



Western Australia

Racecourse Development Act 1976

Compare between:

[17 Aug 2001, 01-a0-02] and [01 Aug 2003, 01-b0-07]

Racecourse Development Act 1976

An Act to establish a Racecourse Development Trust and to make provision for a Racecourse Development Trust Fund for the purposes of assisting racing clubs and allied bodies in improving facilities provided by those clubs and bodies, and for incidental and other purposes.

[Long title amended by No. 26 of 1990 s. 4; No. 19 of 1998 s. 4.]

1. Short title

This Act may be cited as the *Racecourse Development Act 1976*¹.

2. Commencement

The provisions of this Act shall come into operation on a date to be fixed by proclamation¹.

3. Interpretation

In this Act unless contrary intention appears —

“**allied body**” means a body that provides facilities, including training facilities, that are integral to the galloping horse racing industry (“**allied body (galloping)**”) or the trotting horse race industry (“**allied body (trotting)**”);

“**Association**” means the Western Australian trotting Association constituted under the *Western Australian Trotting Association Act 1946*;

“**Club**” means the body known as the Western Australian Turf Club;

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“Fund” means the Racecourse Development Trust Fund established and maintained by this Act;

“racing club” means —

- (a) the Club or the Association; or
- (b) a body which conducts galloping or trotting horse races and which is registered with the Club or the Association;

“racing year” means the period of 12 months commencing on 1 August and ending on the immediately succeeding 31 July;

“the TAB” means the body constituted under section 5 of the *Totalisator Agency Board Betting Act 1960*;

“Treasurer” means the Treasurer of the State, and includes any other Minister of the Crown for the time being acting as the Treasurer of the State;

“Trust” means the Racecourse Development Trust constituted by this Act.

[Section 3 amended by No. 26 of 1990 s. 5; No. 11 of 1992 s. 66; No. 19 of 1998 s. 5.]

4. Racecourse Development Trust

- (1) For the purposes of this Act a body to be known as the Racecourse Development Trust shall be established.
- (2) The members of the Trust are —
 - (a) one person appointed by the Minister to be chairman of the Trust;
 - (b) one person appointed by the Minister;
 - (c) the chief executive officer of the Office of Racing and Gaming² or a person nominated in writing by the chief executive officer;
 - (d) one person jointly nominated by the bodies known as Western Australian Provincial Thoroughbred Racing Association and the Country Racing Association and appointed by the Minister to represent country racing interests;

- (e) one person nominated by the Club and appointed by the Minister to represent metropolitan racing interests;
 - (f) one person nominated by The West Australian Country Trotting Association and appointed by the Minister to represent country trotting interests; and
 - (g) one person nominated by the Western Australian Trotting Association and appointed by the Minister to represent metropolitan trotting interests.
- (2a) The members appointed under subsection (2)(a), (b), (d), (e), (f) and (g) are referred to in this Act as “appointed members of the Trust”.
- (2b) A nomination for the purposes of subsection (2)(c) may be made from time to time and may be expressed to operate for a period or in such circumstances as are specified in the instrument of nomination.
- (3) Subject to this Act, the appointed members of the Trust shall hold office for such terms not exceeding 3 years as are specified in the respective instruments of their appointment, but shall be eligible for reappointment.
- [(4) repealed]*
- (5) The Minister may —
- (a) appoint persons to be deputies of the members referred to in subsection (2)(b) and (c); and
 - (b) appoint persons nominated for that purpose by the bodies referred to in subsection (2)(d), (e), (f) and (g) to be the deputies of the members referred to in subsection (2)(d), (e), (f) and (g) respectively,
- and at any meeting of the Trust at which a member is not present, the deputy of the member may exercise all the powers and functions of the member.
- (6) A body eligible to nominate a person for appointment under subsection (2)(d), (e), (f) or (g) or subsection (5)(b) shall make

such a nomination, in writing, when requested to do so by the Minister.

- (7) Where a body fails to nominate a person as required under subsection (6) within 30 days after receiving a request in writing from the Minister, the Minister may appoint an eligible person as a member or deputy, as the case requires, and the person so appointed shall be deemed for all purposes to have been appointed on the nomination of that body.
- (7a) In subsection (7) “**eligible person**” means a person who in the opinion of the Minister has a knowledge of the interests referred to in subsection (2)(d), (e), (f) or (g).
- (8) Appointed members of the Trust and the deputies of those members may be paid such fees and allowances as are from time to time determined by the Governor.

[Section 4 amended by No. 66 of 1988 s. 4; No. 26 of 1990 s. 6; No. 19 of 1998 s. 6(1).]

5. Vacancies, etc.

- (1) The office of an appointed member of the Trust shall become vacant if —
 - (a) he is absent, except with leave of the Minister, from 4 consecutive meetings of the Trust;
 - (b) he resigns his office by writing under his hand served on the Minister;
 - (c) the body by whom or which he was nominated for appointment requests the Minister in writing to terminate his appointment; or
 - (d) he dies,

and the Minister shall appoint another person nominated, in the case of an office referred to in section 4(2)(d), (e), (f) or (g), for appointment by the appropriate body to that office to hold office for the remainder of the term of office of the person in whose place he is appointed.

- (2) The provisions of section 4(3) and subsection (1)(b), (c) and (d) of this section apply to and in relation to the deputies of members of the Trust as if they were members of the Trust.

[Section 5 amended by No. 66 of 1988 s. 5; No. 26 of 1990 s. 7.]

6. Meetings of the Trust

- (1) The Trust shall hold such meetings as are necessary for the purposes of discharging its functions under this Act.
- (2) The Chairman may at any time convene a meeting of the Trust, and shall convene a meeting of the Trust when so directed by the Minister.
- (3) At any meeting of the Trust —
- (a) the Chairman, if present, shall preside, but if the Chairman is not present, the members present at the meeting shall appoint one of their number to preside at the meeting;
 - (b) 4 members form a quorum;
 - (c) all questions arising at the meeting shall be decided by a majority of the votes of the members present;
 - (d) each member shall be entitled to one vote; and
 - (e) in the event of an equality of votes the Chairman or other person presiding shall also have a casting vote.
- (3a) Notwithstanding subsection (3) —
- (a) when the Trust is considering a matter that only relates to a racing club that conducts trotting horse races, or to an allied body (trotting), or to trotting horse racing generally, a member appointed under section 4(2)(d) or (e) —
 - (i) is not to be counted for the purposes of subsection (3)(c); and
 - (ii) is not entitled to take part in the deliberations on the matter or to vote on the matter; and

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- (b) when the Trust is considering a matter that only relates to a racing club that conducts galloping horse races, or to an allied body (galloping), or to galloping horse racing generally, a member appointed under section 4(2)(f) or (g) —
 - (i) is not to be counted for the purposes of subsection (3)(c); and
 - (ii) is not entitled to take part in the deliberation on the matter or to vote on the matter.
- (4) Subject to this Act the Trust may regulate its procedure in such manner as it thinks fit, but shall cause minutes to be kept of its proceedings and shall, when so requested by the Minister, furnish to the Minister minutes of its proceedings at any meeting.
- (5) The powers of the Trust are not affected by any vacancy in the membership of the Trust, and if a quorum is present all acts and proceedings of the Trust are valid and effectual, notwithstanding the vacancy.
- (6) All acts and proceedings of the Trust are, notwithstanding any defect in the appointment of any member of the Trust or deputy thereof, or that any such member or deputy was disqualified or not entitled to act, as valid as if the member or the deputy had been duly appointed and was qualified to act and had acted, as a member or deputy, and as if the Trust had been duly and fully constituted.

[Section 6 amended by No. 66 of 1988 s. 6; No. 26 of 1990 s. 8; No. 19 of 1998 s. 7.]

7. Trust to be body corporate

- (1) The Trust shall be —
 - (a) a body corporate with perpetual succession and a common seal; and

- (b) capable in law in its corporate name of suing and being sued and of doing and suffering all things that bodies corporate may do and suffer.
- (2) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Trust affixed to any document and shall presume that it was duly affixed.

7A. Directions by the Minister

- (1) The Minister may give directions in writing to the Trust with respect to its functions and powers, either generally or with respect to a particular matter, and the Trust subject to subsection (2) shall give effect to any such direction.
- (2) The power to give directions under subsection (1) does not include the power for the Minister, to give directions for specific works to be carried out.

[Section 7A inserted by No. 26 of 1990 s. 9.]

7B. Directions by the Trust

- (1) Trust may give directions to a racing club or allied body to carry out works to improve safety at a racecourse or training track and that racing club or allied body shall give effect to any such direction.
- (2) A direction may be given to a racing club or allied body under subsection (1) whether or not an application for assistance by that racing club or allied body is being considered, or has been granted, by the Trust.
- (3) For the purposes of subsection (1) the Trust may —
 - (a) call for submissions from jockeys and reinsmen or reinswomen as to safety issues; and
 - (b) consider safety issues raised by jockeys and reinsmen or reinswomen.

[Section 7B inserted by No. 26 of 1990 s. 9; amended by No. 19 of 1998 s. 11(1).]

8. Administration

There shall be appointed under and subject to Part 3 of the *Public Sector Management Act 1994* such officers and other employees as are necessary for the purpose of assisting in the administration of this Act.

[Section 8 inserted by No. 26 of 1990 s. 10; amended by No. 32 of 1994 s. 3(2).]

8A. Consultants etc.

- (1) The Trust may, with the approval of the Minister, engage under a contract for services or other arrangement any consultant or person to provide administrative, professional, technical or other assistance as it considers necessary to enable the Trust to perform its functions.
- (2) The engagement of a person under subsection (1) does not —
 - (a) render Part 3 of the *Public Sector Management Act 1994*, or any Act applying to persons as officers of the Public Service of the State, applicable to that person; or
 - (b) affect or prejudice the application to him of those provisions if they applied to him at the time of his engagement.

[Section 8A inserted by No. 26 of 1990 s. 10; amended by No. 32 of 1994 s. 3(2).]

9. Members of Trust, etc. not personally liable

A person who is or has been a member of the Trust, a deputy of such a member a secretary or member of the staff of the Trust, a person engaged under section 8A(1) or an officer, employee or agent of the TAB performing services on behalf of the Trust shall not be personally liable for anything done or omitted to be done in good faith in or in connection with the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, by, or arising under this Act.

[Section 9 amended by No. 66 of 1988 s. 8; No. 26 of 1990 s. 11; No. 11 of 1992 s. 67.]

10. Racecourse Development Trust Fund

- (1) There shall be established and maintained at the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*, a trust fund which shall be known as the Racecourse Development Trust Fund.
- (2) There shall be credited to the Fund —
 - [(a) deleted]*
 - (b) by the TAB, moneys payable under section 23A(2)(a) and section 24C of the *Totalisator Agency Board Betting Act 1960*;
 - [(c) deleted]*
 - (d) all moneys being repayments of loans made from the Fund to racing clubs or allied bodies;
 - (e) all moneys paid by way of interest charged on or in connection with loans made from the Fund to racing clubs or allied bodies;
 - (f) income from the investment of moneys standing to the credit of the Fund pursuant to subsection (5);
 - (g) any other moneys lawfully payable to the credit of the Fund; and
 - (h) any moneys, being grants, bequests or donations, made to the Fund.
- [(3) and (4) repealed]*
- (5) Any moneys standing to the credit of the Fund, until required for the purposes of this Act, may be temporarily invested at the request of the Trust by the Treasurer in any securities approved by the Treasurer.

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[Section 10 amended by No. 66 of 1988 s. 9; No. 26 of 1990 s. 12; No. 11 of 1992 s. 68; No. 49 of 1996 s. 64; No. 19 of 1998 s. 11(2); No. 40 of 1999 s. 37.]

10A. Allocation of moneys in the Fund

- (1) The moneys standing to the credit of the Fund shall be administered in 2 allocations namely —
 - (a) the racing allocation; and
 - (b) the trotting allocation.
- (2) A loan or grant made under section 11(1)(a) or (ba) to a racing club that conducts galloping horse races, or to an allied body (galloping), shall be made from the racing allocation.
- (3) A loan or grant made under section 11(1)(a) or (ba) to a racing club that conducts trotting horse races, or to an allied body (trotting), shall be made from the trotting allocation.
- (4) After allowing for costs and expenses under section 11(1)(b) and (c) moneys credited to the Fund during a racing year under section 10(2)(b), (f), (g) or (h) shall be allocated to the racing allocation and the trotting allocation in the same proportion as the Board pays the balance of its funds to the Club and Association under section 28(1) of the *Totalisator Agency Board Betting Act 1960* in respect of that racing year.
- (5) Moneys credited to the Fund under section 10(2)(d) or (e) shall be allocated to the racing allocation or to the trotting allocation according to whether the loan to which they relate was made to —
 - (a) a racing club that conducts galloping horse races or an allied body (galloping); or
 - (b) a racing club that conducts trotting horse races or an allied body (trotting).

[Section 10A inserted by No. 66 of 1990 s. 13; amended by No. 49 of 1996 s. 64; No. 19 of 1998 s. 8.]

11. Application of Fund

- (1) The Fund shall be administered by the Trust and the moneys standing to the credit of the Fund may be applied by the Trust in accordance with section 10A for —
 - (a) making loans or grants to racing clubs or allied bodies, where the Trust is of opinion that the moneys loaned or granted will be used by the recipient for a purpose or purposes considered desirable by the Trust, including —
 - (i) the provision of new facilities or the improvement of existing facilities on a racecourse or training track;
 - (ii) the establishment of a new racecourse or training track;
 - (iii) the discharge or reduction of any existing loan previously obtained by the racing club or allied body;
 - (iv) assisting a racing club or allied body to conduct its affairs during periods of financial difficulty;
 - (b) meeting the costs and expenses incurred by the Trust in engaging any consultant or person under section 8A;
 - (ba) making loans or grants to racing clubs or allied bodies for the purpose of enabling or assisting them to give effect to directions given under section 7B(1);
 - (c) meeting the costs and expenses of the administration of this Act.
- (2) A loan or grant made to a racing club or allied body under subsection (1)(a) may be made for part or all of an amount requested by the racing club or allied body.
- (3) A loan or grant made to a racing club or allied body under subsection (1) may be made subject to such terms and conditions as the Trust thinks fit, including a loan or grant that is only required to be repaid if —

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- (a) property of the club or body specified by the Trust is disposed of; or
 - (b) the club or body, in the opinion of the Trust, has ceased to carry on the activity or function for which the loan or grant was made.
- (4) Where a racing club or allied body —
 - (a) fails to comply with the terms and conditions subject to which any loan or grant has been made under subsection (1); or
 - (b) fails to comply with a direction with respect to which a loan or grant has been made under subsection (1)(ba),the Trust may by notice in writing given to the racing club or allied body —
 - (c) vary the terms and conditions to which the loan or grant is subject; or
 - (d) demand that all or part of the amount granted or all or part of the outstanding balance of the amount of the loan (including interest and other charges) be repaid immediately.
- (5) Any sum demanded under subsection (4)(d) is recoverable in a court of competent jurisdiction as a debt due to the Trust.

[Section 11 amended by No. 66 of 1988 s. 10; No. 26 of 1990 s. 14; No. 49 of 1996 s. 64; No. 19 of 1998 s. 9 and 11.]

12. Representatives of racing clubs entitled to appear before Trust

Before the Trust —

- (a) gives a direction to a racing club or allied body under section 7B(1);
- (b) makes a loan or grant to a racing club or allied body under section 11(1); or
- (c) gives a notice to a racing club or allied body under section 11(4),

the Trust shall afford a representative, nominated by the racing club or allied body for the purpose, a reasonable opportunity to appear at and be heard before a meeting of the Trust with respect to the matter.

[Section 12 inserted by No. 26 of 1990 s. 15; amended by No. 19 of 1998 s. 11(1); No. 24 of 2000 s. 36.]

13. Application, security for loans, etc.

The Trust may —

- (a) require any club or body making application for a loan or grant to complete such form or forms of application as the Trust specifies and to support the application with such certificates, plans, statements or quotations as the Trust specifies;
 - (b) require the Club or the Association, as the case may be, to certify as to —
 - (i) the accuracy of any details shown in an application made by a racing club or allied body including details in any certificate, plan, statement or other document relating to the application;
 - (ii) the state of progress of work done in respect to the purpose for which a loan or grant was or is being made;
- and
- (c) before making any loan to a club or body, require the club or body to execute such form of security to secure the due repayment of the loan and interest accruing thereon as the Trust considers appropriate in all the circumstances.

[Section 13 amended by No. 19 of 1998 s. 10 and 11(1).]

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14. Application of *Financial Administration and Audit Act 1985*

- (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Trust and its operations.
- (2) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the financial year of the Trust shall end on 31 July.

[Section 14 inserted by No. 98 of 1985 s. 3.]

15. Regulations

- (1) The Trust may, with the approval of the Governor, make all such regulations as may be necessary or expedient for giving effect to the objects of this Act.
- (2) Without affecting the generality of the powers conferred by subsection (1), regulations may be so made requiring racing clubs or allied bodies which have received any loan or grant under this Act to permit the Trust, or any member of the Trust or other person authorised for the purpose by the Trust, to inspect —
 - (a) any facilities or works in respect of which such a loan or grant was made; and
 - (b) any books of account of such a racing club or allied body.

[Section 15 amended by No. 19 of 1998 s. 11.]

16. Review of Act

- (1) The Minister shall carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of this section, and in the course of that review the Minister shall consider and have regard to —
 - (a) the effectiveness of the operations of the Trust;

- (b) the need for the continuation of the functions of the Trust; and
 - (c) such other matters as appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (2) The Minister shall prepare a report based on the review made under subsection (1) and shall, as soon as is practicable after its preparation, cause the report to be laid before each House of Parliament.

[Section 16 inserted by No. 26 of 1990 s. 16.]

Notes

- ¹ This is a compilation of the *Racecourse Development Act 1976* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Racecourse Development Act 1976</i>	72 of 1976	6 Oct 1976	31 Dec 1976 (see s. 2 and <i>Gazette</i> 31 Dec 1976 p. 5127)
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Racing Industry) Act 1988 Pt. 2</i>	66 of 1988	22 Dec 1988	22 Dec 1988 (see s. 2(3))
<i>Racecourse Development Amendment Act 1990³</i>	26 of 1990	27 Sep 1990	1 Feb 1991 (see s. 2 and <i>Gazette</i> 25 Jan 1991 p. 267)
<i>Acts Amendment and Repeal (Betting) Act 1992 Pt. 5</i>	11 of 1992	16 Jun 1992	31 Jul 1992 (see s. 2 and <i>Gazette</i> 31 Jul 1992 p. 3735)
<i>Acts Amendment (Public Sector Management) Act 1994 s. 3(2)</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Racecourse Development Amendment Act 1998⁴</i>	19 of 1998	26 Jun 1998	26 Jun 1998 (see s. 2)
<i>Acts Amendment (Fixed Odds Betting) Act 1999 Pt. 4</i>	40 of 1999	16 Nov 1999	15 Jan 2000 (see s. 2 and <i>Gazette</i> 14 Jan 2000 p. 153)
<i>Statutes (Repeals and Minor Amendments) Act 2000 s. 36</i>	24 of 2000	4 Jul 2000	4 Jul 2000 (see s. 2)
Reprint of the <i>Racecourse Development Act 1976</i> as at 17 Aug 2001 (includes amendments listed above)			
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003⁵</i>	35 of 2003	26 Jun 2003	1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259)
<u>This Act was repealed by the <i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> s. 53 (No. 35 of 2003) as at 1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259)</u>			

² Now known as Department of Racing, Gaming and Liquor.

³ The *Racecourse Development Amendment Act 1990* s. 17 reads as follows:

“

17. Transitional

Moneys in the Racecourse Development Trust Fund may be applied in accordance with section 11 of the principal Act as amended by section 14 of this Act notwithstanding that the moneys were paid into the Fund before the commencement of this Act.

”.

⁴ The *Racecourse Development Amendment Act 1998* s. 6(2) reads as follows:

“

- (2) The amendment made by subsection (1) does not affect an appointment of a member of the Trust holding office under section 4(2)(d) of the principal Act at the commencement of this Act.

”.

⁵ The *Racing and Gambling Legislation Amendment and Repeal Act 2003* Pt. 5 Div. 2 reads as follows:

“

Division 2 — Transitional and savings provisions

Subdivision 1 — Preliminary

54. Definitions

In this Part —

“**RD Act**” means the *Racecourse Development Act 1976*;

“**RDT**” means the Racecourse Development Trust established by the RD Act;

“**RDT Fund**” means the Racecourse Development Trust Fund established and maintained under the RD Act.

Subdivision 2 — Devolution of RDT’s assets and liabilities

55. Transfer of assets and liabilities to RWWA

On and after commencement day —

- (a) the assets and rights of the RDT vest in RWWA by force of this section;

- (b) the liabilities of the RDT (including a share of a liability) become, by force of this section, the liabilities of RWWA;
- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if RWWA were substituted for the RDT in the agreement or instrument;
- (d) RWWA is a party to any proceedings by or against the RDT commenced before commencement day;
- (e) any proceeding or remedy that might have been commenced by or available against or to the RDT in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to RWWA;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before commencement day by, to or in respect of the RDT (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of RWWA;
- (g) the RDT is to deliver to RWWA all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d).

56. Racecourse Development Trust Fund

- (1) On and after commencement day —
 - (a) any moneys standing to the credit of the RDT Fund under the RD Act;
 - (b) all moneys being repayment of loans from the RDT to racing clubs or allied bodies under the RD Act;
 - (c) all moneys paid by way of interest charged on or in connection with loans made from the RDT Fund to racing clubs or allied bodies;
 - (d) income from the investment of moneys standing to the credit of the RDT Fund; and
 - (e) any other moneys that, but for the repeal of the RD Act, would have been credited to the Fund,

are to be credited to an account maintained by RWWA under section 88 of the RWWA Act.

- (2) The moneys credited to an account under subsection (1) are to be administered in 2 allocations namely —
 - (a) the thoroughbred allocation; and
 - (b) the harness allocation.
- (3) Moneys credited —
 - (a) under subsection (1)(a) are to be allocated to the thoroughbred allocation or harness allocation according to which allocation they were administered under the RD Act;
 - (b) under subsection (1)(b) or (1)(c) are to be allocated to the thoroughbred allocation or harness allocation according to whether the loan to which they relate was made from the racing allocation or the trotting allocation under the RD Act;
 - (c) under subsection (1)(d) or (1)(e) are to be allocated to the thoroughbred allocation or harness allocation at the discretion of RWWA.
- (4) The moneys referred to in subsection (1) are to be applied by RWWA only —
 - (a) in payment of any liabilities of the RDT that have become liabilities of RWWA under section 55(b); and
 - (b) after allowing for payments under paragraph (a), for the purposes of thoroughbred and harness racing and training infrastructure.
- (5) The payment under subsection (4)(a) of liabilities in respect of thoroughbred racing is to be made from the thoroughbred allocation.
- (6) The payment under subsection (4)(a) of liabilities in respect of harness racing is to be made from the harness allocation.

57. Directions by the RDT

- (1) Any direction given by the RDT to a racing club or allied body under section 7B of the RD Act is to continue in force after commencement day.
- (2) If a racing club or allied body fails to comply with a direction continued under subsection (1), RWWA may, under section 94 of the RWWA Act, vary the terms and conditions of a loan or grant given to that racing club or allied body.

58. Loans and grants under RD Act

Sections 94 and 96 of the RWWA Act apply to a loan or grant made under the RD Act as if the loan or grant were made by RWWA under Part 7 Division 2 of the RWWA Act.

59. Exemption from State taxation

- (1) In this section —
“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —
 - (a) anything that occurs by the operation of this Division; or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of, giving effect to this Division.
- (3) The Treasurer or a person authorised by the Treasurer may, on request by RWWA, certify in writing that —
 - (a) a specified thing occurred by the operation of this Division; or
 - (b) a specified thing was done under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.
- (4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

60. Registration of documents

- (1) The relevant officials are to take notice of the provisions of this Division and are empowered to record and register in the appropriate manner the documents necessary to give effect to this Division.
- (2) Without limiting subsection (1), a statement in an instrument executed by RWWA that any estate or interest in land or other property has become vested in it is evidence of that fact.
- (3) In subsection (1) —
“**relevant officials**” means the Registrar of Titles, the Registrar of Deeds, the Minister administering the *Land Administration Act 1997* and any other person authorised by a written law to record and give effect to the registration of documents relating to

transactions affecting any estate or interest in land or any other property.

61. Saving

The operation of section 55 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Subdivision 3 — General transitional provisions

62. Annual report for part of a year

The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, of the RDT is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 August to commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

63. Completion of things commenced

Anything commenced to be done by the RDT under the RD Act before commencement day may be continued by RWWA so far as the doing of that thing is within the functions of RWWA after commencement day.

64. Continuing effect of things done

Any act, matter or thing done or omitted to be done before commencement day by, to or in respect of the RDT, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 55(f),

is to be taken to have been done or omitted by, to or in respect of RWWA so far as the act, matter or thing is relevant to RWWA.

65. Immunity to continue

Despite the RWWA Act, where the RDT had the benefit of any immunity in respect of an act, matter or thing done or omitted before commencement day, that immunity continues in that respect for the benefit of RWWA.

66. Agreements and instruments generally

- (1) This section applies to any agreement or instrument subsisting immediately before commencement day that does not come within the provisions of section 55(c).
- (2) Any agreement or instrument to which this section applies —
 - (a) to which the RDT was a party; or
 - (b) which contains a reference to the RDT,has effect after commencement day as if —
 - (c) RWWA were substituted for the RDT as a party to the agreement or instrument; and
 - (d) any reference in the agreement or instrument to the RDT were (unless the context otherwise requires) a reference to RWWA.

67. RDT to perform necessary transitional functions

- (1) Despite the repeal of the RD Act by section 53 of this Act, the RDT continues in existence for the purpose of —
 - (a) reporting as required by section 62; and
 - (b) performing the functions described in section 55(g).
- (2) The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1)(a).

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