

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to extend the scheme under which bookmakers are authorised to take bets on sporting events to permit authorised bookmakers to take bets on any event or contingency declared by the Minister, and
- (b) to allow an authorised bookmaker to take telephone and electronic bets at premises, other than a licensed racecourse, that are approved for that purpose by the controlling body that authorised the bookmaker concerned, and
- (c) to allow authorised bookmakers to take telephone and electronic bets at any time, and
- (d) to prohibit persons from making remote access betting facilities available in a public place for use by the public, and
- (e) to dissolve the Bookmakers Revision Committee, and
- (f) to provide for the refund of part of the betting tax paid by a totalizator licensee on commissions taken by the licensee from investments made by certain investors in totalizators conducted by the licensee.

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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 a day or days to be appointed by proclamation.

Schedule 1 Amendment of Racing Administration

Act 1998 No 114

Schedule 1 [8] extends the scheme under which bookmakers are authorised to take bets on sporting events to permit authorised bookmakers to take bets on any event or contingency declared by the Minister.

Schedule 1 [1], [2], [7], [9]–[13] and [15] make consequential amendments.

Schedule 1 [6] allows an authorised bookmaker to take telephone and electronic bets at premises (other than a licensed racecourse) that are approved for that purpose by the controlling body that authorised the bookmaker concerned. **Schedule 1 [5]** makes a consequential amendment.

Schedule 1 [3] provides that a bookmaker can be authorised to take telephone or electronic bets at approved premises (as well as on a licensed racecourse as at present).

Schedule 1 [14] repeals provisions relating to the Bookmakers Revision Committee and State bookmakers authorities granted by that Committee as a consequence of the dissolution of that Committee by the proposed Act. **Schedule 1 [4]** makes a consequential amendment.

Schedule 1 [16] grants persons designated by a controlling body certain powers with respect to the inspection of documents and records relating to bets made with or by bookmakers authorised by that controlling body to carry on bookmaking.

Schedule 1 [17] provides for the making of regulations containing provisions of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [18] inserts provisions of a savings and transitional nature consequent on the enactment of the proposed Act and dissolves the Bookmakers Revision Committee.

Schedule 2 Amendment of Unlawful Gambling Act

1998 No 113

Schedule 2 [8] provides that it is an offence for a person to make a remote access betting facility available in a public place for use by persons frequenting that place.

A **remote access betting facility** is a device (such as computer terminal or telephone) that is for use primarily or exclusively for betting on any event or contingency or for facilitating betting on any event or contingency.

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The amendment does not prevent a person making a remote access betting facility available in a public place if that facility is used for betting or facilitating betting on a totalizator or betting activity conducted under the authority of a licence issued under the *Totalizator Act 1997*.

Schedule 2 [4] and [5] make it clear that betting by telephone or electronically with a licensed bookmaker or a bookmaker authorised in another jurisdiction are not prohibited forms of betting.

Schedule 2 [7] amends section 9 of the *Unlawful Gambling Act 1998* consequent on the amendment made by **Schedule 1 [3]**.

Schedule 2 [1]–[3], [6] and [9] make amendments to the *Unlawful Gambling Act 1998* consequential on to the amendment made by **Schedule 1 [1]**.

Schedule 2 [10] provides for the making of regulations containing provisions of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 2 [11] inserts a provision of a transitional nature consequent on the enactment of the proposed Act.

Schedule 3 Amendment of Betting Tax Act 2001

No 43

Schedule 3 [1] provides for a refund of a portion of the betting tax paid by a totalizator licensee on commissions taken by the licensee from investments made by eligible investors in totalizators conducted by the licensee. The **eligible investors** are investors who hold an account with the licensee and who are resident outside Australia for not less than 11 months of the year or who each invest not less than \$3 million in the year to which the refund relates.

Schedule 3 [2] provides for the making of regulations containing provisions of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 3 [3] inserts a provision of a transitional nature consequent on the enactment of the proposed Act.

Schedule 4 Amendment of other Acts

Schedule 4 makes amendments to the *Greyhound Racing Act 2009*, *Harness Racing Act 2009*, *Thoroughbred Racing Act 1996* and *Totalizator Act 1997* consequent on the expansion of the events in respect of which bookmakers may take bets under the *Racing Administration Act 1998*.