



New South Wales

Totalizator Amendment Act 2010 No 94

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New South Wales

Totalizator Amendment Act 2010 No 94

Act No 94, 2010

An Act to amend the *Totalizator Act 1997* to enable the approval of a betting activity in respect of computer simulated horse racing, harness racing or greyhound racing events; and for other purposes. [Assented to 16 November 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Totalizator Amendment Act 2010*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Totalizator Act 1997 No 45

[1] Section 13 Licensee can be approved to conduct other betting activities

Insert after section 13 (2) (b):

- (c) computer simulated horse racing, harness racing or greyhound racing events.

[2] Section 15AA

Insert after section 15:

15AA Only TAB Limited entitled to exclusive approval for betting activity involving computer simulated racing events

- (1) TAB Limited is the only person entitled to be approved to conduct a betting activity on computer simulated racing events during the exclusive approval period.
- (2) An approval or authorisation (however described) must not be granted under any other Act to permit the conduct of a betting activity on computer simulated racing events during the exclusive approval period.
- (3) This section ceases to apply if the licence held by TAB Limited is cancelled or otherwise ceases to have effect under this Act.
- (4) No application under this Act is required for the purposes of an approval given pursuant to this section.
- (5) In this section:
computer simulated racing events means computer simulated horse racing, harness racing or greyhound racing events.
exclusive approval period means the period that begins on the commencement of this section and ends on 6 March 2097 (being the end of the term of the licence held by TAB Limited).

[3] Section 17A Trade Practices exemption

Insert after section 17A (1) (e):

- (f) the exclusive approval of the holder of a licence conducting a betting activity on computer simulated horse racing, harness racing or greyhound racing events as referred to in section 15AA.

[4] Sections 117B and 117C

Insert after section 117A:

117B Minister may direct changes to racing agreement

- (1) The Minister may determine that specified changes to a racing agreement are necessary or desirable for ensuring that the agreement is in the best interests of racing in New South Wales.
- (2) The Minister may notify the parties to the racing agreement concerned of the determination and direct that the changes specified in the determination are to have effect. Those changes have effect for all purposes as if the agreement had been amended by the agreement of the parties.
- (3) This section does not limit or otherwise affect the ability of the parties to a racing agreement to agree to make changes to the agreement.
- (4) In this section, *racing agreement* means the following:
 - (a) the agreement titled "Racing Distribution Agreement" dated 11 December 1997 between the NSW Totalizator Agency Board, NSW Racing Pty Limited, the NSW Thoroughbred Racing Board, Harness Racing New South Wales and the Greyhound Racing Authority (NSW), as in force from time to time,
 - (b) the agreement titled "Intra-Code Deed" dated 3 March 1998 between the NSW Thoroughbred Racing Board, AJC, Sydney Turf Club, Provincial Association of New South Wales and NSW Country Racing Council, as in force from time to time.
- (5) The Minister may not make a determination under this section after 31 January 2011.

117C Compensation for loss of entitlement to revenue

- (1) If, as a consequence of any agreements or arrangements entered into relating to the conduct of an approved betting activity or the distribution of revenue derived from that activity, the Provincial Association of New South Wales or Racing NSW Country Limited lose an entitlement to revenue derived from that activity, Racing NSW is to compensate the body or bodies concerned for that loss of revenue.
- (2) In this section:
approved betting activity means a betting activity conducted by a licensee on computer simulated horse racing, harness racing or

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Amendment of Totalizator Act 1997 No 45

Schedule 1

greyhound racing events in accordance with an approval under section 13.

[5] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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Schedule 2 Amendment of other Acts

2.1 Betting Tax Act 2001 No 43

[1] Section 10 Betting tax on approved betting activities

Insert after section 10 (4):

(4A) No betting tax is payable on net earnings in connection with the first \$255 million of the total amount of computer simulated racing event bets placed with a totalizator licensee in any financial year.

(4B) Subsection (4A) ceases to have effect at the end of 30 June 2034.

[2] Section 10 (5)

Insert in alphabetical order:

computer simulated racing event bet means a bet in respect of an approved betting activity conducted on a computer simulated horse racing, harness racing or greyhound racing event.

financial year means a year ending on 30 June.

2.2 Gaming Machines Act 2001 No 127

Schedule 1 Savings, transitional and other provisions

Insert after Part 11:

Part 12 Provision consequent on enactment of Totalizator Amendment Act 2010

48 Existing multi-terminal gaming machine approval revoked

The approval under this Act granted on 24 September 2002 in respect of the multi-terminal gaming machine known as “Trackside” is revoked.

[Agreement in principle speech made in Legislative Assembly on 29 October 2010

Second reading speech made in Legislative Council on 10 November 2010]

BY AUTHORITY