



**2009**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**Racing Amendment BILL 2009**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Mr Andrew Barr MLA  
Minister for Gaming and Racing**

*This government amendment is minor and technical in nature (refer to Assembly Standing Order 182A)*

### **Change to section 61H – Offence—failing to comply with condition on approval**

The amendments to section 61H effectively limits the scope of the offence provision to breaches of conditions imposed by the Gambling and Racing Commission.

It replaces the following:

“(b) the operator does not comply with a condition on the approval.”

with

“(b) the operator does not comply with a condition on the approval that was imposed by the commission.”

### **New section 61N – Other conditions of approval**

The amendment removes the following provisions in this section:

- “(1) An approval, including a renewed approval, may be issued subject to conditions.
- (2) A regulation may prescribe the conditions that the commission may impose on the approval.”

And the amendment introduces the following provisions:

- “An approval issued under section 61K, or a renewal issued under section 61Q—
- (a) is subject to the conditions prescribed by regulation; and
  - (b) may be subject to any other condition imposed by the commission.”

The new provisions specifically provide that approvals under section 61K or renewals under section 61Q are subject to the conditions prescribed by regulation. They also provide that these approvals and renewals may be subject to conditions imposed by the Commission.

### **Changes to Schedule 3**

The amendments also provide that the Commission’s decisions to impose conditions are reviewable decisions (clause 6, Schedule 3, proposed new items 6 and 7 of the amendment).