

# Totalizator Legislation Amendment (Inter-jurisdictional Processing of Bets) Act 2006 No 37

[2006-37]



New South Wales

## Status Information

### Currency of version

Repealed version for 31 May 2006 to 31 May 2006 (accessed 22 November 2024 at 7:16)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 5 (1) of this Act with effect from 1.6.2006.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 1 June 2006

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New South Wales

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# Totalizator Legislation Amendment (Inter-jurisdictional Processing of Bets) Act 2006 No 37



New South Wales

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

## 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- (1) This Act is repealed on the day following the day on which all of the provisions of this Act have commenced.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.

## 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*