

2014

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TOTALISATOR BILL 2013

GOVERNMENT AMENDMENTS

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Minister for Racing and Gaming**

Overview

This Supplementary Explanatory Statement complements the existing Explanatory Statement that was tabled with the Totalisator Bill 2013 (the Bill). A Revised Explanatory Statement has also been prepared.

This Supplementary Explanatory Statement outlines the proposed Government amendments to the Bill introduced in the ACT Legislative Assembly.

The amendments and Revised Explanatory Statement address issues raised in Scrutiny Report 14 of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role), dated 18 February 2014, relating to the extent of administrative powers, requirements for decisions to be based on reasonable grounds, and inserting a procedural fairness mechanism. The amendments:

- explicitly provide clarification of the limits of the Commission's powers when determining a person's eligibility to be involved in totalisator activity;
- clarify where appropriate that decisions must be made on 'reasonable grounds'; and
- insert a procedural fairness mechanism for the issuing of directions.

Outline of Amendments

Amendment 1 Clause 24 (1) (d) Page 11, line

This amendment clarifies that the Commission must have reasonable grounds for believing that the corporation has a satisfactory ownership or corporate structure in place; a reputation for sound business conduct; and a satisfactory financial position and financial background.

Amendment 2 Clause 25 (1) Page 12, line 8

This amendment changes the sequence of the provisions of this clause from the original Bill.

Clause 25(1)(b) has also been amended to clarify that the Commission must believe on reasonable grounds that the individual has:

- (i) a reputation for sound business conduct;
- (ii) a reputation for sound character; and
- (iii) a satisfactory financial position and financial background.

Amendment 3 Proposed new clause 26A Page 15, line 2

This amendment inserts at the beginning of Part 3 that the Commission may only exercise the functions under the part to assess whether an executive officer of a corporation is an eligible person. The amendment clarifies the limits of the Commission's powers in Part 3.

Amendment 4 Clause 41 (3) Page 23, line 13

This amendment deletes the provision that the Commission may determine changes relating to licensees that must be notified to the Commission.

Amendment 5 Clause 42 (1) Page 23, line 20

This amendment clarifies the limits of the powers conferred by clause 42 by inserting the term that ‘the Minister is satisfied’ that the integrity of a totalisator conducted by a licensee is likely to be seriously compromised.

Amendment 6 Proposed new clause 42 (3) to (5) Page 24, line 7

This amendment inserts a procedural fairness mechanism for the issuing of a direction under subclause 42(2) by providing that the Minister must state the grounds on which the Minister is satisfied that the integrity of the totalisator is seriously compromised and that the person receiving the direction may give a written response to the Minister about the Direction. Subclause 42(4) provides when the direction will take effect.

Subclause 42(5) has been inserted to make it clear that the Minister may revoke a direction after considering a response from the person receiving the direction or when the direction has been complied with.