

EXPLANATORY STATEMENT

**AUSTRALIAN CAPITAL TERRITORY
SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910
BETTING (TOTALIZATOR AGENCY) (AMENDMENT) ORDINANCE 1987 ✓
LIQUOR (AMENDMENT) ORDINANCE 1987
NO. 32 OF 1987**

ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Betting (Totalizator Agency) (Amendment) Ordinance 1987 amends the Betting (Totalizator Agency) Ordinance 1964 to deal with certain financial provisions and other minor amendments as a consequence of the proposed Australian Capital Territory Gaming and Liquor Authority Ordinance 1987.

The Liquor (Amendment) Ordinance 1987 amends the Liquor Ordinance 1975 to deal with minor amendments as a consequence of the Australian Capital Territory Gaming and Liquor Authority Ordinance 1987.

Details of the Betting (Totalizator Agency) (Amendment) Ordinance 1987 and the Liquor (Amendment) Ordinance 1987 are set out in Attachments A and B respectively.

BETTING (TOTALIZATOR AGENCY) (AMENDMENT) ORDINANCE 1987

Section 1 cites the short title as the Betting (Totalizator Agency) (Amendment) Ordinance 1987.

Section 2 provides that the Ordinance shall come into operation on a date fixed by the Minister of State for Territories by notice in the Gazette.

Section 3 specifies the "Principal Ordinance" as the Betting (Totalizator Agency) Ordinance 1964.

Section 4 amends Section 18A of the Principal Ordinance by omitting "the Board" and substituting "the Authority".

Section 5 amends section 21 of the Principal Ordinance by omitting from sub-section (1) the reference to the Authority's powers and functions under the Principal Ordinance and substituting a reference to the Authority's functions in paragraphs 5(1)(a); (b), (c), (d) and (e) of the Australian Capital Territory Gaming and Liquor Authority Ordinance 1987 together with its powers and functions under the Principal Ordinance and in sub-section (2) by adding the words "arising out of or relating to any of its functions duties or powers referred to in subsection (1)" after "business".

Section 6 amends section 22 of the Principal Ordinance by omitting "the Board" wherever occurring and substituting "the Authority".

Section 7 amends sub-section 23(4) of the Principal Ordinance by replacing the reference to "the Board" with "the Authority".

Section 8 amends the accounting periods under the Ordinance. Paragraph 8(a) omits from sub-section 27(1) of the Principal Ordinance "an accounting year" and substitutes "each financial year". Paragraph 8(b) omits "that accounting year" and replaces it with "that financial year". Paragraph 8(c) inserts new sub-section (1A) to provide for the Authority to set twelve periods for the time commencing on 1 August 1987 and expiring on 30 June 1988.

Section 9 omits sub-section 29(3) of the Principal Ordinance and replaces it with a new sub-section (3) which provides that the Minister may at the close of each financial or each accounting year direct the Authority in writing to make specified payments out of the Authority's funds from betting which have not been applied or put aside by the Authority during that year.

Section 10 omits section 30 of the Principal Ordinance and replaces it with a new section 30. It provides further for the application of betting revenue. The amount remaining after applying and setting aside amounts under section 28 and sub-section 29(1) is to be applied by the Authority in paying the costs, charges and obligations incurred or undertaken by the Authority in connection with:

- (a) the carrying out of its totalizator, lottery and pool betting functions and its functions under the Principal Ordinance;
- (b) paying the members of the Authority, the Chief Executive and employees of the Authority such of their remuneration, allowances, fees or salaries as the case may be as can be referred to betting functions; and
- (c) setting aside such amounts as are from time to time necessary for the purposes of making payments under section 42.

New sub-section 30(2) provides that the amounts remaining after applying the amounts in sub-section (1) shall be applied in making payments of such amounts as the Minister, on the recommendation of the Authority, approves for the following purposes: the repayment of moneys borrowed by the Authority and meeting the cost of capital expenditure and the acquisition by the Authority of capital assets.

Section 11 amends section 38 of the Principal Ordinance by omitting "the Board" from sub-section (1) and substituting "the Authority".

Section 12 amends section 40 of the Principal Ordinance by omitting from sub-section (1) "eighteen" and substituting "18". This reflects modern drafting practice.

Section 13 amends section 41A of the Principal Ordinance. The words "credited to the Dividend Equalisation Account referred to in section forty-two of this Ordinance" are omitted and the words "set aside for the purpose of making payments under section 42" are substituted.

Section 14 repeals section 42 of the Principal Ordinance and substitutes a new section 42. New section 42 provides for the payment of the amounts set aside under paragraph 30(c), undistributed dividends (sub-section 41(4)) and the amounts set aside under section 41A. In accordance with sub-section 41(3) or by resolution of the Authority these amounts may be included in dividends paid by the Authority on bets in respect of which dividends are payable at amounts higher than the amounts at which they would, but for that sub-section or resolution, have been payable.

Section 15 amends sub-section 46(1) of the Principal Ordinance by substituting "the Authority" for "the Board" wherever occurring.

Sub-section 16(1) provides for the substitution of "Authority" for "Board" in the provisions specified in part 1 of the Schedule to the amending Ordinance.

Sub-section 16(2) provides that the Principal Ordinance is amended as set out in part 2 of the Schedule. These amendments are either consequential upon the commencement of the Australian Capital Territory Gaming and Liquor Authority Ordinance 1987 or are for the purpose of altering the Principal Ordinance so as to reflect current drafting practice.

Section 17 stipulates that sub-sections 27(1) and 29(3) of the Principal Ordinance as amended by sections 8 and 9 of the Ordinance respectively apply in relation to the financial year commencing on 1 July 1988 and to each subsequent financial year.