



New South Wales

Totalizator Amendment Regulation 2015

under the

Totalizator Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Totalizator Act 1997*.

TROY GRANT, MP
Minister for Racing

Explanatory note

The objects of this Regulation are:

- (a) to clarify that any inducement to participate in gambling activities is prohibited in totalizator advertising, and
- (b) to prohibit the publishing of totalizator advertising in relation to certain sporting fixtures during those sporting fixtures.

This Regulation is made under the *Totalizator Act 1997*, including sections 80 and 117 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Totalizator Amendment Regulation 2015*.

2 Commencement

- (1) This Regulation commences on 4 January 2016 except as provided by subclause (2).
- (2) Schedule 1 [2] commences on 1 March 2016.

Schedule 1 Amendment of Totalizator Regulation 2012

[1] Clause 12 Prohibitions on totalizator advertising

Omit clause 12 (2) (h). Insert instead:

- (h) offers any inducement to participate, or to participate frequently, in any gambling activity (including an inducement to open a betting account).

[2] Clause 12A

Insert after clause 12:

12A Totalizator advertising during sporting fixtures

- (1) This clause applies to a sporting fixture that is, or is part of, a sporting event for which there is a sports controlling body.
- (2) A person must not publish totalizator advertising in relation to a sporting fixture during the sporting fixture including during any breaks in the sporting fixture.
Maximum penalty: 50 penalty units.
- (3) This clause does not apply to an extended sporting fixture unless the Minister has published a notice in the Gazette that provides that this clause is to apply to that fixture. The Minister may publish a notice if the Minister considers it to be in the public interest.
- (4) This clause does not apply to the following advertisements:
 - (a) an advertisement to the extent that it is published on the internet,
 - (b) an advertisement to the extent that it is published in gambling premises.
- (5) For the avoidance of doubt, an advertisement that is in place before a sporting fixture commences (such as an advertisement on a billboard) is taken, for the purposes of this clause, not to be published during the sporting fixture.
- (6) In this clause:
 - extended sporting fixture*** means:
 - (a) a sporting fixture that is scheduled to take place over a period exceeding 4 hours, or
 - (b) a sporting fixture that takes place on multiple days.

gambling premises means a hotel, racing club or registered club within the meaning of the *Liquor Act 2007*, premises operated by a licensee (or an agent of a licensee) for the purposes of the conduct of a totalizator.

sporting event has the same meaning as in section 17A of the *Betting and Racing Act 1998*.

sporting fixture means a single match, game, contest, race (but not a race within the meaning of the *Betting and Racing Act 1998*) or fight, whether taking place on a single day or multiple days.

sports controlling body for a sporting event means the sports controlling body prescribed for the sporting event under section 17B of the *Betting and Racing Act 1998*.