

Passed by both Houses



New South Wales

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

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2006*



New South Wales

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

Act No , 2006

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An Act to amend the *Totalizator Act 1997* so as to permit the inter-jurisdictional processing of bets; and for other purposes.

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

*Chairman of Committees of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Totalizator Legislation Amendment (Inter-jurisdictional Processing of Bets) Act 2006*.

**2 Commencement**

This Act commences on the date of assent.

**3 Amendment of Totalizator Act 1997 No 45**

The *Totalizator Act 1997* is amended as set out in Schedule 1.

**4 Amendment of Unlawful Gambling Act 1998 No 113**

The *Unlawful Gambling Act 1998* is amended as set out in Schedule 2.

**5 Repeal of Act**

- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

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## Schedule 1 Amendment of Totalizator Act 1997

(Section 3)

### [1] Section 5 Definitions

Insert in alphabetical order in section 5 (1):

*process*, in relation to a bet, means any one or more of the following:

- (a) register the bet,
- (b) calculate the dividend or other return (if any) payable on the bet,
- (c) carry out an activity for the purpose of calculating the dividend or other return (if any) payable on the bet,
- (d) if the bet is a winning bet—pay out on the bet,
- (e) generate and maintain records in relation to the bet,
- (f) otherwise deal with the bet.

### [2] Sections 9A and 9B

Insert after section 9:

#### **9A Processing in New South Wales of bets with conductors of betting activities in other jurisdictions**

- (1) The Minister may, by notice published in the Gazette, approve, for the purposes of this section, any person who is authorised under the law of another State or a Territory or another country to conduct a betting activity in that State, Territory or country (*an approved person*).
- (2) An approved person may, while the approval is in force:
  - (a) with the written consent of a licensee, use the systems or technology of the licensee (including any totalizator of the licensee), or
  - (b) arrange for the licensee, on behalf of the approved person, to process in New South Wales bets placed (or to be placed) with the approved person in the conduct, by a method specified in the notice of approval, of a betting activity that the approved person is authorised to conduct in the State, Territory or country concerned.
- (3) For the purposes of this Act, the processing of bets by an approved person or a licensee in accordance with subsection (2)

is taken not to constitute, or involve, the conduct of a totalizator or other betting activity in New South Wales.

- (4) An approval under this section may be revoked at any time by further notice published in the Gazette.
- (5) The revocation of an approval does not affect any bet in the course of being processed at the time of the revocation.
- (6) In this section, *bet* includes a bet placed (or to be placed) with an approved person otherwise than by way of a totalizator.

**9B Processing in other jurisdictions of bets with New South Wales licensees**

- (1) The Minister may, by notice published in the Gazette, nominate, for the purposes of this section, any person who is authorised under the law of another State or a Territory or another country to conduct a betting activity (whether by means of a totalizator or otherwise) in that State, Territory or country (*a nominated person*).
- (2) A licensee may, while a nomination is in force:
  - (a) arrange with the nominated person for the licensee to use systems or technology (including a totalizator) of the nominated person, or
  - (b) arrange for the nominated person, on behalf of the licensee,  
to process, in the nominated person's jurisdiction, bets placed (or to be placed) with the licensee in the conduct of a betting activity that the licensee is authorised to conduct.
- (3) In taking action under subsection (2), a licensee is, for the purposes of this Act:
  - (a) taken to be conducting a betting activity in New South Wales, and
  - (b) taken to be conducting a totalizator in New South Wales in respect of such of the bets processed under that subsection as were (or are to be) placed with the licensee by way of a totalizator.
- (4) A nomination under this section may be revoked at any time by further notice published in the Gazette.
- (5) The revocation of a nomination does not affect any bet in the course of being processed at the time of the revocation.
- (6) In this section, *bet* includes a bet placed (or to be placed) with a licensee otherwise than by way of a totalizator.

**[3] Section 17A Trade Practices exemption**

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

(b1) conduct authorised by section 9A or 9B,

**[4] Schedule 2 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

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

## **Schedule 2 Amendment of Unlawful Gambling Act 1998**

(Section 4)

**[1] Section 7 Lawful forms of gambling**

Insert after section 7 (a):

- (a1) processing bets in accordance with section 9A or 9B of the  
*Totalizator Act 1997,*

**[2] Schedule 1 Savings and transitional provisions**

Insert at the end of clause 1 (1):

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