

TOTALISATOR AGENCY BOARD BETTING AMENDMENT ACT

No. 94 of 1990

AN ACT to amend the *Totalisator Agency Board Betting Act 1960*
and for related purposes.

[Assented to 22 December 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Totalisator Agency Board Betting Amendment Act 1990*.

Commencement

2. (1) Subject to subsection (2), this Act shall come into operation on such day as is fixed by proclamation.

(2) Section 5 (b) and (c) shall come into operation on the day on which this Act receives the Royal Assent.

Principal Act

3. In this Act the *Totalisator Agency Board Betting Act 1960** is referred to as the principal Act.

[**Reprinted as approved 22 January 1979 and amended by Acts Nos. 48 and 98 of 1985, 113 and 125 of 1987, 66 of 1988, and 5 of 1989.*]

Section 26 repealed and validation and transitional provisions

4. (1) Section 26 of the principal Act is repealed.

(2) Any moneys standing to the credit of the account maintained under section 26 of the principal Act immediately before the coming into operation of this section may be used by the Totalisator Agency Board for carrying out the matters referred to in section 17 of the principal Act or generally for the conduct of the operations of the Board under the principal Act.

(3) The following actions taken by the Totalisator Agency Board before the coming into operation of this section are deemed to have always been valid and effective—

- (a) the payment of moneys received by the Board from the sale of any property of the Board into the account maintained under section 26 of the principal Act;
- (b) the use of moneys in the account maintained under section 26 of the principal Act for the purchase of shares in any corporation or business undertaking to facilitate the dissemination and publication of information relating to races, dividends and the operations of the Board.

(4) Notwithstanding its terms, subsection (3) shall not relieve any person from any civil liability arising from any duty owed to the Board or under any written law or any criminal liability that he or she would otherwise have had, had it not been for the enactment of this subsection in respect of any act or omission which occurred prior to the coming into operation of this Act.

Section 28 amended**5. Section 28 of the principal Act is amended—**

- (a) by deleting paragraph (d) of subsection (1) and substituting the following paragraph—

“ (d) all other expenses and outgoings of the Board; ”; and

- (b) by repealing subsection (4) and substituting the following subsection—

“ (4) The Club shall, from any moneys received by it from the Board under subsection (2)—

- (a) distribute 28.09% of those moneys among racing clubs registered with it conducting races outside the Metropolitan Area in such amounts, or in accordance with such criteria, as are determined by the Country TAB Clubs' Racing Association and the Country Racing Association; and

- (b) retain the balance of those moneys for its own use. ”; and

- (c) by inserting after subsection (5) the following subsection—

“ (6) In subsections (4) and (5) “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*. ”.

Section 28A amended

- 6. Section 28A of the principal Act is amended in subsection (2) (d) by deleting “betting tax and section 26 contributions pursuant to section 28 (1) (c) and (d)” and substituting the following—**

“ the appropriate amount in respect of betting tax pursuant to section 28 (1) (c) ”.

Section 28 amended**5. Section 28 of the principal Act is amended—**

- (a) by deleting paragraph (d) of subsection (1) and substituting the following paragraph—

“ (d) all other expenses and outgoings of the Board; ”; and

- (b) by repealing subsection (4) and substituting the following subsection—

“ (4) The Club shall, from any moneys received by it from the Board under subsection (2)—

- (a) distribute 28.09% of those moneys among racing clubs registered with it conducting races outside the Metropolitan Area in such amounts, or in accordance with such criteria, as are determined by the Country TAB Clubs' Racing Association and the Country Racing Association; and

- (b) retain the balance of those moneys for its own use. ”; and

- (c) by inserting after subsection (5) the following subsection—

“ (6) In subsections (4) and (5) “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*. ”.

Section 28A amended

- 6. Section 28A of the principal Act is amended in subsection (2) (d) by deleting “betting tax and section 26 contributions pursuant to section 28 (1) (c) and (d)” and substituting the following—**

“ the appropriate amount in respect of betting tax pursuant to section 28 (1) (c) ”.