

1990

**THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN
CAPITAL TERRITORY**

**AUSTRALIAN CAPITAL TERRITORY GAMING AND LIQUOR
AUTHORITY (REPEAL) BILL 1990**

EXPLANATORY MEMORANDUM

Circulated by the authority of the Attorney-General

**AUSTRALIAN CAPITAL TERRITORY GAMING AND
LIQUOR AUTHORITY (REPEAL) BILL 1990**

This Bill provides for the abolition of the ACT Gaming and Liquor Authority (the Authority), consequent upon a Government decision to establish the Totalizator Agency Board (TAB) as an independent company and to return the Authority's regulatory responsibilities to the mainstream Government service. This Bill deals only with the repeal of the Australian Capital Territory Gaming and Liquor Authority Act 1987 (the Principal Act) and includes consequential provisions.

The abolition of the Authority will give rise to savings through administrative efficiencies of \$150,000 in a full year.

Details of this Bill are set out in the clause notes in the attachment.

ATTACHMENT

**AUSTRALIAN CAPITAL TERRITORY GAMING AND
LIQUOR AUTHORITY (REPEAL) BILL 1990**

Clause 1 provides for a short title for the Bill, when enacted.

Clause 2 deals with commencement: the main provisions of the Bill will commence on 1 January 1991.

PART II - REPEAL

Clause 3 provides that the Principal Act is repealed.

PART III - TRANSITIONAL

Clause 4 defines certain terms used in the Bill.

Clause 5 provides for the continuing legal effect of contracts, (including contracts of employment) agreements and arrangements entered into by the Authority: contracts, agreements and arrangements relating to the TAB will be transferred to that company while contracts, agreements and arrangements relating to the Authority's regulatory functions will become the responsibility of the Territory. The clause also provides for the substitution of the name of either the TAB or the Territory, as appropriate, in continuing contracts, agreements and arrangements.

Clause 6 provides that, subject to the provision made for contracts and agreements under clause 5, all assets, rights and liabilities of the Authority are transferred to the Territory, except to the extent that the Minister transfers them to the new TAB before 1 July 1991 by notice published in the Gazette. The clause also provides that all things that needed to be done by the Authority, before it ceased to exist, to facilitate the transfer of assets, rights and liabilities, should be taken to have been properly done.

Clause 7 provides that the current Chief Executive of the Authority is deemed to be the Acting Chief Executive of the new TAB, until either another person is appointed to act as the Chief Executive or a permanent appointment is made to that position. The clause also provides for the current Chief Executive of the Authority to act as the Chief Executive of the new TAB on his or her current terms and conditions.

Clause 8 provides for the transfer of both causes of action and current proceedings. Under subclause 8(1), if a cause of action had arisen against the Authority before it was abolished, but proceedings had not been instituted, they may be instituted after the passage of the Bill against either the Territory or the TAB, as the case requires. If proceedings had already been commenced, they may be completed by or against either the Territory or the TAB, subject to the direction of the relevant court, tribunal, commission or other body concerned.

subclause 8(2) provides that the Authority continues in existence after its repeal for the purposes only of first, finalising any part-heard hearings commenced by it under the Liquor Act 1975 or the Gaming Machine Act 1987; secondly making taxation and funding payments in respect of periods up to 31 December 1990 and finally complying with reporting requirements.

Subclause 8(3) modifies the operation of the reporting requirements under the Audit Act to take account of the Authority being abolished before the end of the financial year.

Subclause 8(4) makes it clear that the Authority, as continued for certain purposes, has the power to achieve those purposes.

Clause 9 provides a mechanism requiring the Registrar of Titles to make appropriate changes to registers kept by him or her to reflect the transfer of any interest in land in the Territory, either to the Territory or the TAB.