

Attachment B

Totalisator Agency Board (TAB) Venue Policy

Legislative process and analysis requirements

This document summarises all relevant legislative requirements for the process of reviewing the Council's Totalisator Agency Board (TAB) Policy (the Policy) and is attached to this report for completeness.

1. Legislative Process

- 1.1. Section 96 (1) of the Racing Industry Act 2020 (the Act) states that territorial authorities must adopt a policy on TAB venues.
- 1.2. Section 96 (2) directs Council to regard the social impacts of gambling within the District when adopting the Policy.
- 1.3. Section 96 (3) states that the Policy must specify whether new TAB venues can be established within the District, and if so, where within the District they may be located.
- 1.4. Section 96 (4) allows Council to take into consideration any relevant matters when determining whether to allow TAB venues to be established and where these venues can be located within the District.
- 1.5. Section 97 (1) directs Council to consult with the public using the process set out under section 83 of the Local Government Act 2002 (LGA) when adopting the Policy.
- 1.6. Section 97 (2) requires Council to use the process under section 83 of the LGA when amending or replacing a Policy.
- 1.7. The Council has no consultation requirements set out in the Act if the decision of Council is to retain the Policy without amendments after review.
- 1.8. Section 97 (3) instructs Council to provide a copy of the Policy to TAB NZ and the chief executive if Council amends or replaces its Policy.
- 1.9. Section 97 (4) states that the Policy must be reviewed within 3 years after adoption and then within every 3 years that follow a review of the Policy.
- 1.10. Section 97 (5) provides that the Policy does not cease to have effect because it is due for review or is being reviewed.

2. Analysis and application of the process requirements as applied to Council's current Totalisator Agency Board (TAB) Venue Policy

- 2.1. The Policy was last reviewed in 2018.
- 2.2. Although a statutory requirement the Policy is redundant. Kaipara District does not have any stand-alone TAB venues.
- 2.3. Council have not received any applications for a stand-alone TAB venue to be established within the District since the Policy was first adopted in 2011.
- 2.4. The Policy remains fit for purpose.
- 2.5. The staff recommendation in the Council report this attachment is appended to, is that no amendments are required.