together, the two Bills will provide the necessary authorisations required to enable some 40 hectares of the Riccarton Racecourse in Christchurch to be developed for housing.

This Bill repeals the existing enactment relating to the racecourse, the Christchurch Racecourse Reserve Act 1878 (the **1878 Act**) and re-enacts those provisions from it with ongoing relevance, together with the provisions necessary to authorise the housing development. For the purposes of being able to clearly understand the differences between the 1878 Act and this Bill, the explanations for each clause specify which provisions of the 1878 Act have been brought forward unamended and which provisions have been amended (or omitted). Note, however, that if certain circumstances (explained below in the paragraph relating to *clause 3*) do not eventuate, the 1878 Act will remain as the applicable legislation.

Clause by clause analysis

Clause 1 is the Title clause. The Bill has been named the Riccarton Racecourse Bill. It is no longer appropriate to refer to the 1878 title as the Bill now also deals with land (defined in *clause 4* as the development land) that will no longer have the status of racecourse reserve.

Clause 2 is the commencement clause. Other than *clauses 3, 9, and 13*, the Bill will come into force on the date on which certain provisions of the Enabling Bill, when enacted, come into force. That date is tied to, and dependent on, the date on which an Order in Council is made under the Enabling Bill approving a development scheme for the development land. *Clauses 3, 9, and 13* come into force on the day after the day on which the Bill receives the Royal assent.

Clause 3 is a repeal clause. As noted in relation to *clause 2*, the Bill (other than *clauses 3, 9, and 13*) comes into force on the same day that certain provisions of the Enabling Bill come into force. However, it is not a given that those provisions will come

into force. If the development scheme is not approved (or no development scheme is prepared for approval), the entire Act will be repealed without those provisions having ever commenced. Accordingly, there also needs to be a mechanism to remove this Bill from the statute book if that situation comes to pass.

Clause 4 is the interpretation section. Two types of land are defined: reserve land and development land. Reserve land is that portion of the land vested in the Board of Trustees under section 2 of the 1878 Act that remains reserve held by the Board on trust for the original purpose of racing. Development land is that portion of the land (approximately 40 hectares) vested in the Board under section 2 of the 1878 Act whose reserve status will be revoked under the Enabling Bill. The legal descriptions of the land are set out in the *Schedule* of the Bill.

Clause 5 continues the Board of Trustees established under the 1878 Act in whom the racecourse reserve was vested. *Clause 5* also continues the powers and authorities conferred by section 3 of the 1878 Act on the trustees, with one modification authorising the trustees to deal with the development land in accordance with *clause 9* of the Bill.

Clause 6 deals with the membership of the Board. This clause restates the matters in sections 4 to 6 of the 1878 Act, with the following modifications:

- the reference in section 4 of the 1878 Act to a member's seat becoming vacant if the member is "absent from the colony for the space of twelve consecutive calendar months" has been replaced with a reference to absence from 3 consecutive meetings of the Board without leave of the Board;
- the references in section 4 of the 1878 Act to a member's seat becoming vacant on the member becoming "a public defaulter" or being "convicted of felony" are replaced with a single reference to conviction of an offence punishable by a term of imprisonment of 2 years or more (being the equivalent trigger to that of a member of a local authority);
- the references in sections 5 and 6 of the 1878 Act to the Governor are replaced with references to the Minister (defined in *clause 4* as the Minister responsible for the administration of the Reserves Act 1977, currently being the Minister of Conservation).

Clause 7 sets out matters relating to the reserve land, including the powers of the Board that are specific to that land. These powers re-enact the still relevant parts of sections 7 and 8 of the 1878 Act. The land continues to be held by the Board on trust for the purposes of racing (being the purpose for which the land was originally vested in the Board under section 2 of the 1878 Act). The land is also expressly stated as being subject to the Reserves Act 1977. While the land has always been subject to public reserve legislation as in force from time to time, the re-enacting of the 1878 Act is a good opportunity to state this fact on the face of the legislation.

Clause 8 re-enacts, with some minor modifications, section 9 of the 1878 Act, which requires the Board to use all income (less expenses) from the reserve land for the purposes set out in that section. In addition, the clause provides in *paragraph (e)* for a

further use to which income may be put, being cultivating and improving the development land while the Board owns the land.

Clause 9 sets out matters relating to the development scheme. Subject to the other requirements of this Bill and the Enabling Bill, the clause authorises the Board to do everything it considers necessary or desirable to enable—

- the preparation and finalising of the development scheme; and
- the implementation of the development scheme.

The clause also validates any actions that the Board may have taken before the clause's commencement, provided that the actions would have been within the scope of the powers conferred by the clause, were it in force at that time.

Clause 10 sets out the manner in which the Board must apply any income (less expenses) it receives from or in relation to the development land. Income must be applied for one or more of the purposes set out in *clause 8(a) to (e)* or for the purpose of exercising its powers under *clause 9(1)(b)* (implementing the development scheme).

Clause 11 re-enacts section 10 of the 1878 Act, which requires the Board to keep accounts and prepare annual accounts and a balance sheet. The provision is amended to the extent that—

- the Board must supply the annual accounts to the Minister rather than the Governor; and
- the accounts must be supplied by 30 June rather than 31 March.

Clause 12 re-enacts section 11 of the 1878 Act, which authorises the Board to make rules in relation to specified matters. The provision is amended only to the extent of modernising its format and some of the language used to express the rule-making powers.

Clause 13 sets out how the provisions of the 1878 Act and the Reserves Act 1977 will work with the provisions of this Bill. This is necessary because, for the period of time starting on the day on which *clauses 3 and 9* (and this clause) come into force and ending on the day on which the provisions of the Enabling Bill referred to in the paragraph relating to *clause 2* come into force, all 3 pieces of legislation will apply in relation to the reserve land and the development land (as that land will still have the status of reserve land).

The clause provides that the 1878 Act and the Reserves Act 1977 apply subject to the Board having the following powers:

- the power to apply income for the purposes of preparing and finalising the development scheme; and
- the power to deal with the reserve land and the development land for the purposes of preparing and finalising that scheme.

Clause 14 repeals the 1878 Act and *clause 13* of the Bill (which will no longer be relevant once the Order in Council is made under the Enabling Bill approving the de-

velopment scheme as this is when the reserve status of the development land is lifted).

As noted in the paragraph relating to *clause 4*, the *Schedule* sets out the legal descriptions of the reserve land and the development land.

Hon Dr Nick Smith

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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 day on which this Act receives the Royal assent. 5
- (2) The rest of this Act comes 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).
- 3 Repeal** 10
- 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 day on which that Act receives the Royal assent.
- 4 Interpretation** 15
- In this Act, unless the context otherwise requires,—
- 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**
- 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** 20
- 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**. 25
- Board of Trustees*
- 5 Board of Trustees continues**
- (1) The Board of Trustees named and incorporated by sections 2 and 3 of the 1878 Act is continued.
- (2) The Board continues to have the powers and authorities conferred on it by section 3 of the 1878 Act. 30
- (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: 35

- (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 for any work done or to be done for the Board: 5
 - (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 or insolvent debtors: 10
 - (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. 15

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 purposes). 20
- (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 racecourse. 25
- (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 30

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:
- (b) rendering any portion of the land set apart as a racecourse under **section 7(2)** suitable for that purpose: 35

- (c) providing prizes, prize money, stake money, or any other reward (including bonuses) for races to be run on the racecourse:
- (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.

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Development land and development scheme

9 Powers of Board in relation to development scheme

- (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— 10
 - (a) the preparation and finalising of the development scheme:
 - (b) the implementation of the development scheme.
- (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. 15
- (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.

10 Income from development land 20

- (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:
 - (a) 1 or more of the purposes specified in **section 8(a) to (e)**:
 - (b) exercising its powers under **section 9(1)(b)**. 25
- (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

- (1) The Board must keep accounts of all its income and expenditure from or in relation to the reserve land and the development land. 30
- (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 35
 - (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

The Board may make rules for the following purposes:

- (a) to regulate the Board's proceedings: 5
- (b) to prescribe the conditions for public access to the racecourse on race-days, including the fee, if any, for admission:
- (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: 10
- (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.

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: 15

- (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
- (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)**. 20

14 Repeals

- (1) The Christchurch Racecourse Reserve Act 1878 (1878 No 29 (L)) is repealed.
- (2) **Section 13** of this Act is repealed. 25

Schedule
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

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