

Palmerston North Showgrounds Act Repeal Bill

Private Bill

Explanatory note

General policy statement

This Bill provides for the transfer of the management and control of the land that comprises the Palmerston North Showgrounds from the Palmerston North Showgrounds Board of Control to the Palmerston North City Council, the dissolution of the Palmerston North Showgrounds Board of Control, and the repeal of the Palmerston North Showgrounds Act 1974.

Clause by clause analysis

The *Preamble* provides that, pursuant to a deed of agreement between the Manawatu and West Coast Agricultural and Pastoral Association (Incorporated) (the **Society**) and the Palmerston North City Council (the **Council**), the land comprising the Palmerston North Showgrounds was taken by proclamation and vested in the Council for the purposes of recreation with the deed of agreement providing for, among other things, the continuing use of the land as showgrounds by the Society on a number of days in each year.

The Palmerston North Showgrounds Board of Control manages and controls the land and owns certain assets.

The Society no longer requires the use of the land and the Board seeks to be dissolved and to transfer its rights, assets, and liabilities to the Council.

Legislation is the only means by which—

- the Board's rights, assets, and liabilities can be transferred to the Council:
- the Board can be dissolved:
- the Palmerston North Showgrounds Act 1974 can be repealed.

Clause 1 is the Title clause.

Clause 2 is the commencement clause. This Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill.

Clause 4 is the interpretation clause.

Part 2

Dissolution of Board

Clause 5 provides for the dissolution of the Board and the transfer of its property, rights, and liabilities to the Council.

Clause 6 sets out that nothing done or authorised by this Bill,—

- places the Board, the Council, or other person in breach of contract or confidence:
- gives rise to a right for any person to terminate or cancel a contract or arrangement or to accelerate the performance of any obligation:
- places the Board, the Council, or other person in breach of an enactment or rule or law or contractual provision regarding the assignment or transfer of property:
- releases a surety from an obligation:
- invalidates or discharges a contract.

Clause 7 states that anything transferred to the Council under *clause 5* is not—

- a dutiable gift for the purposes of the Estate and Gift Duties Act 1968:

- a supply of goods and services for the purposes of the Goods and Services Act 1985:
- a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2004.

Clause 8 repeals the Palmerston North Showgrounds Act 1974 (1974 No 3 (P)).

Hon Steve Maharey

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Preamble

- (1) Pursuant to a deed of agreement between the Manawatu and West Coast Agricultural and Pastoral Association (Incorporated) (the **Society**) and the Palmerston North City Council (the

- Council**), which was subject to the authority of the Palmerston North Showgrounds Act 1974,—
- (a) the land comprising the Palmerston North Showgrounds was taken by proclamation and vested in the Council for the purpose of recreation; and 5
 - (b) the Society was allowed the continuing use of that land as showgrounds for a number of days in each year:
- (2) The land is held by the Council and is subject to the provisions of the Reserves Act 1977 as a recreation reserve:
 - (3) The Palmerston North Showgrounds Board of Control (the **Board**) manages and controls the land and owns certain assets: 10
 - (4) The Society no longer requires the use of the land and the Board seeks to be dissolved and to transfer its rights, assets, and liabilities to the Council: 15
 - (5) Legislation is the only means by which—
 - (a) the Board can transfer its rights, assets, and liabilities to the Council; and
 - (b) the Board can be dissolved; and
 - (c) the Palmerston North Showgrounds Act 1974 can be 20 repealed.

The Parliament of New Zealand therefore enacts as follows:

- 1 Title**
This Act is the Palmerston North Showgrounds Act Repeal Act **2008**. 25
- 2 Commencement**
This Act comes into force on the day after the date on which it receives Royal assent.

Part 1
Preliminary provisions 30

- 3 Purpose**
The purpose of this Act is to—
 - (a) dissolve the Board; and

- (b) transfer the property, rights, and liabilities of the Board to the Council; and
- (c) repeal the Palmerston North Showgrounds Act 1974.

4 Interpretation

In this Act, unless the context otherwise provides,— 5

Board means the Palmerston North Showgrounds Board of Control

Council means the Palmerston North City Council

deed of agreement has the same meaning as in the Palmerston North Showgrounds Act 1974 10

land comprising the Palmerston North Showgrounds has the same meaning as in the Palmerston North Showgrounds Act 1974

property—

(a) means every type of property; and 15

(b) includes—

(i) every type of estate or interest in property; and

(ii) money

Society means the Manawatu and West Coast Agricultural and Pastoral Association (Incorporated). 20

Part 2

Dissolution of Board

5 Dissolution of Board and transfer of property, rights, and liabilities

On and from the commencement of this Act,— 25

(a) the Board is dissolved; and

(b) the following are cancelled:

(i) the deed of agreement; and

(ii) any liability or obligation under the deed owed by the Council to the Society or the Board; and 30

(c) the property belonging to the Board vests in the Council; and

(d) money payable to or by the Board becomes payable to or by the Council; and

- (e) the liabilities, contracts, engagements, rights, and authorities of the Board become the liabilities, contracts, engagements, rights, and authorities of the Council; and
- (f) proceedings by or against the Board may be continued, completed, or enforced by or against the Council. 5
- 6 Certain matters not affected by transfer to Council**
Nothing done or authorised by this Act—
- (a) is to be regarded as placing the Board, the Council, or other person in breach of contract or confidence, or as otherwise making any of them guilty of a civil wrong; 10
or
- (b) is to be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or
- (c) is to be regarded as placing the Board, the Council, or other person in breach of an enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of property or the disclosure of information; or 15
- (d) releases a surety wholly or in part from an obligation; 20
or
- (e) invalidates or discharges a contract.
- 7 Transfer not gift, supply of services, or disposition for certain purposes**
To avoid doubt, anything transferred to the Council by **section 5** is not— 25
- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968;
- (b) a supply of goods and services for the purposes of the Goods and Services Act 1985; 30
- (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

- 8 Palmerston North Showgrounds Act 1974 repealed**
The Palmerston North Showgrounds Act 1974 (1974 No 3 (P))
is repealed.
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