

NORTHERN TERRITORY OF AUSTRALIA
RACING, GAMING AND LIQUOR COMMISSION ACT 1986

No. 39 of 1986

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NORTHERN TERRITORY OF AUSTRALIA

No. 39 of 1986

AN ACT

to establish the Racing, Gaming and Liquor Commission
and for related purposes

[Assented to 19 September 1986]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Racing, Gaming and Liquor Commission Act 1986*.

2. COMMENCEMENT

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. DEFINITIONS

In this Act, unless the contrary intention appears -

"Chairman" means the Chairman of the Commission appointed under section 5 and includes a person appointed under section 7 to act as the Chairman while he is so acting;

"Commission" means the Racing, Gaming and Liquor Commission established by section 4;

"member" means a member of the Commission appointed under section 5 and includes the Chairman.

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PART II - RACING, GAMING AND LIQUOR COMMISSION

4. RACING, GAMING AND LIQUOR COMMISSION

(1) There is established by this Act a commission by the name of the Racing, Gaming and Liquor Commission.

(2) The Commission -

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real (including leasehold) and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Commission affixed to a document and shall assume that it was duly affixed.

(4) The Commission is a prescribed statutory corporation within the meaning of and for the purposes of the *Financial Administration and Audit Act*.

5. COMPOSITION OF COMMISSION

(1) Subject to this Act, the Commission shall consist of the following members appointed by the Minister:

(a) the Chairman who shall be an employee within the meaning of the *Public Service Act*;

(b) the Chairman within the meaning of the *Totalizator Administration and Betting Act*;

(c) a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in the Territory or in a State or other Territory; and

(d) 6 other members.

(2) Of the members appointed under subsection (1)(d) -

(a) 3 shall be appointed on the grounds of their knowledge and experience of the liquor industry; and

(b) 3 shall be appointed on the grounds of their knowledge and experience of the racing industry,

in the Territory.

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(3) For the purposes of the Commission exercising its powers and performing its functions under the *Liquor Act* -

- (a) it shall be constituted by -
 - (i) the Chairman;
 - (ii) the legal practitioner appointed under subsection (1)(c); and
 - (iii) the 3 members appointed under subsection (1)(d) in accordance with subsection (2)(a); and
- (b) for the purposes of section 13, but subject to Part V of the *Liquor Act*, the Chairman and 2 other members referred to in paragraph (a) shall constitute a quorum.

(4) For the purpose of the Commission exercising its powers and performing its functions under the *Lotteries and Gaming Act* and the *Racing and Betting Act* -

- (a) it shall be constituted by -
 - (i) the Chairman;
 - (ii) the Chairman within the meaning of the *Totalizator Administration and Betting Act*; and
 - (iii) the 3 members appointed under subsection (1)(d) in accordance with subsection (2)(b); and
- (b) for the purposes of section 13, the Chairman and 2 other members referred to in paragraph (a) shall constitute a quorum.

(5) The exercise of the powers or the performance of the functions of the Commission shall not be affected by reason only of there being a vacancy in the office of a member.

6. CERTAIN PERSONS NOT QUALIFIED FOR APPOINTMENT, &c.

(1) For the purposes of subsection (2), words used in that subsection which are defined in the *Racing and Betting Act* shall have the same meaning as in that Act.

- (2) A person who is or becomes -
 - (a) a member of a registered club;
 - (b) interested or concerned, whether directly or indirectly, in the business carried on by a bookmaker or the holder of a licence under a law of the Territory to operate a casino;

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- (c) the owner, lessee or trainer of a horse used for horse-racing or trotting or a greyhound used for greyhound-racing; or
- (d) a rider or driver of horses, whether professionally or not, in horse-races or trotting,

shall not be appointed a member in accordance with section 5(2)(b) or continue in office as such a member.

7. ACTING CHAIRMAN

(1) Where the Chairman is, or is expected to be, absent from duty or from the Territory, the Minister may, by instrument in writing, appoint an employee within the meaning of the *Public Service Act* to act as the Chairman during that absence.

(2) The Minister may, at any time, terminate an appointment made under subsection (1).

(3) A person appointed under subsection (1) to act as the Chairman has all the powers, functions and duties conferred or imposed on the Chairman, whether under this Act or under any other Act.

(4) The validity of a decision of the Commission shall not be questioned in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under subsection (1) had not arisen or that an appointment under that subsection had ceased to have effect.

8. DUTIES OF CHAIRMAN

The Chairman shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.

9. TENURE OF OFFICE

Subject to this Part, a member, other than the Chairman, shall be appointed for a period not exceeding 3 years and is eligible for reappointment.

10. RESIGNATION OF MEMBERS

A member may resign his office by writing signed by him and delivered to the Minister.

11. DISMISSAL OF MEMBERS

(1) The Minister may, at any time, terminate the appointment of the Chairman.

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(2) The Minister may remove a member from office for inability, inefficiency, misbehaviour or physical or mental incapacity.

(3) Where a member -

(a) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Commission; or

(b) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit,

the Minister shall terminate the appointment of the member.

12. LEAVE OF ABSENCE

The Minister may grant leave of absence to a member.

13. MEETINGS

(1) The Chairman shall convene such meetings of the Commission as are necessary for the exercise of its powers and the performance of its functions under this or any other Act.

(2) At a meeting of the Commission -

(a) the Chairman shall preside;

(b) questions arising shall be determined by a majority of the votes of the members present and voting and, in the event of an equality of votes, the Chairman shall have a casting vote; and

(c) subject to this Act, the Commission shall determine the procedure to be followed at or in connection with the meeting.

(2) The Commission shall keep records of its meetings.

14. PROTECTION OF MEMBERS, &c.

No action or proceeding, civil or criminal, shall lie against the Commission, the Chairman or a member for or in respect of an act or thing done or omitted to be done whether under this or any other Act, in good faith by the Commission, the Chairman or a member.

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15. DEPUTIES OF MEMBERS

(1) The Minister may appoint a person to be the deputy of a member, other than of the Chairman or the Chairman within the meaning of the *Totalizator Administration and Betting Act*.

(2) A deputy appointed under subsection (1) shall, in the event of the absence from a meeting of the Board of the member of whom he is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member both for the purposes of this Act and for the purposes of the *Remuneration (Statutory Bodies) Act*.

(3) An act done by a deputy appointed under subsection (1) as a deputy shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of his powers or the performance of his functions did not arise or had ceased.

(4) A person appointed as a deputy under subsection (1) of a member referred to in section 5(1)(c) shall be a person who is a legal practitioner who has had not less than 5 years experience as a solicitor or barrister in the Territory or in a State or other Territory.

16. DISCLOSURE OF INTEREST

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director, shall, as soon as practicable after the relevant facts have come to his attention, disclose the nature of his interest at a meeting of the Commission.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the Commission, and the member making the disclosure shall -

(a) not, while he has that interest, take part after the disclosure in any deliberation or decision; and

(b) be disregarded for the purpose of constituting a quorum,

of the Commission in relation to that matter.

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PART III - TRANSITIONAL AND SAVINGS

17. DEFINITIONS

For the purposes of this Part -

"commencement date" means the date on which this Act (other than sections 1 and 2) came into operation;

"Liquor Commission" means the Liquor Commission of the Northern Territory established by the *Liquor Act* as in force immediately before the commencement date;

"Racing and Gaming Commission" means the Racing and Gaming Commission established by the *Racing and Betting Act* as in force immediately before the commencement date.

18. MEMBERS OF LIQUOR COMMISSION AND RACING AND GAMING COMMISSION

(1) Where, immediately before the commencement date, a person was a member of -

(a) the Liquor Commission; or

(b) the Racing and Gaming Commission,

that person shall, on the commencement date, be a member under this Act, subject to subsection (2), for the remainder, if any, of the term of his office as a member of that Commission.

(2) For the purposes of section 5, the person who immediately before the commencement date was -

(a) the Chairman of the Liquor Commission shall be deemed to be the Chairman;

(b) the member appointed under section 7(1)(b) of the *Liquor Act* shall be deemed to be the member appointed under section 5(1)(c);

(c) a member appointed under section 7(1)(c) of the *Liquor Act* shall be deemed to be a member appointed under section 5(1)(d) in accordance with section 5(2)(a); and

(d) a member appointed under section 7(1)(b) of the *Racing and Betting Act* shall be deemed to be a member appointed under section 5(1)(d) in accordance with section 5(2)(b).

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19. PROPERTY, &c., OF LIQUOR COMMISSION AND RACING AND GAMING COMMISSION

(1) An estate or interest in property, whether real (including leasehold) or personal, held by the Liquor Commission or the Racing and Gaming Commission immediately before the commencement date is hereby transferred to and vested in the Commission without further assurance and the Commission shall have all powers necessary to take possession of and recover and deal with such property.

(2) The rights and liabilities of the Liquor Commission and the Racing and Gaming Commission existing immediately before the commencement date are hereby acquired and accepted by the Commission.

(3) An agreement to which the Liquor Commission or the Racing and Gaming Commission was a party or which affected that Commission, and whether or not of such a nature that the rights, liabilities and obligations under the agreement could be assigned, in force immediately before the commencement date shall, on and after that date, have effect as if the Commission instead of that Commission were a party to or affected by the agreement and as if for every reference to that Commission (however worded and whether expressed or implied) in the agreement there were substituted, in relation to anything to be done, a reference to the Commission.
