

Western Australia

**Totalisator Agency Board Betting (Modification
of Operation) Act 2000**

As at 04 Dec 2000

No. 56 of 2000

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Totalisator Agency Board Betting (Modification of Operation) Act 2000

No. 56 of 2000

An Act to provide that the *Totalisator Agency Board Betting Act 1960* has a modified operation until 31 July 2002, and for related purposes.

[Assented to 4 December 2000]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Totalisator Agency Board Betting (Modification of Operation) Act 2000*.

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2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Modification of Act

The *Totalisator Agency Board Betting Act 1960** is to be read as if it were amended as set out in this Act.

[* *Reprinted as at 2 December 1996.*

For subsequent amendments see 1999 Index to Legislation of Western Australia, Table 1, pp.251-2.]

4. Section 3 amended

Section 3 is amended by inserting the following definition in the appropriate alphabetical position —

“

“**Metropolitan Area**” means the part of the State that comprises the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*;

”.

5. Section 27B amended

(1) Section 27B is amended as follows:

- (a) by inserting before “The TAB” the subsection designation “(1)”;
- (b) by deleting paragraphs (f), (g) and (h) and inserting the following paragraphs instead —

“

- (f) in the case of money generated from horse or greyhound races — to one or more of the following, if and as directed by the Minister in writing —

- (i) the Club;

- (ii) the Association;
- (iii) the Fremantle Trotting Club;
- (iv) WAGRA; or
- (v) the racing clubs registered with the Club or the Association and conducting races outside the Metropolitan Area;
- (g) in the case of money generated from betting on events (including sporting events referred to in section 24) and unclaimed winnings and refunds under section 24C(c) — into the TAB Sports Betting Account.

”.

- (2) At the end of section 27B the following subsections are inserted —

“

- (2) Money paid because of a direction under subsection (1)(f) can only be used for a purpose prescribed in the regulations.
- (3) In a direction given under subsection (1)(f), the Minister —
 - (a) is to set out the amount or each amount that is to be paid and to whom it is to be paid;
 - (b) is to set out the manner in which the amount or each amount is to be paid; and
 - (c) may determine what conditions are to be imposed on the payment and use of the amount or each amount.

”.

6. Section 28 amended

- (1) Section 28(1) is amended as follows:
- (a) in paragraph (d) by deleting the semicolon and inserting instead a comma;

(b) by deleting paragraph (e).

(2) Section 28(2) and (3) are repealed and the following subsections are inserted instead —

“

(2) Each time an amount is paid from the balance referred to in subsection (1), the TAB must pay —

- (a) the Club — 55.26% of that amount;
- (b) the Association — 29.76% of that amount; and
- (c) WAGRA — 14.98% of that amount.

(3) For each racing year commencing on or after 1 August 2000, the TAB must —

- (a) if the total balance payable under subsection (1) for the racing year is less than or equal to the prescribed maximum — pay all of those funds under subsection (2); and
- (b) if the total balance payable under subsection (1) for the racing year is greater than the prescribed maximum — pay the prescribed maximum of those funds under subsection (2) and the remainder of those funds to one or more of the following, if and as directed by the Minister in writing —
 - (i) the Club;
 - (ii) the Association;
 - (iii) the Fremantle Trotting Club;
 - (iv) WAGRA; or
 - (v) the racing clubs registered with the Club or the Association and conducting races outside the Metropolitan Area.

(3a) In subsection (3) —

“prescribed maximum” means \$50 000 000, or such greater amount as is prescribed;

“total balance payable under subsection (1)” means the total of the funds payable under subsection (1) (after making the payments required by subsection (1)(a), (b), (c) and (d)).

”.

- (3) Section 28(4) and (5) are amended by deleting “or section 27B(1)(f)”.
- (4) Section 28(5) is amended by deleting “pursuant to subsection (3)” and inserting instead —
“ pursuant to subsection (2) ”.
- (5) Section 28(6) is repealed and the following subsections are inserted instead —

“

- (6) Money paid because of a direction under subsection (3)(b) can only be used for a purpose prescribed in the regulations.
- (6a) In a direction given under subsection (3)(b), the Minister —
 - (a) is to set out the amount or each amount that is to be paid and to whom it is to be paid;
 - (b) is to set out the manner in which the amount or each amount is to be paid; and
 - (c) may determine what conditions are to be imposed on the payment and use of the amount or each amount.

”.

- (6) Section 28(7) is amended by deleting “this section” and inserting instead —
“ subsection (2) ”.

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(7) After section 28(7) the following subsection is inserted —

“

(8) If an amount that is paid into a reserve account under subsection (1)(d) is withdrawn for a purpose other than a purpose set out in paragraphs (b) to (f) of section 26(1) that amount —

- (a) is to be paid under subsection (2); and
- (b) is, for the purposes of subsection (3) and for the racing year in which it is paid, taken to be part of the total balance payable under subsection (1) for the racing year.

”.

7. Transitional

- (1) Despite subsections (1), (2), (3) and (3a) of section 28 of the principal Act as in force at any time during the racing year commencing on 1 August 2000, the TAB must, after the commencement of this Act, make payments to the Club, the Association or WAGRA of amounts (including nil amounts) calculated so as to produce, by 31 July 2001, the distribution of funds that would have resulted under those subsections (apart from directions made under section 28(3)(b) of the principal Act) had this Act commenced on 1 August 2000.
- (2) For the purposes of giving effect to subsection (1), the TAB —
 - (a) may use funds paid into the reserve accounts referred to in section 28(1)(d) of the principal Act; but
 - (b) may not require a refund of an amount paid under section 28(1)(e), (2) or (3) of the principal Act as in force before the commencement of this Act.
- (3) During the period ending immediately before 1 August 2001, regulations made under the principal Act may require the TAB to use a specified amount of the funds paid into the reserve

accounts referred to in section 28(1)(d) of the principal Act to make payments to one or more of —

- (a) the Club;
- (b) the Association;
- (c) the Fremantle Trotting Club;
- (d) WAGRA; or
- (e) the racing clubs registered with the Club or the Association and conducting races outside the Metropolitan Area,

as specified in a direction of the Minister (including as to the recipients, the amounts and the manner of payment).

- (4) Regulations made for the purposes of subsection (3) and directions of the Minister under that subsection have effect despite anything in the principal Act.

- (5) In this section —

“principal Act” means the *Totalisator Agency Board Betting Act 1960*;

and other words and expressions in this section have the same respective meanings as they have in the principal Act.

8. Expiry of this Act

- (1) This Act expires at the end of 31 July 2002.
- (2) Without limiting section 37 of the *Interpretation Act 1984*, the expiry of this Act does not affect any payment made or to be made as a consequence of the *Totalisator Agency Board Betting Act 1960* as modified by this Act.

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