

AUSTRALIAN CAPITAL TERRITORY
POOL BETTING (AMENDMENT) ORDINANCE 1982
18 of 1982
EXPLANATORY STATEMENT

The Pool Betting (Amendment) Ordinance 1982 rectifies a deficiency which was found to exist in the Principal Ordinance because of the operation of section 6A of the Victorian Tattersall Consultations (Soccer Football Pools) Act 1976.

That section provides that the Treasurer of the State of Victoria may enter into an agreement with the appropriate officer of a "reciprocating State" (which includes the ACT) with respect to the payment of duty which is required to be paid under a corresponding law of the ACT in respect of subscriptions to soccer football pools conducted in the ACT. The corresponding law in the ACT is the Pool Betting Ordinance 1964. The section also provides that where such an agreement is entered into no duty is payable under the Victorian Act if the duty is required to be paid under the corresponding ACT law.

Section 13A of the Principal Ordinance makes the promoter of a pool betting competition which is lawfully conducted under a law of a State liable to pay to the Commonwealth the amount of duty which is payable under that State law.

Because the Victorian Act does not require payment of duty where it is also payable under the law of the ACT and because the ACT Ordinance only requires the payment of duty which is payable under the State law, the effect of the two pieces of legislation is that there is no liability on the promoter to pay at all. The amendment ensures that the relevant duty is payable to the Commonwealth by the promoter.

The Ordinance also enables the Minister for the Capital Territory to approve the carrying on of a pool betting scheme in respect of soccer football pools without having first entered into an agreement with the appropriate Minister of the State in which that pool betting scheme is conducted.

The Ordinance clarifies the role that the State, with which an agreement has been entered into, performs in the collection of amounts of duty payable to the Commonwealth. The cost of the collection of such amounts is borne by the State concerned.

Details of the Ordinance are set out below:

Section 1 cites the short title of the Ordinance as the Pool Betting (Amendment) Ordinance 1982.

Section 2 provides for the Ordinance to come into operation on a date to be fixed by notice in the Gazette by the Minister for the Capital Territory.

Section 3 cites the title of the Principal Ordinance as the Pool Betting Ordinance 1964.

Section 4 amends section 6 by inserting sub-section 6(2B) which provides that sub-section 6(2A) does not apply in relation to a pool betting scheme for the conduct of soccer football pools. Sub-section 6(2A) requires the Minister to enter into an agreement with the relevant State before he grants approval for an interstate pool betting scheme.

Section 5 amends section 13A by clarifying that the amount payable to the Commonwealth by the promoter of a pool betting competition includes the amount that would be payable under a law of a State but for a provision of that law exempting the promoter from liability to pay by reason that the amount is payable to the Commonwealth.

Section 6 amends section 13C by replacing sub-section 13C(1). Sub-section 13C(1) refers to the Minister entering into an agreement with the appropriate Minister of State of a State with respect to the payment by that State to the Commonwealth of amounts payable pursuant to the agreement. It is replaced by a sub-section referring to the Minister entering into an agreement with the appropriate Minister of State of a State with respect to the collection in that State of amounts payable pursuant to the agreement.

Ord No. 13/81