

1999

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**GAMING AND RACING CONTROL BILL 1998**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendment moved by Gary Humphries MLA  
Treasurer**

## **Details of the Amendment to the Gaming and Racing Control Bill 1998, moved by the Treasurer, Gary Humphries MLA**

### **General Outline**

The Government has accepted a number of the recommendations of the Select Committee on Gambling, specifically relating to the Gaming and Racing Control Bill 1998.

The proposed amendments give effect to these selected recommendations, including the renaming of the Commission from the proposed ACT Gaming and Racing Commission to the ACT Gambling and Racing Commission and variations to the structure and operation of the Commission.

In addition, a number of other amendments are proposed. Firstly, the Bill is amended to address issues raised by the Australian Racing Board, regarding the role of the Commission in controlling racing in the ACT. These proposed amendments are linked to the application for Principal Club Status by the ACT Racing Club.

It is also proposed that the Bill be amended to redefine the grounds for eligibility for membership of the Commission. It is proposed that the restriction on having an interest in a racing animal, as grounds for ineligibility for membership, be removed.

Finally, a number of proposed amendments are necessary to reflect the enactment of the *Taxation Administration Act 1999* and to address a number of drafting oversights.

### **Amendment Notes**

**1** Clause 1, Page 1, line 5

This proposed amendment replaces Gaming with Gambling in the short title of the Act, in line with the recommendations of the Select Committee on Gambling.

**2** Clause 3, Definition of "Commission" Page 2, line 8

This proposed amendment replaces Gaming with Gambling in line with the recommendations of the Select Committee on Gambling.

**3** Clause 5, Subclause (1), Page 3, line 24

This proposed amendment replaces Gaming with Gambling in line with the recommendations of the Select Committee on Gambling.

4 Clause 6, Subclause (1), Page 4, line 5

This proposed amendment replaces the current functions of the Commission and more fully describes the functions of the Gambling and Racing Commission. It addresses concerns raised by the Australian Racing Board regarding the functions of the Commission in controlling, supervising and regulating racing in the ACT.

5 Clause 6, Subparagraph (2) (a) (iv), Page 4, line 14

This proposed amendment links the functions of the Commission to those activities determined in the Racing Act 1999. This proposed amendment addresses concerns raised by the Australian Racing Board regarding the functions of the Commission in controlling, supervising and regulating racing in the ACT.

6 Clause 6, Proposed paragraph (2) (ca), Page 4, line 19

This proposed amendment specifically recognises the functions of the ACT Gambling and Racing Commission in research, data collection, monitoring, developing and funding programs and initiatives relating to gambling and racing.

7 Clause 6, Paragraph (2) (f), Page 4, line 27

This proposed amendment omits paragraph (2) (f) because the provision has been included in the revised functions of the Commission, as identified in amendment 5.

8 Clause 8, Page 5, line 4

This proposed amendment establishes the traditional delegation provisions allowing the Commission to delegate all its powers and functions, except the power of delegation. This proposed amendment is necessary given the recommended change of role of the Chief Executive Officer as identified in the proposed amendments to Clause 10 and Schedule 1.

9 Clause 10, Subclause (1) Page 5, line 20

This proposed amendment provides that the Commission shall comprise of three ordinary members plus the Chief Executive Officer. The requirement that the Chief Executive Officer be the Chairperson of the Commission has been removed.

10 Clause 17, Subclause (5) Page 7, line 35

This proposed amendment replaces a reference to the repealed Taxation (Administration) Act 1987 with the appropriate reference in the Taxation Administration Act 1999.

11 Proposed clause 25A, Page 11, line 14

This proposed insertion establishes a regime for the Gambling and Racing Commission to receive and consider complaints. The proposed clause provides for the Commission to include in its annual report, a summary of complaints lodged and the results of any investigations.

12 Clause 31, Paragraph (c) Page 12, line 39

The proposed omission rectifies a drafting oversight.

13 Clause 31, Subparagraph (d) (viii), Page 13, line 14

This proposed inclusion rectifies a drafting oversight.

14 Clause 31, Proposed paragraph (e), Page 13, line 14

This proposed amendment provides for the authorised release of information in respect of a gambling or racing matter, to a complainant who lodges a complaint under the proposed clause 25A.

15 Clause 42, Page 14, line 31

The effect of this proposed amendment is to replace references to the repealed Taxation (Administration) Act 1987 with appropriate references to the Taxation Administration Act 1999.

16 Clause 42, Paragraph (a), Page 14, line 33

This proposed omission rectifies a drafting oversight.

17 Schedule 1, Paragraph 2 (3) (a) of the Schedule, Page 17, line 15

This proposed amendment has the effect of streamlining the ineligibility criteria for membership to the Gambling and Racing Commission. This proposed amendment removes the restriction that would render ineligible for appointment to the Commission any person who has an interest, or the person's spouse has an interest, in an animal used for racing. The retention of this restriction would overly limit the range of individuals who could be considered for appointment to the Commission, thereby denying the Commission access to available expertise and experience.

18 Proposed clause 2A of the Schedule, Page 17, line 35

The proposed amendment establishes a framework for the Minister to appoint a member of the Commission to be the Chairperson. This proposed amendment also provides for the Minister to appoint another ordinary member (not the Chief Executive Officer) to act as chairperson at any time that the chairperson is not able to act in that capacity.

19 Schedule 1, Paragraph 6 (2) (a) of the Schedule, Page 18, line 33

The effect of this proposed amendment is that the chairperson of the Commission may be remunerated at a level different from ordinary members.

20 Schedule 1, Paragraph 2 (2) (b) of the Schedule, Page 19, line 3

The effect of this proposed amendment is that the chairperson of the Commission may receive allowances at a level different from ordinary members.

21 Schedule 2, Clause 3 of the Schedule, Page 20, line 6

This proposed amendment allows the chairperson of the Commission to convene a meeting of the Commission, at any time.

22 Schedule 2, Clause 4 of the Schedule, Page 20, line 8

This proposed amendment provides that the chairperson of the Commission shall preside at all meetings of the Commission.

23 Schedule 2, Paragraph 5 (a) of the Schedule, Page 20, line 10

This proposed amendment establishes that the chairperson plus two other members of the Commission constitute a quorum for meetings of the Commission.

24 Schedule 2, Paragraph 5 (c) of the Schedule, Page 20, line 13

This proposed amendment establishes that the chairperson of the Commission has a deliberate vote and, in the event of a equality of votes, has the casting vote. This proposed amendment will ensure that a voting deadlock is avoided.

25 Title of Act

This proposed amendment replaces Gaming with Gambling in the title of the Act. This proposed amendment will rename the Act as the Gambling and Racing Control Act 1999.