

1990

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

EXPLANATORY MEMORANDUM

COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990
POOL BETTING (AMENDMENT) BILL 1990
GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990

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**COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990
POOL BETTING (AMENDMENT) BILL 1990,
GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990**

The Community Development Fund (CDF) was originally established by the Commonwealth in 1981 as a trust account under the Audit Act 1901 of the Commonwealth. With Self Government the CDF continued as a trust account but under the Audit Act 1989 of the Territory. It is funded from levies placed on most forms of gambling in the ACT, with the exception of TAB revenues. Annual advances are made from the CDF to fund approved community projects. The procedures and guidelines for approving these advances are provided in the Community Development Fund Act 1981, and its subsequent amendments.

The Government has directed that community grants are to be paid from the Consolidated Revenue Fund and that the CDF is to be closed with effect from 1 January 1991. The following Bills have been drafted to give effect to that decision.

The Community Development Fund (Repeal) Bill 1990 provides for the repeal of the Community Development Fund Act 1981 and its subsequent amendments. The Bill contains certain transitional provisions which have the effect of ensuring that conditions applying to funds previously advanced from the CDF are met.

The Pool Betting (Amendment) Bill 1990, and the Gaming Machine (Amendment) Bill (No. 2) 1990 provide for gambling revenue previously remitted to the CDF to be transferred to the Consolidated Revenue Fund.

Details of the Bills are included in the attached notes.

Financial Considerations

Costs associated with the introduction of the Bills will be met from existing budgetary allocations.

NOTES TO THE COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990

Clause 1 - provides for the short title of the Act to be the Community Development Fund (Repeal) Act 1990.

Clause 2 - makes provision for the commencement of the Act in two stages. The formal part of the Act (comprising the short title) is brought into force on the date of the gazettal, and the remaining provisions of the Act commence on 1 January 1991 to accord with the proposed timetable for the closure of the Community Development Fund (CDF).

Clause 3 - repeals both the Community Development Fund Act 1981 and the Community Development Fund (Amendment) Act 1984 with effect from 1 January 1991.

Clause 4 - provides the transitional arrangements required as a result of the repeal of the Acts.

Subclause 4(1) - provides that any funds standing to the credit of the CDF as at 31 December 1990, be transferred to the Consolidated Revenue Fund.

Subclause 4(2) - provides that appropriation, additional to that provided in the 1990/91 Appropriation Act, will be created to preserve the entitlement of community organisations to funding which has been committed prior to 31 December 1990, but remains unspent. The special appropriation excludes programs for which funding has been allocated by the 1990/91 Appropriation Act. The clause also provides that payments from the special appropriation will be made by the Minister previously responsible for committing funds under the repealed Act.

Subclause 4(3) - provides for subsections 4(2), 5(3), 7(6), 7(7), and 7(8) of the repealed Act to be preserved in relation to certain amounts paid out of the CDF. These subsections relate to Ministerial powers and other provisions of the repealed Act that ensure that conditions applying to funds previously advanced from the CDF, are met.

By way of explanation, subsection 4(2) of the repealed Act relates to payments made for approved community projects. It provides that the funds shall be applied in a manner directed by the Minister.

Subsection 5(3) of the repealed Act relates to payments made by the Minister to statutory bodies for the purpose of approved community projects, and provides that where funds are not expended for the purpose or within the timeframe intended, that they be repaid to the CDF.

Subsection 7(6) of the repealed Act relates to payments made by the Minister to prescribed bodies or persons. It applies to circumstances where the Minister may, (a) decide to reduce projected payments to a person or organisation that has not fulfilled an undertaking to contribute funds to a particular project, or (b) require that all or part of any funds already advanced be repaid to the CDF.

Preservation of Subsection 7(7) of the repealed Act will ensure that the Minister will continue to have the power to request documents and information from a prescribed body or person relating to the expenditure of funds previously advanced.

Subsection 7(8) of the repealed Act provides for advances made by the Minister to prescribed bodies or persons to be repaid to the CDF in cases where conditions set down

are not met, a request for information on expenditure is not actioned, or where the amount is not expended for the purpose, or in the timeframe specified.

Subclause 4(4) arises as a consequence of subclause 4(3), and relates to the continued operation of subsections 5(3), 7(6) and 7(8) of the repealed Act. The subclause will ensure that any monies to be repaid under the preserved subsections will be paid to the Consolidated Revenue Fund.

Subclause 4(5) provides for the interpretation of terms used in Clause 4 of the Bill.

NOTES TO THE POOL BETTING (AMENDMENT) BILL 1990

Clause 1 - provides for the short title of the Act, to be the Pool Betting (Amendment) Act 1990.

Clause 2 - makes provision for commencement of the Act in two stages. The formal part of the Act (comprising the short title) is brought into force on the date of gazettal, and the remaining provisions of the Act commence on 1 January 1991 to accord with the proposed timetable for the closure of the Community Development Fund (CDF).

Clause 3 - provides for the interpretation of terms used in the Act.

Clause 4 - provides for the amendment of the principal Act, to permit gambling revenue received to be paid into the Consolidated Revenue Fund.

NOTES TO THE GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990

Clause 1 - provides for the short title of the Act to be the Gaming Machine (Amendment) Act (No. 2) 1990.

Clause 2 - makes provision for commencement of the Act in two stages. The formal part of the Act (comprising the short title) is brought into force on the date of gazettal, and the remaining provisions of the Act commence on 1 January 1991 to accord with the proposed timetable for the closure of the Community Development Fund (CDF).

Clause 3 - provides the interpretation of the terms used in the Act.

Clause 4 - provides for the amendment of the principal Act to permit gambling revenue received to be paid into the Consolidated Revenue Fund.

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