Date Introduced: 27 May 1981
House: House of Representatives
Presented by: Hon. Michael Hodgman, Minister for the Capital Territory

Short Digest of Bill

Purpose

To amalgamate the Australian Capital Territory Totalizator Agency Board, the Poker Machine Licensing Board, of the Capital Territory and the Liquor Licensing Board of the Australian Capital Territory.

Background

On 30 April 1981, in a Ministerial Statement, the Prime Minister gave details of Government decisions made to implement the recommendations of the Committee of Review of Commonwealth Functions chaired by the Minister for Industry and Commerce, Sir Phillip Lynch.

The Prime Minister announced that there would be a significant reduction in the number of statutory bodies and positions in the Australian Capital Territory affecting some 30 separate bodies. In the Schedule of decisions tabled by the Prime Minister, under the heading of Capital Territory, Function 8, Statutory and Comparable Bodies and Positions, appeared inter alia the decision, "TAB, Liquor Licensing Board and Poker Machine Licensing Board to be amalgamated".

The TAB, which was established under the Betting (Totalizator Agency) Ordinance 1964, is charged with providing and conducting totalizator betting facilities in the A.C.T. The Poker Machine Licensing Board and the Liquor Licensing Board were established by the Poker Machine Control Ordinance 1975 and the Liquor Ordinance 1975. Their respective functions were to regulate and control the use of poker machines in the Capital Territory and to control standards on licensed premises and regulate the sale of liquor in the A.C.T.

The Bill establishes an Australian Capital Territory Gaming and Liquor Authority and transfers to that Authority the existing functions and duties of the three
separate Boards. The Bill also transfers to the Authority the assets, including interests in land, and liabilities of the Boards.

Main Provisions

The Australian Capital Territory Gaming and Liquor Authority is established by clause 4. Clauses 5 to 12 deal with the constitution of, appointments to, and cessation of appointments of members of the authority as well as containing provisions relating to leave of absence of members, remuneration, disclosure of interests and meeting of the authority. No qualifications are required of the one full-time or four part-time members of the Authority.

By clause 13 the Authority is empowered to delegate its functions to a member of its staff or to an officer of the Public Service. However, this power of delegation cannot be further delegated.

Clause 14 confers on the Authority the existing powers of the three separate Boards whilst clause 15 confers a general incidental power which may be exercised subject to the directions of the Minister.

The Authority is exempted from both Federal and State taxation by virtue of clause 16.

Part III of the Bill, consisting of clauses 17 to 29 (inclusive), amends the three applicable A.C.T. Ordinances. The effect of clauses 19, 22 and 28 is that, as at the date of proclamation of the Act, the TAB, the Poker Machine Control Board and the Liquor Control Board cease to exist, as do the offices of the officials of these Boards.

Clause 30 transfers the assets and liabilities of the TAB and the Poker Machine Licensing Board to the Authority and protects compensation rights of the general manager and staff of the TAB. The Bill and the explanatory memorandum make no reference to assets and liabilities of the Liquor Licensing Board, nor to staff of either the Poker Machine, or Liquor Licensing Boards.

The employment rights of personnel of the TAB are preserved by clause 31 but once again no reference is made to the Poker Machine, or Liquor Licensing Boards. Also by clauses 32 and 33 contracts, agreements, and arrangements and proceedings involving the TAB and Poker Machine Licensing Board are carried over to the Authority but no similar provision is made in respect of the Liquor Licensing Board.
Clause 35 provides the machinery for the registration of transfers of interests in land from the TAB and the Poker Machine Licensing Board to the Authority. By virtue of clause 34 such transfers are to be exempt from stamp duty or other tax under Commonwealth, State or Territory law. Once again no reference is made to the Liquor Licensing Board.

Provisions contained in sub-clauses 35(2) and 35(3) enable the Registrar or Deputy Registrar of Titles to require the TAB and the Poker Machine Licensing Board to deliver up title documents. However, as these Boards will cease to exist upon the proclamation of the Act, it would appear that these provisions are a nullity. Similarly the provisions relating to offences by the TAB and the Poker Machine Licensing Board contained in sub-clauses 35(4) to 35(10) would be of no effect. In any event the provision of a financial penalty by sub-clauses 35(4) and 35(5) would be ineffectual, as by virtue of clause 30 all the assets of the two Boards are transferred to the Authority on the commencing day of the Act.

Clause 36 provides that references in each of the three ordinances to the respective Boards are to be read as references to the Authority whilst clause 37 deems acts done by the Boards to be the acts of the Authority.

A regulation-making power for the purposes of the legislation is given to the Governor-General by clause 38.

For further information, if required, contact:

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