

Totalizator Legislation Amendment (Inter-jurisdictional Processing of Bets) Bill 2006

Explanatory note

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

Overview of Bill

The object of this Bill is to permit bets placed with licensees under the *Totalizator Act 1997* to be processed in other jurisdictions, and to permit bets placed with certain persons in other jurisdictions to be processed in New South Wales by those licensees (or by means of their technology).

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.

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

Clause 4 is a formal provision that gives effect to the amendments to the *Unlawful Gambling Act 1998* set out in Schedule 2.

Clause 5 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 Amendment of Totalizator Act 1997

Schedule 1 [1] inserts a definition of **process** (in relation to a bet) in section 5 (Definitions) of the *Totalizator Act 1997* (**the Principal Act**) for the purposes of that Act.

Schedule 1 [2] inserts proposed sections 9A and 9B in the Principal Act.

Proposed section 9A provides for the processing in New South Wales of certain bets placed with certain persons in other jurisdictions. Those persons must be authorised under the law of the other jurisdiction concerned to conduct a betting activity in that jurisdiction and must be approved by the Minister administering the Principal Act (as must the method of conducting the betting activity).

Proposed section 9B provides for the processing in other jurisdictions of bets placed with New South Wales licensees under the Principal Act. The bets may be processed by the licensee using equipment of certain persons in the other jurisdiction, or may be processed by those certain persons. Those persons must be authorised under the law of the other jurisdiction concerned to conduct a betting activity in that jurisdiction and must be nominated by the Minister administering the Principal Act.

Schedule 1 [3] amends section 17A (Trade Practices exemption) of the Principal Act so as to authorise, for the purposes of the *Trade Practices Act 1974* of the Commonwealth and the *Competition Code of New South Wales*, action taken under proposed section 9A or 9B.

Schedule 1 [4] amends clause 1 (1) of Schedule 2 (Savings, transitional and other provisions) to the Principal Act so as to enable the making of savings and transitional regulations in consequence of the enactment of the proposed Act.

Schedule 2 Amendment of Unlawful Gambling Act 1998

Schedule 2 [1] amends section 7 (Lawful forms of gambling) of the *Unlawful Gambling Act 1998* (**the Gambling Act**) so as to make it clear that the processing of bets in accordance with proposed section 9A or 9B of the Principal Act does not constitute unlawful gambling.

Schedule 2 [2] amends clause 1 (1) of Schedule 1 (Savings and transitional provisions) to the Gambling Act so as to enable the making of savings and

transitional regulations in consequence of the enactment of the proposed Act.