

EXPLANATORY STATEMENT

SEAT OF GOVERNMENT (ADMINISTRATION) ACT 1910

AUSTRALIAN CAPITAL TERRITORY

BETTING (TOTALIZATOR AGENCY) (AMENDMENT) ORDINANCE 1986

No 46, 1986

The Betting (Totalizator Agency) (Amendment) Ordinance 1986 amends the Betting (Totalizator Agency) Ordinance 1964 ("the Principal Ordinance") to create the Australian Capital Territory Racecourse Development Fund and the Australian Capital Territory Racecourse Development Fund Advisory Committee. Prior to the making of this Ordinance a Racecourse Development Fund has existed under an administrative arrangement by which certain money raised through the operation of totalizator betting in the ACT has been allocated to the ACT racing industry to assist in the development of the facilities provided by public racecourses. The amending Ordinance establishes the Fund on a statutory basis and, by the setting up of an Advisory Committee to consider applications for money and to monitor the use of money allocated, formalizes the distribution of money from the Fund.

The formalization of arrangements is consistent with practices in all of the States, which have funds of this nature to assist racing clubs with capital projects.

Details of the Ordinance are set out below.

Section 1 cites the short title of the amending Ordinance as the Betting (Totalizator Agency) (Amendment) Ordinance 1986.

Section 2 provides for the commencement of the Ordinance on the date fixed by the Minister of State for Territories by notice in the Gazette.

Section 3 defines the 'Principal Ordinance' for the purposes of the amending Ordinance as the Betting (Totalizator Agency) Ordinance 1964.

Section 4 amends the long title of the Principal Ordinance to reflect the fact that the amending Ordinance introduces new purposes into the Ordinance.

Section 5 is an interpretation provision.

Section 6 inserts into the Principal Ordinance a new Part 11A, comprising sections 35A to 35Z. The provisions of these sections are explained below.

Section 35A is an interpretation provision.

Section 35B establishes the Australian Capital Territory Racecourse Development Fund Advisory Committee.

Section 35C sets out the functions of the Committee as being to furnish advice to the Minister with respect to matters relating to the making of payments under Part 11A, and to monitor the application of those payments.

Section 35D empowers the Committee to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Section 35E provides that the Committee comprises 3 part-time members appointed by the Minister of State for Territories, of whom-

- (a) one is nominated by the Australian Capital Territory Gaming and Liquor Authority;
- (b) one is an officer of the Australian Public Service nominated by the Secretary of the Department of Territories; and
- (c) one is a person who has special knowledge of, or special experience or interest in, matters relating to horse, trotting or dog racing in the Territory.

Section 35F prescribes the term of office of a member of the Committee as a period not exceeding 3 years, but provides that a member may be re-appointed.

Section 35G provides for the appointment of a member of the Committee as the senior member of the Committee.

Section 35H authorizes the appointment of a person to act as the senior member or as a member of the Committee and prescribes the circumstances in which a person may be so appointed, and limits such an appointment to a period not exceeding 12 months.

In accordance with drafting practice there is no section 35I.

Section 35J provides for remuneration to be paid to members of the Committee under the Remuneration Ordinance 1976.

Section 35K provides for the resignation of a member of the Committee.

Section 35L enables the Minister to remove a member of the Committee from office on the grounds of misbehaviour, physical or mental incapacity, bankruptcy, being convicted of an offence punishable by imprisonment for a period not less than 1 year, failure without reasonable excuse to declare a pecuniary interest under section 35M, absence without leave from 3 consecutive

meetings of the Committee or that the nominator of the member under section 35E has requested the termination of the appointment of the member.

Section 35M provides for the disclosure to the Committee by a member of a direct or indirect pecuniary interest which the member has in a matter to be considered by the Committee. The section also provides that a member who has disclosed a direct or indirect pecuniary interest in a matter may not, unless the Minister or the Committee otherwise determines, be present while the Committee deliberates upon or makes a decision on the matter. The section also deals with the making of a determination by the Committee in respect of a member who has disclosed a direct or indirect pecuniary interest.

Section 35N provides for the holding of meetings by the Committee. The section provides that the Minister or the senior member may, at any time, convene a meeting of the Committee, at which the senior member and one other member constitutes a quorum and at which the senior member will preside. The section also provides that questions arising at a meeting are determined by a majority vote, and that the senior member has a deliberative and, if necessary, a casting vote. The Committee is required to keep a record of its proceedings.

In accordance with drafting practice there is no section 35O.

Section 35P establishes the Australian Capital Territory Racecourse Development Fund to be administered by the Minister. The section also provides for the establishment of a bank account to be maintained for the purposes of the Fund, including the depositing of the moneys of the Fund pending their application or investment.

Section 35Q provides for the Fund to be credited with -

- (a) moneys which the Minister directs the Australian Capital Territory Gaming and Liquor Authority to pay to the Fund;
- (b) interest received on, and repayments of loans made of the Fund;
- (c) any moneys received by the Minister under section 35U as reclaimed grants;
- (d) interest received in respect of the bank account of the Fund;
- (e) income derived from the investment of the moneys of the Fund; and
- (f) any other moneys that may be lawfully paid into the Fund.

Section 35R provides that the moneys of the Fund may be applied -

- (a) in payment or discharge of the costs, charges, expenses or other obligations incurred by the Committee;
- (b) in payment of the fees and allowances payable to members of the Committee; and
- (c) in making payments to a person or body (not including the National Exhibition Centre Trust) in respect of an application for assistance under section 35S.

Section 35S specifies the purposes for which payments from the Fund may be made as being:

- (a) the construction of a racecourse, training track or ancillary facilities;
- (b) effecting improvements on a racecourse or to a training track or ancillary facilities;
- (c) to discharge, wholly or in part, a liability incurred in respect of the construction of or improvements effected to a racecourse, training track or ancillary facilities;
- (d) to discharge, wholly or in part, a liability incurred by or on behalf of a race club in connection with a racecourse the licence of which has been cancelled; and
- (e) to permit a person engaged in preparing horses, ponies or dogs for racing to transfer the training activities, or facilities used in that preparation, to premises at or in the vicinity of a racecourse or training track.

The section also provides that the racecourse, training track or facilities to which the payment relates, or in the vicinity of which training activities or facilities shall be transferred, shall be situated in the Territory and shall be under the management or control of the National Exhibition Centre Trust or a race club or clubs.

Section 35T provides that payments made under section 35R for a purpose referred to in section 35S may be made by way of a grant, to which the Minister may attach conditions, or a loan on terms and conditions determined by the Minister.

Section 35U provides for the repayment to the Minister of all or part of a payment by way of a grant which has not been expended by the recipient for the purpose for which the payment was made or has not been expended within the time (if any) specified as a condition of the payment.

Section 35V empowers the investment of moneys standing to the credit of the Fund, and not for the time being required to be applied, in a manner authorized for the investment of trust funds under the Trustee Act of New South Wales in its application in the Territory.

Section 35W provides for the keeping of proper accounts and records of transactions relating to the Fund, in accordance with accounting generally applied in commercial practice.

Section 35X provides for the auditing of the accounts and records of the Fund.

Section 35Y requires the Committee to keep the Minister informed of the general conduct of its operations, and will permit the Minister to require the Committee to furnish information concerning any specific matter relating to its past, present or proposed operations.

Section 35Z requires the Committee to furnish an annual report to the Minister.

Ord. 56/85