

[Act 1996 No 85]



New South Wales

New South Wales Lotteries Corporatisation Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The *Public Lotteries Bill 1996* is cognate with this Bill.

Overview of Bill

The objects of this Bill are as follows:

- (a) to establish New South Wales Lotteries Corporation as a statutory State owned corporation, within the context of the *State Owned Corporations Act 1989* (the "SOC Act"), and to set out its principal objectives and functions,
 - (b) to abolish the statutory body representing the Crown named New South Wales Lotteries and to make provision for the transfer of its assets, rights, liabilities and staff,
 - (c) to make consequential amendments to other Acts,
 - (d) to enact consequential savings and transitional provisions.
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Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act, provides for certain other words and expressions to be given the same meanings as they have in the SOC Act and makes it clear that explanatory notes contained in the proposed Act do not form part of the proposed Act.

Clause 4 dissolves New South Wales Lotteries. The clause gives effect to Schedule 1 (containing provisions relating to the transfer of assets, rights and liabilities of New South Wales Lotteries) and Schedule 2 (containing provisions relating to the transfer of New South Wales Lotteries staff).

Part 2 Establishment of New South Wales Lotteries Corporation as statutory State owned corporation

Clause 5 establishes New South Wales Lotteries Corporation as a statutory State owned corporation under the SOC Act.

Clause 6 sets out the principal objectives of New South Wales Lotteries Corporation. These are as follows:

- (a) to successfully develop, promote, conduct and otherwise participate in any lawful forms of gambling and other gambling-related activities,
- (b) to be a successful business,
- (c) to exhibit a sense of social responsibility by having regard to community interests and by endeavouring to accommodate them.

Clause 7 sets out the principal functions of New South Wales Lotteries Corporation. These are as follows:

- (a) to develop, promote, conduct and otherwise participate in lawful forms of gambling and gambling-related activities,
- (b) to hold licences, and to conduct the public lotteries for which it holds those licences, in accordance with the requirements of the *Public Lotteries Act 1996*.

Clause 8 transfers all assets, rights and liabilities of the dissolved New South Wales Lotteries to New South Wales Lotteries Corporation, except those transferred under clause 9.

Clause 9 allows the Minister, on or before the dissolution of New South Wales Lotteries, to transfer particular assets, rights and liabilities of New South Wales Lotteries to the Ministerial Holding Corporation constituted under the SOC Act or to any other person on behalf of the State.

Clause 10 allows the Minister, within 12 months after the dissolution of New South Wales Lotteries, to transfer particular assets, rights and liabilities that were transferred to New South Wales Lotteries Corporation to the Ministerial Corporation constituted under the SOC Act or to any other person on behalf of the State.

Clause 11 specifies a procedure for the appointment by the voting shareholders of one of the directors of New South Wales Lotteries Corporation, on the recommendation of a selection committee, from a panel of 3 nominees of the Labor Council of New South Wales. This provision displaces standard provisions in the SOC Act dealing with the appointment, and manner of selection, of a staff director.

Part 3 Miscellaneous

Clause 12 provides for the service of documents on New South Wales Lotteries Corporation.

Clause 13 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 14 gives effect to the amendment of Acts set out in Schedule 3.

Clause 15 gives effect to the provisions of a savings or transitional nature set out in Schedule 4.

Clause 16 provides for the review of the proposed Act at the end of 5 years after its date of assent.

Schedules

Schedule 1 sets out the provisions that are to apply to the transfer of assets, rights and liabilities under the proposed Act.

Schedule 2 sets out the provisions that are to apply to the transfer of staff under the proposed Act.

Schedule 3 amends the following Acts:

First State Superannuation Act 1992 No 100

Government and Related Employees Appeal Tribunal Act 1980 No 39

Public Authorities (Financial Arrangements) Act 1987 No 33

Public Finance and Audit Act 1983 No 152

Public Sector Executives Superannuation Act 1989 No 106

Public Sector Management Act 1988 No 33

State Authorities Non-contributory Superannuation Act 1987 No 212

State Authorities Superannuation Act 1987 No 211

Superannuation Act 1916 No 28.

Schedule 4 sets out provisions of a savings or transitional nature consequent on the enactment of the proposed Act.