

[Act 1996 No 66]



New South Wales

Gaming and Betting Amendment (Betting Auditoriums) Bill 1996

Explanatory note

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

Overview of Bill

At present, betting may only take place at licensed racecourses during the course of a race meeting or when a race meeting has been abandoned either on the day on which it was to be held or on the preceding day (commonly referred to as a phantom meeting). Betting may only be conducted on horse racing, harness racing and greyhound racing events.

The objects of this Bill are:

- (a) to provide for the establishment and conduct of betting auditoriums on licensed racecourses and to enable betting at any time on any day in betting auditoriums, and
- (b) to enable, and provide for the conduct of, betting at any time on any day on sports events with licensed bookmakers on licensed racecourses.

This Bill also provides for the payment by such bookmakers of a tax of 1% (or such lower rate as may be set by order of the Governor) on bets made on such sports events.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Gaming and Betting Act 1912* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendments to the *Bookmakers (Taxation) Act 1917* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendment to the *Racing Taxation (Betting Tax) Act 1952* set out in Schedule 3.

Clause 6 is a formal provision giving effect to the amendments to the *Totalizator Act 1916* set out in Schedule 4.

Clause 7 is a formal provision giving effect to the amendments to the *Gaming and Betting (Racecourse Licensing) Regulation 1996* set out in Schedule 5.

Schedule 1 Amendment of Gaming and Betting Act 1912

Sports betting and betting auditoriums

Schedule 1 [15] inserts two new Divisions into Part 4 of the Act.

Division 4A (Sports betting) enables the Minister, by order published in the Gazette, to declare sporting events (or classes of sporting events) whether held in New South Wales or elsewhere to be sports betting events for the purposes of the Act. The Minister may authorise a licensed bookmaker to take bets on sports betting events on licensed racecourses subject to any conditions prescribed by the Act or regulations or imposed by the Minister.

Such conditions may include conditions relating to inspection of the bookmaker's records about sports betting events and audit requirements. The Minister may cancel the authorisation, on the recommendation of the Bookmakers Revision Committee, in certain specified circumstances. Power is also included to enable rules to be made with respect to sports betting at licensed racecourses.

Schedule 1 [5] makes betting or wagering at any time on any day on a licensed racecourse on a sports betting event lawful. The new definition of *Street* inserted by Schedule 1 [1] is similarly inserted to ensure that the permitted sports betting is lawful.

Schedule 1 [1], [4], [6], [8]–[13] and [14] contain consequential amendments. These include amendments:

- to insert definitions used in the new Division (Schedule 1 [1])
- to enable bookmakers who are authorised to take bets on sports betting events on a licensed racecourse to advertise a willingness to accept bets while on the racecourse (Schedule 1 [6])
- to enable such a bookmaker to convey, in reply to a request made by telephone, information relating to a bet on a sports event to be made by, or made with, the bookmaker (Schedule 1 [7] and [10])
- to enable a bookmaker to make certain oral statements about betting odds that the bookmaker is prepared to accept or offer (Schedule 1 [13])

Schedule 1 [16] inserts a rebuttable presumption concerning evidence of the taking of bets on sports betting events taken in proceedings for offences.

Division 4B (Betting auditoriums) enables the Minister to authorise a non-proprietary association that conducts race meetings on a licensed racecourse or a syndicate of two such associations to establish and conduct a betting auditorium on a racecourse. An authorisation will be subject to such conditions (if any) as may be imposed by the Act or regulations or by the Minister.

Schedule 1 [1], [3]–[7], [10] and [13] contain consequential amendments. Schedule 1 [5] makes betting or wagering at any time on any day in an authorised betting auditorium on a licensed racecourse lawful. The amendments contained in Schedule 1 [1], [6], [7], [10], [13] and [16] make similar consequential amendments in relation to betting auditoriums to those described above in respect of sports betting.

Statute law revision

Schedule 1 [2] contains an amendment by way of statute law revision to update a reference to the Department of Gaming and Racing.

Savings and transitional

Schedule 1 [17] enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act. Schedule 1 [18] makes it clear that the amendments made to the *Gaming and Betting (Racecourse Licensing) Regulation 1996* by the Act do not affect the future amendment or repeal of the regulation.

Schedule 2 Amendment of Bookmakers (Taxation) Act 1917

Provisions relating to sports betting and betting auditoriums

The amendments made by Schedule 2 (other than Schedule 2 [2], [3], [5], [6], [7], [11], [16–19] and [21]) are consequential on the provisions relating to sports betting and authorised betting auditoriums. They ensure that the provisions requiring a bookmaker to register with the appropriate registration authority and pay a bookmaker's registration tax for each year the bookmaker carries on business as a registered bookmaker apply to bookmakers authorised to conduct sports betting or who take bets in an authorised betting auditorium.

Schedule 2 [12] imposes record keeping requirements on racing clubs in relation to bookmakers taking bets in authorised betting auditoriums or on sports betting events. The clubs will be required to make weekly returns on these matters.

Statute law revision

The other provisions of the Schedule contain amendments by way of statute law revision to update references to the Department of Gaming and Racing and the Director-General of that Department and references to certain racing clubs and officials, to modernise a provision relating to proceedings for offences and to update provisions referring to trotting (now known as harness racing).

Savings and transitional

Schedule 2 [23] enables the making of regulations of a savings or transitional nature consequent on the enactment of the proposed Act and ensures that bookmakers tax receipts do not have to be reissued as a consequence of the amendments.

Schedule 3 Amendment of Racing Taxation (Betting Tax) Act 1952

Schedule 3 provides for the payment by bookmakers of a tax of 1% (or such lower rate as may be set by order of the Governor) on bets made by bookmakers on sports events. A lower rate of tax may be set only on the recommendation of the Treasurer after consultation with the Minister for Gaming and Racing.

Schedule 4 Amendment of Totalizator Act 1916

Schedule 4 [1]–[4] make consequential amendments to the *Totalizator Act 1916* to provide for the operation of totalizators on racecourses on which authorised betting auditoriums are conducted.

Schedule 4 [5] is an amendment by way of statute law revision to simplify references to race meetings in the Act.

Schedule 5 Amendment of Gaming and Betting (Racecourse Licensing) Regulation 1996

Clause 5 of the Regulation prohibits betting or wagering on racecourses except in respect of horse races, harness races and greyhound races. The amendments will permit betting and wagering on sports betting events as a consequence of the proposed amendments concerning sports betting.