



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Application date</p>	<p>3. Interpretation</p> <p>4. Totalisator duty</p> <p>5. Return to be furnished to Commissioner</p>
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1995, No. 93

An Act to amend the Gaming Duties Act 1971

[19 December 1995]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Gaming Duties Amendment Act 1995, and shall be read together with and deemed part of the Gaming Duties Act 1971 (hereinafter referred to as the principal Act).

2. Application date—(1) This Act applies to gross investments and special investments in respect of a race or combination of races held on or after the 1st day of January 1996.

(2) Notwithstanding subsection (1) of this section, this Act does not apply to gross investments or special investments in respect of a combination of races if any race in the combination is held before the 1st day of January 1996.

(3) This Act applies to special investments in respect of a sporting event or combination of sporting events held on or after the 1st day of January 1996.

(4) Notwithstanding subsection (3) of this section, this Act does not apply to special investments in respect of a combination of sporting events if any sporting event in the combination is held before the 1st day of January 1996.

3. Interpretation—(1) Section 3 of the principal Act is hereby amended by inserting, before the definition of the term “Commissioner”, the following definition:

“ ‘Betting profits’ means the betting profits that are calculated in accordance with section 4 of this Act in respect of a racing club or the Totalisator Agency Board, as the case may be:”.

(2) Section 3 of the principal Act is hereby amended by inserting, after the definition of the term “Commissioner”, the following definitions:

“ ‘Fixed-odds race betting losses’, in relation to fixed-odds race betting on any race or combination of races to which Part VA of the Racing Act 1971 applies, means the difference between the dividends payable under the Racing Act 1971 and the special investments if the dividends are greater than the special investments:

“ ‘Fixed-odds race betting profits’, in relation to fixed-odds race betting on any race or combination of races to which Part VA of the Racing Act 1971 applies, means the difference between the dividends payable under the Racing Act 1971 and the special investments if the special investments are greater than the dividends:

“ ‘Fixed-odds sports betting losses’, in relation to fixed-odds sports betting on any sporting event or combination of sporting events to which Part VB of the Racing Act 1971 applies, means the difference between the dividends payable under the Racing Act 1971 and the special investments if the dividends are greater than the special investments:

“ ‘Fixed-odds sports betting profits’, in relation to fixed-odds sports betting on any sporting event or combination of sporting events to which Part VB of the Racing Act 1971 applies, means the difference between the dividends payable under the Racing Act 1971 and the special investments if the special investments are greater than the dividends:”.

(3) Section 3 of the principal Act is hereby amended by inserting, after the definition of the term “special investments”, the following definition:

“ ‘Sporting event’ means a sporting event in respect of which sports betting has been accepted under Part VB of the Racing Act 1971:”.

4. Totalisator duty—(1) The principal Act is hereby amended by repealing section 4, and substituting the following section:

“4. (1) There shall be paid to the Crown a duty (in this Act referred to as totalisator duty) in respect of gross investments and special investments at the rate of 20 percent of betting profits.

“(2) The betting profits in respect of gross investments on a race or combination of races on which a racing club shall pay totalisator duty are an amount that is the aggregate of the deductions set out in subsection (1) or subsection (2) of section 42 or section 61C (1) of the Racing Act 1971, as the case may be.

“(3) The betting profits in respect of special investments on a race or combination of races on which the Totalisator Agency Board shall pay totalisator duty are—

“(a) If the special investments are special betting to which Part V of the Racing Act 1971 applies, an amount that is the aggregate of the deductions set out in section 97 (1) of the Racing Act 1971; or

“(b) The fixed-odds race betting profits less any fixed-odds race betting losses that have not been deducted from any other fixed-odds race betting profits in any statement previously delivered to the Commissioner under section 5 of this Act.

“(4) The betting profits in respect of special investments on a sporting event or combination of sporting events on which the Totalisator Agency Board shall pay totalisator duty are—

“(a) If the special investments are totalisator betting to which Part VB of the Racing Act 1971 applies, an amount that is obtained when the dividends payable under the Racing Act 1971 are deducted from the special investments; or

“(b) The fixed-odds sports betting profits less any fixed-odds sports betting losses that have not been deducted from any other fixed-odds sports betting profits in any statement previously delivered to the Commissioner under section 5 of this Act.

“(5) For the purposes of this section, every reference to a racing club shall be read as including a reference to the Totalisator Agency Board where, in relation to intertrack betting, that Board is regarded as a destination club within the meaning of the Racing Act 1971; and the provisions of sections 5 (1) and 6 (1) of this Act shall apply accordingly.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 8 (2) of the Finance Act 1977:
- (b) Section 2 (1) of the Gaming Duties Amendment Act 1986:
- (c) Section 21 (2) of the Racing Amendment Act 1986.

5. Return to be furnished to Commissioner—(1) Section 5 (2) of the principal Act is hereby amended by omitting the words “first race”, and substituting the words “last race”.

(2) Section 5 of the principal Act is hereby further amended by adding the following subsection:

“(3) The Totalisator Agency Board shall, within 7 days after the date on which a sporting event was held on which special investments were received or, in the case of special investments received on a double or other combination of sporting events, within 7 days after the date on which the last sporting event of the double or other combination of sporting events was held, deliver to the Commissioner a statement, in the prescribed form, of the totalisator duty payable by the Board in respect of those special investments.”

This Act is administered in the Inland Revenue Department.
