



AUSTRALIAN CAPITAL TERRITORY

# **Australian Capital Territory Gaming and Liquor Authority (Repeal) Act 1990**

**No. 54 of 1990**

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## ***An Act to repeal the Australian Capital Territory Gaming and Liquor Authority Act 1987***

*[Notified in ACT Gazette s92: 21 December 1990]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### **PART I—PRELIMINARY**

#### **Short title**

**1.** This Act may be cited as the *Australian Capital Territory Gaming and Liquor Authority (Repeal) Act 1990*.

#### **Commencement**

**2. (1)** Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

**(2)** The remaining provisions commence on 1 January 1991.

## **PART II—REPEAL**

### **Repeal**

**3.** The *Australian Capital Territory Gaming and Liquor Authority Act 1987* is repealed.

## **PART III—TRANSITIONAL**

### **Interpretation**

**4.** In this Part—

“Authority” means the Australian Capital Territory Gaming and Liquor Authority established by the repealed Act;

“commencement date” means 1 January 1991;

“repealed Act” means the *Australian Capital Territory Gaming and Liquor Authority Act 1987* as amended and in force immediately before the commencement date;

“TAB” means the company listed in Schedule 1 to the *Territory Owned Corporations Act 1990* the objects of which include the provision of totalizator betting services.

### **Contracts, agreements and arrangements**

**5.** A contract, agreement or arrangement entered into by the Authority and in force immediately before the commencement date continues in force and has effect on and after that date as if—

- (a) in the case of a contract, agreement or arrangement entered into for the purposes of the *Betting (Totalizator Agency) Act 1964*—the TAB were substituted for the Authority as a party to the contract, agreement or arrangement;
- (b) in the case of a contract of employment in respect of employees engaged under subsection 18 (2) of the repealed Act—the TAB were substituted for the Authority as the employer;
- (c) in any other case—the Territory were substituted for the Authority as a party to the contract, agreement or arrangement; and
- (d) any reference in the contract, agreement or arrangement to the Authority were (except in relation to matters that occurred before that date) a reference—
  - (i) in the case of a contract, agreement or arrangement referred to in paragraphs (a) and (b)—to the TAB; and

- (ii) in the case of a contract, agreement or arrangement referred to in paragraph (c)—to the Territory.

### **Transfer of assets, rights and liabilities**

**6. (1)** Subject to section 5, assets, rights and liabilities of the Authority existing immediately before the commencement date vest in the Territory except to the extent that the Minister, before 1 July 1991, specifies under subsection (2) assets, rights and liabilities of the Authority that vest in the TAB.

**(2)** For the purposes of subsection (1), the Minister may, by notice in writing published in the *Gazette*, specify assets, rights and liabilities of the Authority that vest in the TAB.

**(3)** Assets, rights and liabilities specified in a notice under subsection (2) shall, by force of this subsection, vest in the TAB.

**(4)** All acts or things necessary to be done by, or on behalf of, the Authority before the commencement date in order to vest assets, rights and liabilities in the Territory or the TAB, as the case requires, pursuant to this section shall, by force of this subsection, be taken to have been duly done by, or on behalf of, the Authority.

### **Chief Executive**

**7. (1)** A person who, immediately before the commencement date, held the office of Chief Executive of the Authority shall be deemed on and from the commencement date to be acting as Chief Executive of the TAB on the same terms and conditions as the terms and conditions on which that person held the office of Chief Executive of the Authority.

**(2)** The person deemed to be acting in the office of Chief Executive of the TAB in accordance with subsection (1) may continue so to act until—

- (a) a person is appointed to that office; or
- (b) another person is appointed to act in that office;

whichever occurs first.

### **Proceedings**

**8. (1)** Where, immediately before the commencement date—

- (a) a cause of action by or against the Authority had arisen concerning a right or liability vested in the Territory or the TAB under section 5 or 6 but proceedings in respect of that cause of action had not been instituted before that date; or

- (b) proceedings by or against the Authority concerning a right or liability vested in the Territory or the TAB under section 5 or 6 had been instituted in a court, tribunal, commission or other body but those proceedings had not been completed before that date;

those proceedings may be instituted or continued, subject to the direction of the relevant court, tribunal, commission or other body by or against the Territory or the TAB, as the case requires.

(2) Notwithstanding section 3, the Authority continues in existence after the commencement date for the purpose of—

- (a) continuing to conduct a hearing that is by law continued after the commencement date in relation to an application or matter under the *Liquor Act 1975*, as amended and in force immediately before the commencement date;
- (b) continuing to conduct an inquiry that is by law continued after the commencement date for the purpose of hearing oral argument or receiving evidence in relation to a matter under the *Gaming Machine Act 1987*, as amended and in force immediately before the commencement date;
- (c) complying with a liability (as preserved by law) of the Authority under subsections 28 (1) and 29 (2) of the *Betting (Totalizator Agency) Act 1964* as amended and in force immediately before the commencement date; and
- (d) complying with section 93 of the *Audit Act 1989* in its application by virtue of subsection (3).

(3) Notwithstanding section 3, section 93 of the *Audit Act 1989* continues to apply to the Authority in respect of the period commencing on 1 July 1990 and ending at the expiration of 31 December 1990 as if—

- (a) a reference in subsection 93 (1) of that Act to 30 June were a reference to 31 December 1990; and
- (b) the reference in subsection 93 (1) or (2) of that Act to a year were a reference to that period.

(4) For the purpose of subsection (2), the Authority, as continued in existence, shall, by force of this subsection, be taken to be validly constituted and empowered to do all acts or things necessary or convenient to be done for the purposes referred to in paragraphs (2) (a) to (d) (inclusive), as the case requires, and the repealed Act continues to apply after the commencement date for those purposes as if it had not been repealed by this Act.

**Registration of changes in title to land**

9. Where, by reason of the operation of section 6, any interest in land situated in the Territory becomes vested in the Territory or the TAB, the Minister may lodge with the Registrar of Titles a notice signed by the Minister stating that that interest in land is vested in the Territory or the TAB, as the case may be, by virtue of the operation of section 6 and the Registrar shall make such entries in the relevant registers kept by the Registrar, and do such other things, as are necessary to reflect the operation of section 6 in relation to that interest in land.

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*[Presentation speech made in Assembly on 29 November 1990.]*