

CITY TATTERSALL'S
CLUB.

An Act to enable the members of City Tattersall's Club to alter its existing rules; to sue and be sued in the name of its chairman; and in other respects to carry out the objects of the club. [3rd December, 1912.]

Preamble.

WHEREAS a racing and sporting club has been formed, and has for some years existed in Sydney under the name of City Tattersall's Club, and has from time to time initiated and conducted race meetings and has accumulated funds: And whereas doubts have arisen as to whether the objects of the club and powers of the committee and members thereof are sufficiently defined by the rules, and as to the method by which such rules may be legally altered or supplemented, so as to bind all the members of the said club without the express consent thereto of each and every member of the said club:
And

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And whereas the members of the said club are desirous that the said doubts should be removed and that power should be given to the majority of the members of the said club to amend the said rules: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the "City Tattersall's Club Act of 1912." Short title.

2. In this Act (unless otherwise indicated by the context)— Interpretation.
 "Club" means the said City Tattersall's Club. Club.
 "Chairman" means the chairman for the time being of the club. Chairman.
 "Committee" means the committee for the time being of the club. Committee.

"Member" and "members" mean respectively a member and members for the time being of the club. Member.
Members.

3. Until the passing and adopting of new rules in the manner hereinafter provided, the present rules of the club shall, so far as they are not inconsistent with this Act, be in force and binding on all the members. Present rules to be in force until adoption of new rules.

4. The Committee may, and upon the written requisition of not less than ten members, shall from time to time call meetings of the club, of which at least one month's notice shall be given, for the adoption of new rules or the repeal or amendment of the existing rules, such meetings to be called in the same manner and subject to the same conditions as shall be provided by the rules of the club for the time being with respect to the calling of special general meetings thereof. At any such meeting of which not less than thirty members are present, the proposed new rules or repeals or amendments of existing rules shall be submitted for the consideration of the meeting, and the same may be approved, rejected, or amended by the majority of such meeting or any adjournment thereof, and upon being confirmed as hereinafter in this Act provided, shall so far as they are not inconsistent with this Act, become the rules of the club, and binding upon the members. Committee may call meetings for adoption of new rules or repeal or amendment of existing rules.

5. After any change in the rules has been carried at any meeting of the club duly called for that purpose, the chairman shall convene another meeting of the club in the same manner as aforesaid, for the purpose of confirming or rejecting such change. At any such meeting at which not less than thirty members are present, the new rules, and the repeals and amendments of the existing rules which may have been carried at the former meeting, shall be put separately to the meeting, and shall thereupon be each confirmed or rejected, but no amendments shall be allowed, and such of the new rules, repeals, or amendments as are duly confirmed by a majority Chairman to convene meeting for purpose of confirming or rejecting change in rules.



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majority of the meeting shall thereupon, so far as they are not inconsistent with this Act, be binding on all the members: Provided that any member disapproving of any change in the rules of the club may, within one calendar month of such confirmation, resign his membership, and shall thereupon be relieved from all liabilities which may by such new rules, alterations, or amendments be imposed upon the members.

Power to borrow or to sell or grant leases.

6. It shall be lawful for the committee in the name of the chairman from time to time on behalf of and for the purposes of the said club, to borrow money by way of mortgage or other form of security of the lands, tenements, and hereditaments real or personal of the club, or by issue of debentures, secured upon the lands, tenements, and hereditaments, real or personal, of the club, or in any other way upon the security of the lands, tenements, or hereditaments, real and personal of the club, or to sell or grant leases for any term of the lands, tenements, and hereditaments, real or personal of the club, or any portion thereof, and in any way to realise or dispose of the money, goods and chattels, choses in action or other personalty of the club for and in furtherance of the objects of the club: Provided that no such borrowing, mortgage, issue of debentures, or sale or leasing of the said lands, tenements, and hereditaments shall be made without the consent of the majority of a special general meeting of the club called to consider such proposed borrowing, mortgage, issue of debentures, sale, leasing, realisation, or disposition.

Power to purchase or lease buildings or lands, and erect club premises thereon.

7. It shall be lawful for the committee in the name of the chairman, from time to time on behalf of the club to expend the funds of the club, now held by the club, or hereafter accruing or accumulating, in improving, repairing, renovating, or rebuilding the premises now occupied by the club, or in the purchase or lease of other buildings for the use of the members as club premises, or in the purchase or lease of land, and in the erection thereon of buildings for the use of the members as club premises, and in the improvement of such land and the repair or alteration of such premises; and also from time to time, in the name of the chairman, to invest the funds of the club now held by the club, or hereafter accruing or accumulating in bank deposits or Government debentures of any of the Australian States, or in loan on the mortgage of real property in the City of Sydney: Provided that no such purchase or lease shall be made, and no such buildings shall be erected, and no expenditure exceeding five hundred pounds at one time or in one contract shall be made in the improvement of such land or repair or alteration of such premises, and no investment of the funds of the club exceeding five hundred pounds shall be made without the consent in each case of a majority of a special general meeting called to consider the proposed purchase, lease, erection of buildings, improvement, repair alteration, or investment, as the case may be.

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8. All lands, tenements, and hereditaments, and all personal chattels and effects which are now held by the club or by any person in trust for or on behalf of the club or the members thereof, shall immediately upon the passing of this Act become and be vested in and be held by the chairman and his successors in such office in trust for the club, and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole, and as if the personalty were real estate and all lands, tenements, and hereditaments real and personal, and all personal chattels and effects which may hereafter be contracted for or be acquired by or belong to the club or the members thereof collectively may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman and his successors in such office in trust for the club, and in like manner as if such chairman and his successors in such office were in law a corporation sole, and as if the personalty were real estate.

Real and personal property of the club to be vested in the chairman.

9. All actions, suits, proceedings, or prosecutions in any court, civil or criminal, and whether at law or in equity, commenced, instituted, prosecuted, or continued from and after the passing of this Act, by or on behalf of the club, against any person whatsoever, or against the club, whether such person be a member of the club or otherwise, shall and may be lawfully commenced, instituted, prosecuted, continued, or defended in the name of the chairman holding office at the time of the commencement of such action, suit, proceeding, or prosecution as nominal plaintiff, defendant, petitioner, respondent, or prosecutor, as the case may be, for and on behalf of the club and its members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of the chairman, and any offence committed with intent to injure or defraud the club may in any prosecution for the same be stated or said to have been committed with intent to defraud or injure the chairman, and the death, resignation, or removal or other act of the chairman, in whose name any such proceeding shall have been commenced, shall not abate any such action, suit, proceeding, or prosecution, but the same may be continued and concluded in the same name.

Actions to be in the name of the chairman.

10. Within one calendar month after the passing of this Act a memorial in the name of the chairman, substantially in the form set forth in the Schedule to this Act, signed by the chairman, shall be recorded upon oath, which oath any justice of the peace or commissioner for affidavits is hereby empowered to take, by the secretary of the club in the Supreme Court of New South Wales; and whenever and as often as any new chairman shall be elected, a memorial in the name of such newly elected chairman in the same or a similar form, and signed by such newly elected chairman, shall, within one calendar month of the election of such new chairman, be recorded upon oath taken as aforesaid by the secretary of the club

Memorial in the chairman's name to be recorded in the Supreme Court.

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in the Supreme Court of New South Wales and the production in any court of justice, or before any person having by law or by consent of parties authority to hear evidence of any such memorial or any office or examined copy thereof, shall be prima facie evidence of the truth of the statements in such memorial, or office, or examined copy, and the production in any such court or before any person having authority as aforesaid of the then last registered memorial or of any office or examined copy thereof, shall be prima facie evidence that the chairman therein named is the chairman of the club.

No action to be brought until memorial is recorded.

11. Until such memorial as hereinbefore first mentioned shall be recorded in the manner hereinbefore in this Act directed, no action, suit, prosecution, or other proceeding shall be brought by the club or any members thereof on behalf of the club in the name of the chairman.

Effect of judgment against the chairman.

12. Every judgment and every decree or order which shall be, at any time after the passing of this Act, obtained against the chairman on behalf of the club shall and may take effect and be enforced and execution thereon be issued against the property and effects of the club in the same manner as if such judgment, decree, or order had been made against the said club.

SCHEDULE.

City Tattersall's Club, Sydney.

MEMORIAL to record the name of the Chairman of City Tattersall's Club in the Supreme Court of New South Wales, pursuant to the City Tattersall's Club Act of 1912.

The name of the said Chairman is
the said _____ was duly elected to the office of Chairman on the
day of _____ A.D., 191 _____

Chairman.

I, _____ of _____
make oath and say that I am the Secretary of City Tattersall's Club, and that I saw the foregoing memorial signed by the abovenamed Chairman, and that he was duly elected Chairman on the day abovementioned.

Sworn this _____ day of _____ one thousand nine
hundred and _____, before me,



City Tattersalls Club Amendment Bill.

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [8.12 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

This Bill provides for amendments to the City Tattersall's Club Act of 1912

City Tattersall's Club was established for the purposes of racing and sport. During the introduction of the Bill, parliament heard that the Club was a sporting club that already consisted of a large number of members—and in a sure sign of the times, the membership was exclusively male!

By 1912 the Club was already licensed to operate until 11pm, and was recognised as one of the leading sporting Clubs in that era.

Since that time the Club has operated under its own Act, which was introduced as a private member's Bill. The Club has developed into an established and profitable entity with a large membership, and is a well-known landmark in the central business district.

The 1912 Act places a number of significant restrictions on the operation of the Club. When the 1912 Act was introduced, it was explained that "the object of the Bill is to incorporate the Club in order that its funds may be invested and properly protected by the Committee without the necessity for calling a general meeting of members who are scattered all over the Commonwealth".

While those restrictions were appropriate for their time, they do not sit easily with the demands of the contemporary commercial environment that now faces the Club.

Despite these restrictions, City Tattersall's Club must operate as would any other Club that was granted a certificate of registration under the registered Clubs Act.

Essentially, the proposed amendments to the Club's Act seek to bring it into line with contemporary practice.

The first amendment will dispense with a requirement that a special general meeting be held to approve the borrowing of any money, or to dispose of any money, goods or chattels belonging to the Club.

The existing requirement for approval at a special general meeting applies regardless of how small the amount in question may be. This is clearly inappropriate for carrying out regular commercial transactions.

In the future, a meeting to approve of the borrowing or disposal of any money will only be required if the amount or value in question exceeds \$1.5 million. However, the disposal of goods or chattels belonging to the Club will not require any such approval.

In line with the Club's updated financial arrangements, the Club will also be subject to a cap of \$5.5 million on interest-bearing liabilities.

In addition, the Club's Act also limits the amount of money that may be expended by the Club's committee to \$1,000. This amount was originally £500 and has not increased since 1912.

This means that the Club is effectively required to hold a special general meeting for every occasion when expenditure on any form of building work on the Club's properties is required, if the amount to be expended exceeds \$1,000.

Given standard costs for any form of building work, it is considered unnecessarily onerous to require the approval of a special general meeting for virtually every specific item of expenditure.

Although the Club has previously relied on long-standing resolutions to authorise such expenditure, this is not a viable long-term solution.

It is proposed that the amount of expenditure requiring approval be increased to \$1.5 million. This amount simply

reflects the level of costs incurred by the Club for normal maintenance and improvements to its city premises and the Boonoona ski lodge at Perisher Valley.

These proposals were put to a special general meeting of the Club's members held on 14 October 2003. The members voted in support of the proposals.

Finally, it is proposed that an automatic sunset provision be inserted into the Act, requiring the repeal of the Act on 31 December 2005, by which time the Club will have established itself as a company under the Corporations Act 2001.

This transition would enable the City Tattersall's Club to exist as a registered Club in the same manner as other registered clubs.

Two years would allow the Club enough time to institute the necessary changes to become a company. The completion of these necessary changes also forms part of the conditions for the Act to be repealed.

Honourable members should note that the provisions of the Bill will commence on the date of assent.

The government considers that none of the measures in the Bill raise any issues relevant to the legislation review committee's "scrutiny of Bills" function.

The Bill:

- Will not trespass unduly on personal rights or liberties;
- Will not make rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers or upon non-renewable decisions; and
- Will not delegate legislative powers.

Conclusion

In conclusion, this Bill will remove archaic and outdated provisions in the City Tattersall's Act. It will also pave the way for the Club to operate on an equal footing with other registered Clubs.

I commend the Bill to the House.

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