

Gambling and Racing Control (Governing Board) Appointment 2021 (No 2)

Disallowable instrument DI2021–242

made under the

Gambling and Racing Control Act 1999, s 11 (Establishment of governing board), s 12 (Governing board members)

Financial Management Act 1996, s 78 (Appointment of governing board members generally), s 79 (Appointment of chair and deputy chair)

EXPLANATORY STATEMENT

The Gambling and Racing Commission is established under the *Gambling and Racing Control Act 1999* (the Act). The GRC administers the ACT gaming laws and controls, supervises and regulates gaming in the ACT.

Section 11 of the Act establishes a governing board for the GRC. Section 12(1) of the Act provides that the Governing Board has five members, one of whom must have knowledge, experience or qualifications related to providing counselling services to people experiencing gambling harm. This function on the Board is fulfilled by Ms Carmel Franklin (see *Gambling and Racing Control (Governing Board) Appointment 2020 (No 1) DI2020-131*).

Section 12 (2) of the Act provides that a person is not eligible to be a member of the GRC Governing Board if:

- (a) the person or the person's domestic partner has an interest in a business subject to a gaming law; or
- (b) the person would be unlikely to be able to properly exercise the functions of a member because of the person's business association, financial association or close personal association with someone else; or
- (c) the person has been convicted or found guilty of an offence against a gaming law or a corresponding law;
- (d) within five years before the proposed appointment, the person has been convicted, or found guilty, of an offence in Australia punishable by imprisonment for at least one year; or
- (e) within five years before the proposed appointment, the person has been convicted, or found guilty, of an offence outside Australia that, if it had been committed in Australia that, if it had been committed in the ACT, would have been punishable by imprisonment for at least one year.

Section 78 of the *Financial Management Act 1996* provides that the responsible Minister for a Territory authority may appoint the governing board members. Section 79 of the *Financial Management Act* provides that the responsible Minister may appoint a chair and deputy chair for the governing board. The responsible Minister must not appoint a public servant as chair or deputy chair unless there is no member of the board who is not a public servant and is available to be appointed and the ACT Legislative Assembly approves the appointment by resolution.

This instrument appoints Ms Leanne Patricia Close APM as deputy chair of the ACT GRC Advisory Board. The instrument commences on the day after its notification day and appoints Ms Close for a term of three years.

Ms Close is not ineligible under the criteria at section 12(2) of the Act and is not a public servant.

The Standing Committee on Justice and Community Safety was consulted in accordance with section 228 of the *Legislation Act 2001*. The Standing Committee advised that it had no recommendation to make on the appointment.