



New South Wales

Totalizator Amendment Bill 2008

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 remove the 16 per cent cap on commission that a licensee may deduct each financial year from the total amount invested in all totalizators conducted by the licensee in that year, and
- (b) to provide for the rules made under that Act to prescribe the caps on commission that a licensee may deduct from the total amount invested in each totalizator conducted by the licensee.

The Bill also makes other consequential and minor amendments to the *Totalizator Act 1997*.

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.

Clause 3 is a formal provision that gives effect to the amendments to the *Totalizator Act 1997* set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Section 69 of the *Totalizator Act 1997* (*the Principal Act*) currently limits the amount of commission that a licensee may deduct from the total amount invested in each totalizator conducted by the licensee on one or more events or contingencies to an amount not exceeding 25 per cent of the amount so invested. Section 69 also limits the amount of commission that a licensee may deduct each financial year from the total amount invested in all such totalizators conducted by the licensee in that year to 16 per cent of the amount so invested.

Schedule 1 [4] substitutes section 69 of the Principal Act to remove the 16 per cent cap on commission referred to above, and to provide for the rules made under the Act to prescribe the caps on commission that a licensee may deduct from the total amount invested in each totalizator conducted by the licensee. Under the proposed provision, the rules cannot provide for a cap in respect of a totalizator that exceeds 25 per cent of the total amount invested in the totalizator. **Schedule 1 [3]** amends section 53 of the Principal Act to require the rules referred to in proposed section 69 to be made. **Schedule 1 [6]** inserts a transitional provision that provides that the removal of the 16 per cent cap has effect on and from the financial year commencing 1 July 2007.

Schedule 1 [5] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [2] omits a redundant provision and **Schedule 1 [1]** makes a consequential amendment.

First print



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New South Wales

Totalizator Amendment Bill 2008

No. , 2008

A Bill for

An Act to amend the *Totalizator Act 1997* with respect to commission that a licensee may take on totalizator betting.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Totalizator Amendment Act 2008</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Amendment of Totalizator Act 1997 No 45	6
The <i>Totalizator Act 1997</i> is amended as set out in Schedule 1.	7
4 Repeal of Act	8
(1) This Act is repealed on the day following the day on which this Act commences.	9 10
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	11 12

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Objects of Act	3
	Omit “and” where lastly occurring in section 3 (a).	4
[2]	Section 3 (b)	5
	Omit the paragraph.	6
[3]	Section 53 Making of rules	7
	Insert after section 53 (2):	8
	(2A) A licensee is required to make the rules referred to in section 69.	9
[4]	Section 69	10
	Omit the section. Insert instead:	11
	69 Commission on totalizator betting	12
	(1) A licensee may deduct, or cause to be deducted, as commission out of the total amount invested in each totalizator conducted by the licensee on one or more events or contingencies, an amount not exceeding the amount prescribed by the rules in respect of a totalizator of that class or description.	13 14 15 16 17
	(2) An amount prescribed by the rules for the purposes of subsection (1) must be expressed as a percentage of the total amount invested in the class or description of totalizator concerned, and must not exceed 25% of the total amount invested.	18 19 20 21
[5]	Schedule 2 Savings, transitional and other provisions	22
	Insert at the end of clause 1 (1):	23
	<i>Totalizator Amendment Act 2008</i>	24

[6] Schedule 2, Part 5	1
Insert after Part 4:	2
Part 5 Provision consequent on enactment of Totalizator Amendment Act 2008	3 4
20 Removal of 16 per cent cap on commission	5
To the extent that the amendment made by Schedule 1 [4] to the <i>Totalizator Amendment Act 2008</i> removes the 16 per cent cap on commission that a licensee may deduct each financial year from the total amount invested in totalizators conducted by the licensee in that year, the amendment is taken to have commenced on 1 July 2007.	6 7 8 9 10 11