



New South Wales

Totalizator Amendment (Exclusivity) Bill 2013

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Totalizator Act 1997*:

- (a) to enable the Minister administering that Act to accept the offer made by TAB Limited to enter into the deed entitled “NSW Exclusivity Deed” set out in Attachment 1 to a deed poll tabled by or on behalf of the Minister in the Legislative Assembly, and
- (b) to extend the exclusivity period that applies in relation to the granting of totalizator licences to TAB Limited and racing clubs under the Act for an additional 20-year period if the NSW Exclusivity Deed comes into force.

The NSW Exclusivity Deed will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of the exclusivity period.

Outline of provisions

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Totalizator Act 1997 No 45

Schedule 1 [2]:

- (a) authorises the Minister, on behalf of the Crown in right of the State, to accept the offer made by TAB Limited to enter into the deed entitled “NSW Exclusivity Deed” set out in

Attachment 1 to the deed poll tabled by or on behalf of the Minister in the Legislative Assembly on the day on which this Bill is introduced, and

- (b) provides for the exclusivity period under Division 1 of Part 3 of the Act to be extended for an additional 20-year period (commencing on 23 June 2013) if the NSW Exclusivity Deed comes into force.

However, the extension of the exclusivity period will end if the NSW Exclusivity Deed is terminated under clause 5.1 of the Deed before the end of the additional 20-year period. **Schedule 1 [1]** makes a consequential amendment to the definition of *exclusivity period*.

Schedule 1 [4] provides for certain competition authorisations with respect to the NSW Exclusivity Deed and the deed poll that contained the offer for the NSW Exclusivity Deed. **Schedule 1 [3]** replaces outdated references to the *Trade Practices Act 1974* of the Commonwealth with references to the *Competition and Consumer Act 2010* of the Commonwealth.

Schedule 1 [5] enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of an Act that amends the *Totalizator Act 1997* (including the proposed Act).