

TOTALIZATOR (OFF-COURSE BETTING) BILL

*Schedule of the Amendment referred to in Legislative Council's
Message of 5 March, 1964.*

Page 5, clause 3. *After line 27 insert—*

(9) If a member is through illness or other just cause likely to be absent from any meeting of the Board such member may appoint a deputy to act for such member during such absence.

Any deputy appointed under this subsection whilst acting as such deputy shall be deemed to be a member and the provisions of this Act relating to members shall be applicable to such deputy.

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 February, 1964.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 5 March, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916-1963, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

2. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.

10 “Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

15 “Prescribed” means prescribed by this Act or the regulations thereunder.

20 “Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

25 (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

30 “Regulations” means regulations made under this Act.

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. Constitution of Board.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- 5 (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- 10 (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- 15 (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- (g) one shall be a person nominated jointly by the
20 Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- 25 (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

30 (3) (a) Any nominations under subsection two of this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made
35 the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively nominate within such time and in such manner as the Minister may require a person to be a member of a panel from which the Minister may select a person for appointment as a member 5 of the Board and such person shall be deemed to have been nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph (b), (c) or (d) of subsection two of this section or paragraph (b) of this subsection within the time or in the manner 10 required by the Minister the Governor may appoint some person having such qualifications as he thinks appropriate to be a member of the Board.

(4) (a) The members of the Board shall, subject to this Act, hold office for a term of five years, and shall be 15 eligible for reappointment.

(b) A person who is of or above the age of seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in 20 respect of the appointment by the Governor of a member, and a member shall not, in his capacity as a member, be subject to the provisions of such Act, as so amended, during his term of office.

(6) The office of a member of the Board shall become 25 vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- 30 (c) absents himself from four consecutive meetings of the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subse- 35 quent Acts;

(e)

Totalizator (Off-course Betting).

- 5 (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- 10 (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.

20 A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

25 (8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

30 **(9) If a member is through illness or other just cause likely to be absent from any meeting of the Board such member may appoint a deputy to act for such member during such absence.**

35 **Any deputy appointed under this subsection whilst acting as such deputy shall be deemed to be a member and the provisions of this Act relating to members shall be applicable to such deputy.**

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. Meetings of the Board.

At any meeting of the Board—

40 (a) held during any vacancy in the office of the Chairman; or

(b) at which the Chairman is not present,

a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act. (2)

Totalizator (Off-course Betting).

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an 5 original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

10 (4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed
15 or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona
20 fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect
25 thereof.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing
30 with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Board to be body corporate.

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3)

Totalizator (Off-course Betting).

- (3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.
- 5 Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.
6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.
- (2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.
- 20 (3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.
- 25 7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.
- 30 (2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

Totalizator (Off-course Betting).

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine. Remuneration and expenses of members.
- (2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.
- (3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.
9. (1) The Board— Manager, secretary, officers and employees of Board.
- 15 (a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and
- (b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.
- 20 (2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Super-annuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Super-annuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)
- 25
- 30

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10 **10.** For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to places of public worship, schools and educational establishments, and premises licensed under the Liquor Act, 1912, as amended by subsequent Acts, and such other matters as it considers relevant.

25 **11.** (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

(a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

30 (b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

10 (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and

15 (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended 20 by the Board.

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth. Conduct of off-course totalizators.

25 (2) All bets made with the Board shall, subject to subsection three of this section—

30 (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

(b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—

5 (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the
10 Minister deems fit; or

(ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.

15 All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event
20 or contingency.

(3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance
25 with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by
30 a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

(4)

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- 5 (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities ;
- 10 (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

13. (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful. Certain acts otherwise unlawful to be lawful.

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- 20 (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of
- 25 the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers
- 30 and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law ;
- 35 (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

(a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;

(b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

(a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and (b)

Totalizator (Off-course Betting).

5 (b) until the Treasurer certifies by notice published in
the Gazette that the payment of two twenty-fifths
hereinafter referred to is no longer necessary pay
two twenty-fifths thereof to the Treasurer to be
paid into a trust account in the Treasury as a fund
to be applied as the Treasurer from time to time
directs for or towards recouping racing clubs for
their contributions to the payment of expenses
referred to in subsection one of section eleven of
10 this Act together with interest calculated at a rate
to be determined by the Minister not exceeding one
per centum below the maximum interest rate on
trading bank overdrafts as determined from time to
time by the Reserve Bank of Australia and in such
15 manner as the Treasurer from time to time deter-
mines on the amount of any such contributions
remaining unrecouped from time to time.

(3) After making payments to the Treasurer in
accordance with subsection two of this section the club shall
20 forthwith pay the residue of the said part of the commission
to the Board.

The Board shall apply the amount so paid and the residue
of the said part of the commission deducted by the Board—

- 25 (a) firstly in or towards paying the costs and expenses
of the operations of the Board;
- (b) secondly, with the approval of the Minister, in or
towards payment of the expenses of or connected
with or arising out of the carrying out of any of
30 the matters referred to in section ten of this Act in
relation to the establishment of additional offices,
branches or agencies or the making of additions to
or extensions or improvements of existing offices,
branches and agencies; and
- 35 (c) thirdly in annual or other periodical payments to
contributing clubs and participating clubs in accord-
ance with the financial scheme submitted and
approved as aforesaid and for the time being in
force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent 5 for the club to the persons entitled thereto.

15 **15.** Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

10 (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

15 (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision 20 of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

25 **16.** Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :— Provisions relating to offices, branches and agencies of the Board.

30 (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

- 5 which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;
- 10 (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;
- 15 (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;
- 20 (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or
- 25 contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

- 30 (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—
- 35 (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or
- (ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
5 in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
- 10 (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to
15 pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
- 20 (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- 25 (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- 30 (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the
35 dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

18. Any person who—

- (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or failure of compliance with this Act or the regulations;
- (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the regulations or rules made thereunder;
- (c) not being a person lawfully managing or controlling or not being employed in any office, branch or agency of the Board or not being a duly appointed agent

Offences
in respect
of bets,
tickets, etc.

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

- 5 (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- 10 (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one 15 hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, 20 may—

Inspection
of offices,
branches
and agencies
of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- 25 (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen 30 of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

20. The Board may, with the approval of the Minister, ^{Rules.} make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any
5 other matter authorised or required by this Act to be provided for by the rules of the Board.
21. (1) The Governor may make regulations for or with ^{Regulations.} respect to—
- 10 (a) the regulation and management of offices, branches and agencies of the Board;
- (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of
15 identification of persons offering to make such bets, the manner of acknowledging bets made (whether by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- 20 (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- 25 (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.
- (2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.
- 30 (3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Proceedings
for offences.

Amendment
of Act No.
75, 1916.

Sec. 9.
(Distribu-
tion of
dividends.)

Totalizator (Off-course Betting).

5 amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

10 Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall
15 be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

- 20 (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c"; Sec. 9A.
(Dividends Adjustment Funds.)
- (ii) by omitting from the same subsection the words "of sixpence";
- 25 (c) by inserting next after section 9B the following new section :— New sec. 9c.

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect :— Provisions applicable where dividends include fractions.

- 30 (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to three-pence or less, shall be disregarded;
- (ii) that fraction, if it amounts to more than threepence but not more than
35 than ninepence, shall be regarded as sixpence;

(iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
- 5 (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
- 10 (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
- (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.
- 15
- (2) Where by reason of subsection one of this section—
- (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
- 20
- (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or contingency.
- 25
- 30
- (d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless
- Sec. 10. (Power of Minister to assume control of totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds
threepence, in which case threepence shall be
paid.”;

5 (ii) by omitting subsection four of the same
section,

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[2s.]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 February, 1964.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, March, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916–1963, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

51733 359—A

(2)

NOTE.—The words to be *inserted* are printed in **black letter**.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

2. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.

10 “Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

15 “Prescribed” means prescribed by this Act or the regulations thereunder.

20 “Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

25 (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

30 “Regulations” means regulations made under this Act.

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. Constitution of Board.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- 5 (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- 10 (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- 15 (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- 20 (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- 25 (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

(3) (a) Any nominations under subsection two of 30 this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made within the time or in the manner required by the Minister 35 the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively
nominate within such time and in such manner as the Minister
may require a person to be a member of a panel from which
the Minister may select a person for appointment as a member
5 of the Board and such person shall be deemed to have been
nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph
(b), (c) or (d) of subsection two of this section or para-
graph (b) of this subsection within the time or in the manner
10 required by the Minister the Governor may appoint some
person having such qualifications as he thinks appropriate to
be a member of the Board.

(4) (a) The members of the Board shall, subject to
this Act, hold office for a term of five years, and shall be
15 eligible for reappointment.

(b) A person who is of or above the age of
seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902,
as amended by subsequent Acts, shall not apply to or in
20 respect of the appointment by the Governor of a member,
and a member shall not, in his capacity as a member, be
subject to the provisions of such Act, as so amended, during
his term of office.

(6) The office of a member of the Board shall become
25 vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors
or makes any assignment of his estate for their
benefit;
- 30 (c) absents himself from four consecutive meetings of
the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or
an incapable person within the meaning of the
Mental Health Act, 1958, as amended by subse-
35 quent Acts;

(e)

Totalizator (Off-course Betting).

- 5 (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- 10 (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.

20 A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

25 (8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

30 **(9) If a member is through illness or other just cause likely to be absent from any meeting of the Board such member may appoint a deputy to act for such member during such absence.**

Any deputy appointed under this subsection whilst acting as such deputy shall be deemed to be a member and the provisions of this Act relating to members shall be applicable to such deputy.

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. Meetings of the Board.

At any meeting of the Board—

- 40 (a) held during any vacancy in the office of the Chairman; or
- (b) at which the Chairman is not present,

a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act. (2)

Totalizator (Off-course Betting).

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

10 (4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed
15 or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona
20 fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect
25 thereof.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing
30 with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3)

Totalizator (Off-course Betting).

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

5 Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.

15 (2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

20 (3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

25 7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.

30 (2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

Totalizator (Off-course Betting).

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine. Remuneration and expenses of members.

(2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.

(3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.

9. (1) The Board—

(a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and Manager, secretary, officers and employees of Board.

(b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.

(2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10 **10.** For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any
15 agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to
20 places of public worship, schools and educational establishments, and premises licensed under the Liquor Act, 1912, as amended by subsequent Acts, and such other matters as it considers relevant.

25 **11.** (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

(a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

30 (b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment
35 of the said expenses.

(2)

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

10 (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and

15 (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended by the Board.

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth. Conduct of off-course totalizators.

25 (2) All bets made with the Board shall, subject to subsection three of this section—

30 (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- 5 (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the
- 10 Minister deems fit; or
- (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.
- 15 All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event
- 20 or contingency.
- (3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance
- 25 with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by
- 30 a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- 5 (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities ;
- 10 (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

13. (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful. ^{Certain acts otherwise unlawful to be lawful.}

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- 20 (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of
- 25 the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers
- 30 and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law ;
- 35 (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application
of Totaliza-
tor Act.

(a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;

15 (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

20 The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

35 (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and (b)

Totalizator (Off-course Betting).

5 (b) until the Treasurer certifies by notice published in
the Gazette that the payment of two twenty-fifths
hereinafter referred to is no longer necessary pay
two twenty-fifths thereof to the Treasurer to be
10 paid into a trust account in the Treasury as a fund
to be applied as the Treasurer from time to time
directs for or towards recouping racing clubs for
their contributions to the payment of expenses
referred to in subsection one of section eleven of
15 this Act together with interest calculated at a rate
to be determined by the Minister not exceeding one
per centum below the maximum interest rate on
trading bank overdrafts as determined from time to
time by the Reserve Bank of Australia and in such
manner as the Treasurer from time to time deter-
mines on the amount of any such contributions
remaining unrecouped from time to time.

(3) After making payments to the Treasurer in
accordance with subsection two of this section the club shall
20 forthwith pay the residue of the said part of the commission
to the Board.

The Board shall apply the amount so paid and the residue
of the said part of the commission deducted by the Board—

- 25 (a) firstly in or towards paying the costs and expenses
of the operations of the Board;
- 30 (b) secondly, with the approval of the Minister, in or
towards payment of the expenses of or connected
with or arising out of the carrying out of any of
the matters referred to in section ten of this Act in
relation to the establishment of additional offices,
branches or agencies or the making of additions to
or extensions or improvements of existing offices,
branches and agencies; and
- 35 (c) thirdly in annual or other periodical payments to
contributing clubs and participating clubs in accord-
ance with the financial scheme submitted and
approved as aforesaid and for the time being in
force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent for the club to the persons entitled thereto.

15. Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

10 (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

15 (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision
20 of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

25 16. Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :— Provisions relating to offices, branches and agencies of the Board.

30 (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

- 5 which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;
- 10 (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;
- 15 (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;
- 20 (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of
- 25 any event or contingency before it is decided except the name, starting time and location of the event or contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.
- (2) The following provisions shall have effect in relation to betting through the Board :—
- 30 (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—
- 35 (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or
- (ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
5 in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
- 10 (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to
15 pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
- 20 (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- 25 (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- 30 (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the
35 dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

18. Any person who—

- 20 (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or failure of compliance with this Act or the regulations;
- 25 (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the regulations or rules made thereunder;
- 30 (c) not being a person lawfully managing or controlling or not being employed in any office, branch or agency of the Board or not being a duly appointed agent
- 35
- Offences in respect of bets, tickets, etc.

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

- 5 (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- 10 (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one 15 hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, 20 may—

Inspection
of offices,
branches
and agencies
of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- 25 (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen 30 of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

20. The Board may, with the approval of the Minister, ^{Rules.} make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any
5 other matter authorised or required by this Act to be provided for by the rules of the Board.

21. (1) The Governor may make regulations for or with ^{Regulations.} respect to—

- 10 (a) the regulation and management of offices, branches and agencies of the Board;
- 15 (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether
of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- 20 (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- 25 (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

30 (3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

- (4) The regulations shall—
- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

- (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c";
- (ii) by omitting from the same subsection the words "of sixpence";
- (c) by inserting next after section 9B the following new section :—

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect :—

(a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—

- (i) that fraction, if it amounts to threepence or less, shall be disregarded;
- (ii) that fraction, if it amounts to more than threepence but not more than ninepence, shall be regarded as sixpence;

(iii)

Sec. 9A.
(Dividends
Adjustment
Funds.)

Provisions
applicable
where
dividends
include
fractions.

Totalizator (Off-course Betting).

(iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;

5 (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—

(i) that fraction, if it amounts to sixpence or less, shall be disregarded;

10 (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;

15 (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.

(2) Where by reason of subsection one of this section—

20 (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;

25 (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or
30 contingency.

(d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless
Sec. 10. (Power of Minister to assume control of totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds
threepence, in which case threepence shall be
paid.”;

- 5 (ii) by omitting subsection four of the same
section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 FEB 1964*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1964.

An Act to make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916-1963, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

2. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.

10 “Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

15 “Prescribed” means prescribed by this Act or the regulations thereunder.

20 “Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

25 (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

30 “Regulations” means regulations made under this Act.

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. Constitution of Board.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- 5 (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- 10 (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- 15 (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- 20 (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- 25 (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

(3) (a) Any nominations under subsection two of 30 this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made 35 the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively nominate within such time and in such manner as the Minister may require a person to be a member of a panel from which the Minister may select a person for appointment as a member
5 of the Board and such person shall be deemed to have been nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph (b), (c) or (d) of subsection two of this section or paragraph (b) of this subsection within the time or in the manner
10 required by the Minister the Governor may appoint some person having such qualifications as he thinks appropriate to be a member of the Board.

(4) (a) The members of the Board shall, subject to this Act, hold office for a term of five years, and shall be
15 eligible for reappointment.

(b) A person who is of or above the age of seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in
20 respect of the appointment by the Governor of a member, and a member shall not, in his capacity as a member, be subject to the provisions of such Act, as so amended, during his term of office.

(6) The office of a member of the Board shall become
25 vacant if he—

(a) dies;

(b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;

30 (c) absents himself from four consecutive meetings of the Board without leave granted by the Board;

(d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
35

(e)

Totalizator (Off-course Betting).

- 5 (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- 10 (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.
- 15
- 20 A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

- (8) On the occurrence of a vacancy in the office of a
25 member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. **Meetings of the Board.**

30 At any meeting of the Board—

- (a) held during any vacancy in the office of the Chairman; or
- (b) at which the Chairman is not present,
- a person elected by the members present at the meeting shall
35 act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act. (2)

Totalizator (Off-course Betting).

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

10 (4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed
15 or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona
20 fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect
25 thereof.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing
30 with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3)

Totalizator (Off-course Betting).

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

5 Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the 10 thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.

(2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be 15 in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

20 (3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

25 7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.

30 (2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

8.

Totalizator (Off-course Betting).

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine. Remuneration and expenses of members.

(2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.

(3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.

9. (1) The Board—

15 (a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and Manager, secretary, officers and employees of Board.

(b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.

20 (2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be.

30 (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10 **10.** For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to places of public worship, schools and educational establishments, and premises licensed under the Liquor Act, 1912, as amended by subsequent Acts, and such other matters as it considers relevant.

25 **11.** (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

(a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

30 (b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

(2)

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating 5 clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

10 (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and

15 (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended 20 by the Board.

12. (1) The Board may, subject to this Act, conduct off-
course totalizator betting upon any event or contingency Conduct of
off-course
totalizators.
scheduled to be held on any race-course within the State or
outside the State but within the Commonwealth.

25 (2) All bets made with the Board shall, subject to subsection three of this section—

30 (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- 5 (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the
- 10 Minister deems fit; or
- (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.
- 15 All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event
- 20 or contingency.
- (3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance
- 25 with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by
- 30 a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

(4)

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- 5 (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities ;
- 10 (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

15 **13.** (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful. Certain acts otherwise unlawful to be lawful.

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- 20 (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of
- 25 the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers
- 30 and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law ;
- 35 (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application
of Totaliza-
tor Act.

(a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;

15 (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

20 The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

35 (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and (b)

Totalizator (Off-course Betting).

5 (b) until the Treasurer certifies by notice published in
the Gazette that the payment of two twenty-fifths
hereinafter referred to is no longer necessary pay
two twenty-fifths thereof to the Treasurer to be
10 paid into a trust account in the Treasury as a fund
to be applied as the Treasurer from time to time
directs for or towards recouping racing clubs for
their contributions to the payment of expenses
referred to in subsection one of section eleven of
15 this Act together with interest calculated at a rate
to be determined by the Minister not exceeding one
per centum below the maximum interest rate on
trading bank overdrafts as determined from time to
time by the Reserve Bank of Australia and in such
manner as the Treasurer from time to time deter-
mines on the amount of any such contributions
remaining unrecouped from time to time.

(3) After making payments to the Treasurer in
accordance with subsection two of this section the club shall
20 forthwith pay the residue of the said part of the commission
to the Board.

The Board shall apply the amount so paid and the residue
of the said part of the commission deducted by the Board—

- 25 (a) firstly in or towards paying the costs and expenses
of the operations of the Board;
- 30 (b) secondly, with the approval of the Minister, in or
towards payment of the expenses of or connected
with or arising out of the carrying out of any of
the matters referred to in section ten of this Act in
relation to the establishment of additional offices,
branches or agencies or the making of additions to
or extensions or improvements of existing offices,
branches and agencies; and
- 35 (c) thirdly in annual or other periodical payments to
contributing clubs and participating clubs in accord-
ance with the financial scheme submitted and
approved as aforesaid and for the time being in
force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent 5 for the club to the persons entitled thereto.

15 **15.** Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

10 (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

15 (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision 20 of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

25 **16.** Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :— Provisions relating to offices, branches and agencies of the Board.

30 (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

5 which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;

10 (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;

15 (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;

20 (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or
25 contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

30 (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—

35 (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or

(ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
5 in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
- 10 (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to
15 pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
- 20 (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- 25 (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- 30 (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the
35 dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings
5 to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the
10 Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any
15 regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

18. Any person who—

- 20 (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or
25 failure of compliance with this Act or the regulations;
- (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the
30 regulations or rules made thereunder;
- (c) not being a person lawfully managing or controlling or not being employed in any office, branch or
35 agency of the Board or not being a duly appointed agent
- Offences in respect of bets, tickets, etc.

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

5 (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or

10 (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one 15 hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, 20 may—
Inspection of offices, branches and agencies of Board.

(a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;

25 (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen 30 of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

20.

Totalizator (Off-course Betting).

20. The Board may, with the approval of the Minister, ^{Rules.} make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any
5 other matter authorised or required by this Act to be provided for by the rules of the Board.

21. (1) The Governor may make regulations for or with ^{Regulations.} respect to—

- 10 (a) the regulation and management of offices, branches and agencies of the Board;
- 15 (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether
by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- 20 (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- 25 (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

30 (3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

5 amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

10 Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

20 (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c";

Sec. 9A.
(Dividends
Adjustment
Funds.)

(ii) by omitting from the same subsection the words "of sixpence";

25 (c) by inserting next after section 9B the following new section :—

New sec. 9c.

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect :—

Provisions
applicable
where
dividends
include
fractions.

30 (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—

(i) that fraction, if it amounts to threepence or less, shall be disregarded;

35 (ii) that fraction, if it amounts to more than threepence but not more than ninepence, shall be regarded as sixpence;

(iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
- 5 (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
- 10 (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
- (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.
- 15
- (2) Where by reason of subsection one of this section—
- 20 (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
- 25 (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or
- 30 contingency.
- (d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless
- Sec. 10.
(Power of Minister to assume control of totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds
threepence, in which case threepence shall be
paid.”;

- 5 (ii) by omitting subsection four of the same
section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[2s.]

PROOF.

No. , 1964.

A BILL

To make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916-1963, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. RENSRAW;—19 *February*, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

2. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.

10 “Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

15 “Prescribed” means prescribed by this Act or the regulations thereunder.

20 “Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

25 (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

30 “Regulations” means regulations made under this Act.

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. Constitution of Board.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- 5 (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- 10 (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- 15 (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- 20 (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- 25 (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

(3) (a) Any nominations under subsection two of 30 this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made within the time or in the manner required by the Minister 35 the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively nominate within such time and in such manner as the Minister may require a person to be a member of a panel from which the Minister may select a person for appointment as a member
5 of the Board and such person shall be deemed to have been nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph (b), (c) or (d) of subsection two of this section or paragraph (b) of this subsection within the time or in the manner
10 required by the Minister the Governor may appoint some person having such qualifications as he thinks appropriate to be a member of the Board.

(4) (a) The members of the Board shall, subject to this Act, hold office for a term of five years, and shall be
15 eligible for reappointment.

(b) A person who is of or above the age of seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in
20 respect of the appointment by the Governor of a member, and a member shall not, in his capacity as a member, be subject to the provisions of such Act, as so amended, during his term of office.

(6) The office of a member of the Board shall become
25 vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- 30 (c) absents himself from four consecutive meetings of the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
- 35

(e)

Totalizator (Off-course Betting).

- 5 (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- 10 (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.
- 15
- 20 A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

(8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

25

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. **Meetings of the Board.**

30 At any meeting of the Board—

- (a) held during any vacancy in the office of the Chairman; or
- (b) at which the Chairman is not present,
- a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act. (2)
- 35

Totalizator (Off-course Betting).

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

(4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect thereof.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Board to be body corporate.

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3)

Totalizator (Off-course Betting).

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

5 Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.

15 (2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

20 (3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

25 7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.

30 (2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

Totalizator (Off-course Betting).

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine. Remuneration and expenses of members.
- (2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.
- (3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.
9. (1) The Board— Manager, secretary, officers and employees of Board.
- (a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and
- (b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.
- (2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10 **10.** For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any
15 agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to
20 places of public worship, schools and educational establishments, and such other matters as it considers relevant.

11. (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

25 (a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

(b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being
30 fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

(2)

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

- 10 (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and
- (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.
- 15

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended by the Board.

20

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth.

Conduct of off-course totalizators.

25 (2) All bets made with the Board shall, subject to subsection three of this section—

- 30 (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- 5 (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the
- 10 Minister deems fit; or
- (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.
- 15 All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event
- 20 or contingency.
- (3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance
- 25 with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by
- 30 a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- 5 (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities ;
- 10 (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

15 **13.** (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful. Certain acts otherwise unlawful to be lawful;

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- 20 (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of
- 25 the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers and employees and persons would be liable but for
- 30 this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law ;
- 35 (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application
of Totaliza-
tor Act.

- (a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;
- (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

- (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and
- (b)

Totalizator (Off-course Betting).

(b) until the Treasurer certifies by notice published in the Gazette that the payment of two twenty-fifths hereinafter referred to is no longer necessary pay two twenty-fifths thereof to the Treasurer to be paid into a trust account in the Treasury as a fund to be applied as the Treasurer from time to time directs for or towards recouping racing clubs for their contributions to the payment of expenses referred to in subsection one of section eleven of this Act together with interest calculated at a rate to be determined by the Minister not exceeding one per centum below the maximum interest rate on trading bank overdrafts as determined from time to time by the Reserve Bank of Australia and in such manner as the Treasurer from time to time determines on the amount of any such contributions remaining unrecouped from time to time.

(3) After making payments to the Treasurer in accordance with subsection two of this section the club shall forthwith pay the residue of the said part of the commission to the Board.

The Board shall apply the amount so paid and the residue of the said part of the commission deducted by the Board—

- (a) firstly in or towards paying the costs and expenses of the operations of the Board;
- (b) secondly, with the approval of the Minister, in or towards payment of the expenses of or connected with or arising out of the carrying out of any of the matters referred to in section ten of this Act in relation to the establishment of additional offices, branches or agencies or the making of additions to or extensions or improvements of existing offices, branches and agencies; and
- (c) thirdly in annual or other periodical payments to contributing clubs and participating clubs in accordance with the financial scheme submitted and approved as aforesaid and for the time being in force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent for the club to the persons entitled thereto.

15. Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

10 (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

15 (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision
20 of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

25 **16.** Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :— Provisions relating to offices, branches and agencies of the Board.

30 (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

5 which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;

10 (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;

15 (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;

20 (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or
25 contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

30 (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—

35 (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or

(ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
5 in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
- 10 (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to
15 pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
- 20 (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- 25 (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- 30 (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the
35 dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings
5 to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the
10 Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any
15 regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

18. Any person who—

- 20 (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or
25 failure of compliance with this Act or the regulations;
- (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is pro-
30 hibited by or does not conform to this Act or the regulations or rules made thereunder;
- (c) not being a person lawfully managing or controlling or not being employed in any office, branch or
35 agency of the Board or not being a duly appointed agent

Offences
in respect
of bets,
tickets, etc.

Totalizator (Off-course Betting).

- agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;
- 5 (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- 10 (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one
15 hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts,
20 may—
Inspection of offices, branches and agencies of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- 25 (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen
30 of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

20. The Board may, with the approval of the Minister, ^{Rules.} make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any
 5 other matter authorised or required by this Act to be provided for by the rules of the Board.

21. (1) The Governor may make regulations for or with ^{Regulations.} respect to—

- 10 (a) the regulation and management of offices, branches and agencies of the Board;
- (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether
 15 by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- 20 (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- 25 (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

30 (3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

(4) The regulations shall—

(a) be published in the Gazette;
 (b) take effect from the date of such publication or
 from a later date to be specified in the regulations;
 and

(c) be laid before both Houses of Parliament within
 fourteen sitting days after the publication thereof
 if Parliament is then in session, and, if not, then
 within fourteen sitting days after the commence-
 ment of the next session.

If either House of Parliament passes a resolution of which
 notice has been given at any time within fifteen sitting days
 after such regulations have been laid before such House dis-
 allowing any regulation or part thereof, such regulation or
 part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended—

(a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid";

(ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

5 amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

10 Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

20 (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c"; Sec. 9A. (Dividends Adjustment Funds.)

(ii) by omitting from the same subsection the words "of sixpence";

25 (c) by inserting next after section 9B the following new section : — New sec. 9c.

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect : — Provisions applicable where dividends include fractions.

30 (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—

(i) that fraction, if it amounts to threepence or less, shall be disregarded;

35 (ii) that fraction, if it amounts to more than threepence but not more than ninepence, shall be regarded as sixpence;

(iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
- 5 (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
 - (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
 - 10 (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
- (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.

(2) Where by reason of subsection one of this section—

- 20 (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
- 25 (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or
- 30 contingency.

(d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless

Sec. 10.
(Power of Minister to assume control of totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds
threepence, in which case threepence shall be
paid.”;

- 5 (ii) by omitting subsection four of the same
section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

No. , 1964.

A BILL

To make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916-1963, and certain other Acts in certain respects; and for purposes connected therewith.

[Mr. RENSHAW;—19 *February*, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title,
commence-
ment and
citation.

51733 359—A

(2)

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

2. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.

10 “Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

15 “Prescribed” means prescribed by this Act or the regulations thereunder.

20 “Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

25 (a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

30 “Regulations” means regulations made under this Act.

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act. Constitution of Board.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- 5 (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- 10 (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- 15 (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- 20 (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- 25 (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

30 (3) (a) Any nominations under subsection two of this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made within the time or in the manner required by the Minister
35 the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively
nominate within such time and in such manner as the Minister
may require a person to be a member of a panel from which
the Minister may select a person for appointment as a member
5 of the Board and such person shall be deemed to have been
nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph
(b), (c) or (d) of subsection two of this section or para-
graph (b) of this subsection within the time or in the manner
10 required by the Minister the Governor may appoint some
person having such qualifications as he thinks appropriate to
be a member of the Board.

(4) (a) The members of the Board shall, subject to
this Act, hold office for a term of five years, and shall be
15 eligible for reappointment.

(b) A person who is of or above the age of
seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902,
as amended by subsequent Acts, shall not apply to or in
20 respect of the appointment by the Governor of a member,
and a member shall not, in his capacity as a member, be
subject to the provisions of such Act, as so amended, during
his term of office.

(6) The office of a member of the Board shall become
25 vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors
or makes any assignment of his estate for their
benefit;
- 30 (c) absents himself from four consecutive meetings of
the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or
an incapable person within the meaning of the
Mental Health Act, 1958, as amended by subse-
quent Acts;
- 35

(e)

Totalizator (Off-course Betting).

- 5 (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- 10 (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.
- 15
- 20 A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

(8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

25

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. Meetings of the Board.

30 At any meeting of the Board—

(a) held during any vacancy in the office of the Chairman; or

(b) at which the Chairman is not present,

a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act. (2)

35

Totalizator (Off-course Betting).

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

10 (4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed
15 or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona
20 fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect
25 thereof.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing
30 with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3)

Totalizator (Off-course Betting).

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

5 Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.

15 (2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

20 (3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

25 7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.

30 (2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

Totalizator (Off-course Betting).

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine. Remuneration and expenses of members.

(2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.

(3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.

9. (1) The Board—

(a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and Manager, secretary, officers and employees of Board.

(b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.

(2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the
5 service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10 **10.** For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings
15 or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to
20 places of public worship, schools and educational establishments, and such other matters as it considers relevant.

11. (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

25 (a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

(b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being
30 fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

(2)

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

- 10 (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and
- (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.
- 15

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended by the Board.

20

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth. ^{Conduct of off-course totalizators.}

25 (2) All bets made with the Board shall, subject to subsection three of this section—

- 30 (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- 5 (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the
- 10 Minister deems fit; or
- (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.
- 15 All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event
- 20 or contingency.
- (3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance
- 25 with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by
- 30 a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- 5 (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities;
- 10 (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

13. (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful. Certain acts otherwise unlawful to be lawful.

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- 20 (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of
- 25 the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers
- 30 and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law;
- 35 (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application of Totalizator Act.

(a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;

15 (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

20 The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

35 (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and (b)

Totalizator (Off-course Betting).

(b) until the Treasurer certifies by notice published in the Gazette that the payment of two twenty-fifths hereinafter referred to is no longer necessary pay two twenty-fifths thereof to the Treasurer to be paid into a trust account in the Treasury as a fund to be applied as the Treasurer from time to time directs for or towards recouping racing clubs for their contributions to the payment of expenses referred to in subsection one of section eleven of this Act together with interest calculated at a rate to be determined by the Minister not exceeding one per centum below the maximum interest rate on trading bank overdrafts as determined from time to time by the Reserve Bank of Australia and in such manner as the Treasurer from time to time determines on the amount of any such contributions remaining unrecouped from time to time.

(3) After making payments to the Treasurer in accordance with subsection two of this section the club shall forthwith pay the residue of the said part of the commission to the Board.

The Board shall apply the amount so paid and the residue of the said part of the commission deducted by the Board—

- (a) firstly in or towards paying the costs and expenses of the operations of the Board;
- (b) secondly, with the approval of the Minister, in or towards payment of the expenses of or connected with or arising out of the carrying out of any of the matters referred to in section ten of this Act in relation to the establishment of additional offices, branches or agencies or the making of additions to or extensions or improvements of existing offices, branches and agencies; and
- (c) thirdly in annual or other periodical payments to contributing clubs and participating clubs in accordance with the financial scheme submitted and approved as aforesaid and for the time being in force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent
5 for the club to the persons entitled thereto.

15. Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

10 (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

15 (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision
20 of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

25 **16.** Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :— Provisions relating to offices, branches and agencies of the Board.

30 (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

5 which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;

10 (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;

15 (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;

20 (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or
25 contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

30 (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—

(i) by the deposit of the amount of the bet in cash at an office, branch or agency of the
35 Board; or

(ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
5 in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
- 10 (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to
15 pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
- 20 (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- 25 (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- 30 (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the
35 dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings 5 to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the 10 Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any 15 regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

18. Any person who—

20 (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or 25 failure of compliance with this Act or the regulations;

(b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the 30 regulations or rules made thereunder;

(c) not being a person lawfully managing or controlling or not being employed in any office, branch or 35 agency of the Board or not being a duly appointed agent

Offences
in respect
of bets,
tickets, etc.

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

- 5 (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- 10 (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one 15 hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, 20 may—

Inspection
of offices,
branches
and agencies
of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- 25 (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen 30 of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

20. The Board may, with the approval of the Minister, ^{Rules.} make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any
5 other matter authorised or required by this Act to be provided for by the rules of the Board.

21. (1) The Governor may make regulations for or with ^{Regulations.} respect to—

- 10 (a) the regulation and management of offices, branches and agencies of the Board;
- (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether
15 by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- 20 (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- 25 (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

30 (3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

(4) The regulations shall—

- 5 (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- 10 (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or 15 part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Proceedings for offences.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended— Amendment of Act No. 75, 1916.

25 (a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid"; Sec. 9. (Distribution of dividends.)

(ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

30 (2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

5 amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

10 Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

20 (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c";

Sec. 9A.
(Dividends
Adjustment
Funds.)

(ii) by omitting from the same subsection the words "of sixpence";

25 (c) by inserting next after section 9B the following new section :—

New sec. 9c.

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect :—

Provisions
applicable
where
dividends
include
fractions.

30 (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—

(i) that fraction, if it amounts to threepence or less, shall be disregarded;

(ii) that fraction, if it amounts to more than threepence but not more than ninepence, shall be regarded as sixpence;

(iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
- 5 (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
 - (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
 - 10 (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
- (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed. 15

(2) Where by reason of subsection one of this section—

- 20 (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
- 25 (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or
- 30 contingency.

(d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless

Sec. 10.
(Power of Minister to assume control of totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds
threepence, in which case threepence shall be
paid.”;

- 5 (ii) by omitting subsection four of the same
section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

[2s.]

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1964.

An Act to make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916–1963, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 12th March, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

**Interpre-
tation.**

2. In this Act unless the context or subject matter otherwise indicates or requires—

“Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

“Prescribed” means prescribed by this Act or the regulations thereunder.

“Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

(a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

“Regulations” means regulations made under this Act.

**Constitution
of Board.**

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

(3) (a) Any nominations under subsection two of this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made within the time or in the manner required by the Minister the several racing bodies referred to in the said paragraphs under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively nominate within such time and in such manner as the Minister may require a person to be a member of a panel from which the Minister may select a person for appointment as a member of the Board and such person shall be deemed to have been nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph (b), (c) or (d) of subsection two of this section or paragraph (b) of this subsection within the time or in the manner required by the Minister the Governor may appoint some person having such qualifications as he thinks appropriate to be a member of the Board.

(4) (a) The members of the Board shall, subject to this Act, hold office for a term of five years, and shall be eligible for reappointment.

(b) A person who is of or above the age of seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of a member, and a member shall not, in his capacity as a member, be subject to the provisions of such Act, as so amended, during his term of office.

(6) The office of a member of the Board shall become vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (c) absents himself from four consecutive meetings of the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(e)

Totalizator (Off-course Betting).

- (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.

A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

(8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(9) If a member is through illness or other just cause likely to be absent from any meeting of the Board such member may appoint a deputy to act for such member during such absence.

Any deputy appointed under this subsection whilst acting as such deputy shall be deemed to be a member and the provisions of this Act relating to members shall be applicable to such deputy.

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. Meetings of the Board.

At

Totalizator (Off-course Betting).

At any meeting of the Board—

(a) held during any vacancy in the office of the Chairman; or

(b) at which the Chairman is not present,

a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act.

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

(4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect thereof.

Board to
be body
corporate.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer. (2)

Totalizator (Off-course Betting).

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. Report of proceedings of Board and audit of accounts.

(2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

(3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. Delegation to committees, etc.

(2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

Totalizator (Off-course Betting).

Remuneration and expenses of members.

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine.

(2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.

(3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.

Manager, secretary, officers and employees of Board.

9. (1) The Board—

(a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and

(b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.

(2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10. For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to places of public worship, schools and educational establishments, and premises licensed under the Liquor Act, 1912, as amended by subsequent Acts, and such other matters as it considers relevant.

11. (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

(a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

(b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

- (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and
- (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended by the Board.

Conduct of
off-course
totalizators.

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth.

(2) All bets made with the Board shall, subject to subsection three of this section—

- (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the Minister deems fit; or
 - (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.

All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event or contingency.

(3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities;
- (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

Certain acts otherwise unlawful to be lawful.

13. (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful.

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law;
- (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application
of Totaliza-
tor Act.

- (a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;
- (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

- (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and
- (b)

Totalizator (Off-course Betting).

- (b) until the Treasurer certifies by notice published in the Gazette that the payment of two twenty-fifths hereinafter referred to is no longer necessary pay two twenty-fifths thereof to the Treasurer to be paid into a trust account in the Treasury as a fund to be applied as the Treasurer from time to time directs for or towards recouping racing clubs for their contributions to the payment of expenses referred to in subsection one of section eleven of this Act together with interest calculated at a rate to be determined by the Minister not exceeding one per centum below the maximum interest rate on trading bank overdrafts as determined from time to time by the Reserve Bank of Australia and in such manner as the Treasurer from time to time determines on the amount of any such contributions remaining unrecouped from time to time.

(3) After making payments to the Treasurer in accordance with subsection two of this section the club shall forthwith pay the residue of the said part of the commission to the Board.

The Board shall apply the amount so paid and the residue of the said part of the commission deducted by the Board—

- (a) firstly in or towards paying the costs and expenses of the operations of the Board;
- (b) secondly, with the approval of the Minister, in or towards payment of the expenses of or connected with or arising out of the carrying out of any of the matters referred to in section ten of this Act in relation to the establishment of additional offices, branches or agencies or the making of additions to or extensions or improvements of existing offices, branches and agencies; and
- (c) thirdly in annual or other periodical payments to contributing clubs and participating clubs in accordance with the financial scheme submitted and approved as aforesaid and for the time being in force.

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent for the club to the persons entitled thereto.

15. Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied— Application of payments by Board to clubs.

(a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—

(i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;

(ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision of prize money for any event or contingency held thereon;

(b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

16. Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs. Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board: — Provisions relating to offices, branches and agencies of the Board.

(a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;

- (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;
- (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;
- (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

- (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—
 - (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or
 - (ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
 - (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
 - (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

Offences
in respect
of bets,
tickets, etc.

18. Any person who—

- (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or failure of compliance with this Act or the regulations;
- (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the regulations or rules made thereunder;
- (c) not being a person lawfully managing or controlling or not being employed in any office, branch or agency of the Board or not being a duly appointed agent

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

- (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, may—

Inspection
of offices,
branches
and agencies
of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, *mutatis mutandis*, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

Rules. **20.** The Board may, with the approval of the Minister, make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any other matter authorised or required by this Act to be provided for by the rules of the Board.

Regulations. **21.** (1) The Governor may make regulations for or with respect to—

- (a) the regulation and management of offices, branches and agencies of the Board;
- (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

(3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting).

(4) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Proceedings for offences.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended— Amendment of Act No. 75, 1916.

- (a) (i) by omitting from subsection one of section nine the words “Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid”; Sec. 9. (Distribution of dividends.)
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

Sec. 9A.
(Dividends
Adjustment
Funds.)

- (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9c";
- (ii) by omitting from the same subsection the words "of sixpence";

New sec. 9c.

- (c) by inserting next after section 9B the following new section : —

Provisions
applicable
where
dividends
include
fractions.

9c. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect : —

- (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to three-pence or less, shall be disregarded;
- (ii) that fraction, if it amounts to more than three-pence but not more than nine-pence, shall be regarded as sixpence;

(iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
- (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
- (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
- (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.
- (2) Where by reason of subsection one of this section—
- (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
- (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or contingency.
- (d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless
- Sec. 10.
(Power of
Minister
to assume
control of
totalizator.)

Totalizator (Off-course Betting).

unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid.”;

- (ii) by omitting subsection four of the same section.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1964.*

New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1964.

An Act to make provision with respect to off-course betting by means of the totalizator system; to establish a Totalizator Agency Board and to define its powers, authorities, duties and functions; to amend the Totalizator Act, 1916-1963, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 12th March, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Totalizator (Off-course Betting) Act, 1964".

Short title, commencement and citation.

(2)

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

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Totalizator (Off-course Betting).

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The Totalizator Act, 1916, as amended by subsequent Acts and by this Act, may be cited as the Totalizator Act, 1916-1964.

**Interpre-
tation.**

2. In this Act unless the context or subject matter otherwise indicates or requires—

“Agency” means place at which an agent of the Board is authorised to act as such in the conduct of off-course totalizator betting.

“Board” means Totalizator Agency Board constituted under this Act.

“Member” means member of the Board.

“Prescribed” means prescribed by this Act or the regulations thereunder.

“Racing club” or “club” means a corporation or club or other unincorporated body of persons, formed for the purpose of promoting and conducting meetings for horse-racing, greyhound-racing, or pony-racing, or trotting contests, the constitution of which—

(a) provides for the application of profits, if any, and other income of the corporation, club or body to the promotion of its objects; and

(b) prohibits the payment of any dividends to the shareholders or members of the corporation, club or body.

“Regulations” means regulations made under this Act.

**Constitution
of Board.**

3. (1) There shall be a Totalizator Agency Board which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

(2)

Totalizator (Off-course Betting).

(2) The Board shall consist of nine members appointed by the Governor, that is to say—

- (a) two nominated by the Minister, one of whom shall by the instrument of his appointment be appointed as Chairman of the Board;
- (b) one shall be a person nominated by the Australian Jockey Club;
- (c) one shall be a person nominated by the Sydney Turf Club;
- (d) one shall be a person nominated by the New South Wales Trotting Club Limited;
- (e) one shall be a member of the Greyhound Racing Control Board nominated by that Board;
- (f) one shall be a person nominated jointly by the Hawkesbury Race Club, the Kembla Grange Race Club, and the Newcastle Racing Registration Board;
- (g) one shall be a person nominated jointly by the Central and Lower Coast Racing Association, the Northern and North-western Districts Racing Association, the Northern Rivers Racing Association and the Central Western District Racing Association;
- (h) one shall be a person nominated jointly by the Broken Hill and Far-west Racing Registration Board, the Western District Racing Association, the Far South Racing Association and the Southern District Racing Association.

(3) (a) Any nominations under subsection two of this section shall be made within such time and in such manner as the Minister may require.

(b) Where a joint nomination under paragraph (f), (g) or (h) of subsection two of this section is not made within the time or in the manner required by the Minister the several racing bodies referred to in the said paragraphs
under

Totalizator (Off-course Betting).

under which no such nomination is so made may respectively nominate within such time and in such manner as the Minister may require a person to be a member of a panel from which the Minister may select a person for appointment as a member of the Board and such person shall be deemed to have been nominated pursuant to that paragraph.

(c) If no nomination is made under paragraph (b), (c) or (d) of subsection two of this section or paragraph (b) of this subsection within the time or in the manner required by the Minister the Governor may appoint some person having such qualifications as he thinks appropriate to be a member of the Board.

(4) (a) The members of the Board shall, subject to this Act, hold office for a term of five years, and shall be eligible for reappointment.

(b) A person who is of or above the age of seventy years shall not be appointed as a member.

(5) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of a member, and a member shall not, in his capacity as a member, be subject to the provisions of such Act, as so amended, during his term of office.

(6) The office of a member of the Board shall become vacant if he—

- (a) dies;
- (b) becomes bankrupt, compounds with his creditors or makes any assignment of his estate for their benefit;
- (c) absents himself from four consecutive meetings of the Board without leave granted by the Board;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;

(e)

Totalizator (Off-course Betting).

- (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (f) resigns his office by writing under his hand addressed to the Governor;
- (g) is removed from office by the Governor;
- (h) accepts or holds any place of profit under the Board or is directly or indirectly concerned in any contract with the Board or participates in or derives or is entitled to any benefit either directly or indirectly from any work done or to be done for or goods supplied to or to be supplied to the Board and the Minister in the circumstances of the case considers that the office of the member should become vacant.

A member shall be deemed to have vacated his office upon the day upon which he attains the age of seventy years.

(7) The Governor may, for any cause which appears to him sufficient, remove any member from office.

(8) On the occurrence of a vacancy in the office of a member, a person appointed by the Governor to fill the vacant office, shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(9) If a member is through illness or other just cause likely to be absent from any meeting of the Board such member may appoint a deputy to act for such member during such absence.

Any deputy appointed under this subsection whilst acting as such deputy shall be deemed to be a member and the provisions of this Act relating to members shall be applicable to such deputy.

4. (1) The Chairman shall preside at all meetings of the Board at which he is present. Meetings of
the Board.

At

Totalizator (Off-course Betting).

At any meeting of the Board—

- (a) held during any vacancy in the office of the Chairman; or
- (b) at which the Chairman is not present,

a person elected by the members present at the meeting shall act as Chairman of the meeting and may exercise the powers conferred on the Chairman by this Act.

(2) Five members shall form a quorum and any meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

At any meeting of the Board the Chairman shall have an original and where the votes are equal a casting vote.

(3) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of a member.

(4) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or nomination of a member or that a member was disqualified from acting as or incapable of being a member, be as valid as if such member had been duly appointed or nominated and was qualified to act as or capable of being a member and had acted as a member and as if the Board had been properly and fully constituted.

(5) No matter or thing done or suffered by the Board or by any member or officer or employee of the Board, bona fide in the execution, or intended execution, of this Act, or the exercise or discharge, or intended exercise or discharge, of any of its or his powers, authorities, duties or functions, shall subject the Board or any member or officer or employee of the Board or any other person to any liability in respect thereof.

Board to
be body
corporate.

5. (1) The Board shall be a body corporate, with perpetual succession and a common seal, and may sue or be sued in its corporate name, and shall be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer. (2)

Totalizator (Off-course Betting).

(2) The corporate name of the Board shall be the "Totalizator Agency Board".

(3) The common seal of the Board shall be kept in the custody of such member or officer of the Board as the Board determines and shall not be affixed to any instrument except in pursuance of a resolution of the Board.

Any instrument executed in pursuance of any such resolution shall be attested by the signatures of any two members.

6. (1) The Board shall on or before the thirtieth day of September in each year furnish to the Minister a report of the proceedings of the Board during the year ending on the thirtieth day of June then last past. **Report of** proceedings of Board and audit of accounts.

(2) The accounts of the Board shall be audited and reported upon by the Auditor-General, who shall have in respect of the accounts of the Board all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the members of the Board and its officers, employees and agents in the same manner as it applies to accounting officers of public departments.

(3) Towards defraying the cost and expenses of the audit by the Auditor-General the Board shall at such periods as the Treasurer may direct pay to the Treasurer for credit of the Consolidated Revenue Fund, such sums as the Treasurer may decide.

7. (1) The Board may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation) to any such committee or any member of the Board or to any officer or employee of the Board. **Delegation to committees, etc.**

(2) Every delegation under this section shall be revocable by resolution of the Board and no delegation shall prevent the exercise or discharge by the Board of any of its powers, authorities, duties and functions.

8.

Totalizator (Off-course Betting).

Remuneration and expenses of members.

8. (1) The Chairman shall receive such remuneration and allowances as the Governor may from time to time determine.

(2) Each member of the Board shall receive such travelling and out-of-pocket expenses and sustenance allowances as the Governor may from time to time determine.

(3) Where the Chairman is an officer of the Public Service or of a statutory body representing the Crown he shall, notwithstanding the provisions of any Act or of any rule or regulation made thereunder, be entitled to receive remuneration and allowances under this section in addition to any remuneration or allowances to which he is otherwise entitled.

Manager, secretary, officers and employees of Board.

9. (1) The Board—

(a) may appoint a manager and a secretary and such other officers and agents as the Board considers necessary for the purposes of this Act; and

(b) may employ either permanently, temporarily or casually such persons as the Board considers necessary for the said purposes.

(2) (a) Any officer of the Public Service who transfers to the service of the Board shall retain any rights which, on the day upon which he becomes an officer of the Board, have accrued or are accruing to him as an officer of the Public Service or as an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual leave, sick leave or long service or extended leave and any payment, pension or gratuity as if he had continued to be an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916, as amended by subsequent Acts, as the case may be. (b)

Totalizator (Off-course Betting).

(b) For the purposes of this subsection service with the Public Service shall be deemed to be service with the Board.

(c) In respect of any officer transferred to the service of the Board, the Board shall pay to the State Superannuation Board such contributions and payments as would have been payable by the employer if such person had remained an officer of the Public Service and had been paid salary or wages at the rate paid to him by the Board.

10. For the purposes of this Act the Board may establish offices, branches and agencies and for that purpose the Board may purchase or take on lease or license any lands, buildings or premises and may erect buildings and may equip, fit and furnish any buildings or premises and may enter into any agency contracts or other contracts or arrangements whatsoever and may carry the same into effect.

Establishment of offices and branches.

The Board shall in determining whether or not to establish any office, branch or agency under this section have regard to the proximity of the proposed office, branch or agency to places of public worship, schools and educational establishments, and premises licensed under the Liquor Act, 1912, as amended by subsequent Acts, and such other matters as it considers relevant.

11. (1) All expenses of or connected with or arising out of—

Expenses of establishment of Board.

(a) the establishment of the Board and its offices, branches and agencies and the carrying out of the other matters referred to in section ten of this Act; and

(b) the financing of the operations of the Board—

shall, until such time as those expenses are capable of being fully met from payments made to the Board pursuant to subsection three of section fourteen of this Act, be borne by such of the racing clubs as agree to contribute to the payment of the said expenses.

(2)

Totalizator (Off-course Betting).

(2) The racing clubs which agree to contribute to the payment of the said expenses (hereinafter called "the contributing clubs") and such other racing clubs as may be determined by the Board (hereinafter called "the participating clubs") shall be eligible to participate in the distribution of part of the residue of commission as hereinafter provided.

(3) The Board shall submit to the Minister a financial scheme in writing with respect to—

- (a) the manner of payment of the said expenses and the proportion thereof payable by each of the several contributing clubs; and
- (b) the manner of distribution of that part of the residue of commission which under this Act is payable by the Board to contributing clubs and participating clubs.

(4) Any such financial scheme shall have no force or effect unless approved by the Minister.

(5) Any such financial scheme may from time to time with the approval of the Minister be varied or amended by the Board.

Conduct of
off-course
totalizators.

12. (1) The Board may, subject to this Act, conduct off-course totalizator betting upon any event or contingency scheduled to be held on any race-course within the State or outside the State but within the Commonwealth.

(2) All bets made with the Board shall, subject to subsection three of this section—

- (a) in respect of an event or contingency scheduled to be held on a race-course within the State be received by the Board as agent for the club using a totalizator on the race-course on which the event or contingency is scheduled to be held and in relation to which the bets are made;

(b)

Totalizator (Off-course Betting).

- (b) in respect of an event or contingency scheduled to be held on a race-course outside the State but within the Commonwealth be received by the Board—
- (i) on behalf of any authority conducting off-course totalizator betting in the State or Territory of the Commonwealth in which such event or contingency is scheduled to be held upon such terms and conditions as the Minister deems fit; or
 - (ii) as agent for a club within the State using a totalizator in relation to the event or contingency in relation to which the bets are made.

All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b) of this subsection shall, subject to this Act, be paid by the Board into the totalizator used by that club and shall form part of the moneys invested in that totalizator on the relevant event or contingency.

(3) In such special circumstances or on such particular occasions as the Minister may determine all bets made with the Board in relation to any scheduled event or contingency shall in lieu of being dealt with in accordance with subsection two of this section be dealt with as follows, that is to say, all such bets shall be held and accounted for separately from other moneys coming into the custody or control of the Board, be held by the Board in respect of that event or contingency, be not paid into a totalizator used by a club as referred to in subsection two of this section, and be available for distribution by the Board, subject to any statutory deduction, by way of dividend under and in accordance with this Act and the Totalizator Act, 1916, as amended by subsequent Acts.

(4)

Totalizator (Off-course Betting).

(4) The Board may subject to such terms and conditions as may be agreed upon between the Minister and the Commonwealth—

- (a) conduct off-course totalizator betting within the Territory of the Commonwealth for and on behalf of the Commonwealth or any other person or body authorised by the Commonwealth to provide off-course totalizator betting facilities;
- (b) provide or assist in providing off-course totalizator betting facilities within the Territory of the Commonwealth.

Any such agreement may be carried into effect notwithstanding anything contained in this Act.

Certain acts otherwise unlawful to be lawful.

13. (1) The conduct of off-course totalizator betting by the Board under and in accordance with the provisions of this Act shall notwithstanding any other Act or any law to the contrary be lawful.

(2) Where the conduct of off-course totalizator betting is lawful under subsection one of this section—

- (a) the Board, members, agents of the Board, manager, secretary, officers and employees of the Board and any other person in respect of the conduct of such off-course totalizator betting, and all persons making bets through the Board, shall, in respect of the conduct of such off-course totalizator betting and making such bets, be freed and discharged from all penalties, suits, prosecutions and liabilities to which by law such Board, members, agents, manager, secretary, officers and employees and persons would be liable but for this Act as being concerned in an unlawful game, or gaming, wagering or betting or as offending against any provision of any Act or any law;
- (b) all houses, offices, rooms or places used in connection with the conduct of such off-course totalizator betting shall not by reason of such use alone be deemed or be declared to be, under any Act or law,

Totalizator (Off-course Betting).

a common gaming house or place or a common nuisance nor to be used in contravention of any Act or law.

Nothing in this subsection shall affect or abridge the provisions of any Act or law prohibiting, regulating or controlling betting by or with persons under the age of twenty-one years.

14. (1) The provisions of sections eight (subsection two excepted), 8A, nine, 9A, 9B, 9C, and eleven of the Totalizator Act, 1916, as amended by subsequent Acts, shall subject to this section—

Application
of Totaliza-
tor Act.

- (a) apply, mutatis mutandis, to and in respect of moneys received by the Board as agent for the club and paid by the Board into the totalizator of the club;
- (b) apply, mutatis mutandis, to and in respect of moneys held by the Board pursuant to subsection three of section twelve of this Act subject to the following modification, namely, a reference to the club shall be read and construed as a reference to the Board.

The provisions of section sixteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall not apply to investments made by the Board.

(2) From that part of the commission derived from bets made through the Board and deducted by the club pursuant to subsection one of section eight of the Totalizator Act, 1916, as amended by subsequent Acts, and from that part of the commission deducted by the Board pursuant to the said subsection as modified by paragraph (b) of subsection one of this section, the club or the Board, as the case may be, shall within the period of fourteen days after the holding of the event or contingency in respect of which such deduction is made—

- (a) pay eight twenty-fifths or after publication of the notice referred to in paragraph (b) of this subsection two-fifths of the said part of the commission to the Treasurer to be carried to and form part of the Consolidated Revenue Fund; and
- (b)

Totalizator (Off-course Betting).

- (b) until the Treasurer certifies by notice published in the Gazette that the payment of two twenty-fifths hereinafter referred to is no longer necessary pay two twenty-fifths thereof to the Treasurer to be paid into a trust account in the Treasury as a fund to be applied as the Treasurer from time to time directs for or towards recouping racing clubs for their contributions to the payment of expenses referred to in subsection one of section eleven of this Act together with interest calculated at a rate to be determined by the Minister not exceeding one per centum below the maximum interest rate on trading bank overdrafts as determined from time to time by the Reserve Bank of Australia and in such manner as the Treasurer from time to time determines on the amount of any such contributions remaining unrecouped from time to time.

(3) After making payments to the Treasurer in accordance with subsection two of this section the club shall forthwith pay the residue of the said part of the commission to the Board.

The Board shall apply the amount so paid and the residue of the said part of the commission deducted by the Board—

- (a) firstly in or towards paying the costs and expenses of the operations of the Board;
- (b) secondly, with the approval of the Minister, in or towards payment of the expenses of or connected with or arising out of the carrying out of any of the matters referred to in section ten of this Act in relation to the establishment of additional offices, branches or agencies or the making of additions to or extensions or improvements of existing offices, branches and agencies; and
- (c) thirdly in annual or other periodical payments to contributing clubs and participating clubs in accordance with the financial scheme submitted and approved as aforesaid and for the time being in force.

(4)

Totalizator (Off-course Betting).

(4) All moneys payable by way of dividends in respect of bets made on a totalizator through the Board shall be payable by the club concerned to the Board and shall subject to this Act be paid or credited by the Board as agent for the club to the persons entitled thereto.

15. Moneys paid by the Board to any club pursuant to paragraph (c) of subsection three of section fourteen of this Act shall be applied—

Application of payments by Board to clubs.

- (a) by a contributing club for or towards the purposes referred to in either or both of the following subparagraphs, that is to say—
- (i) recouping the club for its contribution to the payment of the expenses referred to in section eleven of this Act;
 - (ii) the provision of facilities and amenities in connection with the club's premises, including the installation and operation of totalizators therein, and the maintenance and improvement thereof, and the provision of prize money for any event or contingency held thereon;
- (b) by a participating club for or towards the purposes referred to in subparagraph (ii) of paragraph (a) of this section.

16. Moneys held by the Board pending payment to contributing clubs and participating clubs shall be so held in trust for those clubs.

Board to hold residue in trust for clubs.

17. (1) The following provisions shall have effect in relation to offices, branches and agencies of the Board :—

Provisions relating to offices, branches and agencies of the Board.

- (a) every office, branch or agency of the Board to which members of the public are admitted for the purposes of this Act shall consist of separate premises to which

Totalizator (Off-course Betting).

which access may be had from the street without passing through other occupied premises and no trade, business or calling of any kind, other than the business of the Board, shall be authorised, permitted or suffered to be conducted in any part of the office, branch or agency premises whilst open to the public for the purposes of this Act;

- (b) no waiting rooms or seating accommodation shall be provided or available for members of the public at any such office, branch or agency;
- (c) no broadcast or telecast or other description of any event or contingency shall be provided or available for members of the public at any such office, branch or agency and no radio set or receiver or similar device, whether owned by the Board or by any other person, shall be permitted or suffered to be brought into or to remain in any part of such office, branch or agency which is open to members of the public;
- (d) no announcement, notice or information shall be made, published or given to members of the public at any such office, branch or agency in respect of any event or contingency before it is decided except the name, starting time and location of the event or contingency and the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency.

(2) The following provisions shall have effect in relation to betting through the Board :—

- (a) no bet shall be accepted by the Board or the manager or any of its officers or agents or employees unless made—
 - (i) by the deposit of the amount of the bet in cash at an office, branch or agency of the Board; or
 - (ii)

Totalizator (Off-course Betting).

- (ii) by letter sent through the post or by telegram or telephone message received at an office, branch or agency of the Board,
in accordance with this Act, the regulations and the rules of the Board;
- (b) no bet made by letter or by telegram or telephone message shall be accepted by the Board or the manager or any of its officers or agents or employees on any event or contingency unless—
 - (i) the person making the bet has, before the beginning of the race-meeting at which the event or contingency is held, established with the Board in accordance with the rules of the Board a credit account sufficient to pay the amount of the bet and has maintained that account up to the time of making the bet and the bet is charged against that account; or
 - (ii) alternatively (in the case of a bet made by letter or telegram) the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with the rules of the Board;
- (c) any dividend payable in respect of any bet made through the Board shall in accordance with the rules of the Board be available for collection from the Board or credited to the appropriate credit account as soon as is practicable after the event or contingency on which the bet was made; and
- (d) an amount of two shillings and sixpence or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency and the dividend payable by the Board in respect of such bet shall bear the same proportion to the dividend declared in respect of the unit of investment as the amount of two shillings and sixpence bears to the unit of investment.

Totalizator (Off-course Betting).

(3) A credit account may be established with the Board for any amount of not less than one pound and may, in accordance with the rules of the Board, be maintained by the payment of further moneys or the crediting of winnings to that account.

(4) (a) Notwithstanding anything contained in any other Act the result of and dividends payable in respect of any event or contingency may be notified or published to members of the public in any office, branch or agency of the Board.

(b) The Board shall not publish or cause to be published any advertisement inviting, encouraging or inducing members of the public to transact betting operations with the Board or which does not comply with the provisions of any regulations made under this Act in relation to advertising by the Board. Any such regulations shall have effect notwithstanding anything in any other Act contained.

Offences
in respect
of bets,
tickets, etc.

18. Any person who—

- (a) having the management or control of any office, branch or agency of the Board authorises or permits or suffers the premises of that office, branch or agency to be constituted or used, or any act or thing to be done or omitted in or in relation to that office, branch or agency, in contravention of or failure of compliance with this Act or the regulations;
- (b) having the management or control of or being employed or acting in any capacity in connection with any office, branch or agency of the Board accepts from any person any bet which is prohibited by or does not conform to this Act or the regulations or rules made thereunder;
- (c) not being a person lawfully managing or controlling or not being employed in any office, branch or agency of the Board or not being a duly appointed agent

Totalizator (Off-course Betting).

agent of the Board sells or offers to sell any ticket or acknowledgment issued or purporting to be issued by the Board in respect of a bet;

- (d) purchases any such ticket or acknowledgment from any person not authorised by the Board to sell the same; or
- (e) being the manager, secretary, officer, employee or agent of the Board or any employee of such an agent receives or permits to be received any bet on any totalizator in respect of any event or contingency after the prescribed closing time for the acceptance of bets on that event or contingency,

shall be guilty of an offence against this Act and shall be liable for a first offence to a penalty not exceeding one hundred pounds and for a second or subsequent offence to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding six months.

19. (1) Inspectors appointed under section eighteen of the Totalizator Act, 1916, as amended by subsequent Acts, may—

Inspection
of offices,
branches
and agencies
of Board.

- (a) enter at any time any office, branch or agency of the Board, or any place which he has reasonable cause to believe is such an office, branch or agency, and inspect the same;
- (b) demand from the manager, secretary, officer or employee or agent of the Board or employee of such an agent any information which he thinks necessary for the purposes of the inspection.

(2) The provisions of sections eighteen and nineteen of the Totalizator Act, 1916, as amended by subsequent Acts, shall apply, mutatis mutandis, to and in respect of such inspectors and inspections made under this section.

Totalizator (Off-course Betting).

Rules.

20. The Board may, with the approval of the Minister, make rules not inconsistent with this Act or the regulations for governing its own proceedings and the operation of its offices, branches and agencies and for providing for any other matter authorised or required by this Act to be provided for by the rules of the Board.

Regulations.

21. (1) The Governor may make regulations for or with respect to—

- (a) the regulation and management of offices, branches and agencies of the Board;
- (b) the closing times for the receipt of bets at offices, branches and agencies of the Board, the method of identification of persons offering to make such bets, the manner of acknowledging bets made (whether by the issue of tickets or otherwise) and the manner of recording bets made;
- (c) the transmission of bets made to totalizators on race-courses;
- (d) the submission by the Board to the Minister of periodical returns of money received by the Board as moneys payable by way of dividend and of the manner in which such moneys are actually paid or credited;
- (e) generally prescribing all matters and things authorised by this Act to be prescribed or necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations may impose penalties not exceeding fifty pounds for any breach thereof.

(3) A regulation may be made to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place or circumstances and may be general or restricted to any specified class of subject matter.

(4)

Totalizator (Off-course Betting)

- (4) The regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of such publication or from a later date to be specified in the regulations; and
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

22. Proceedings for offences against this Act or the regulations may be taken in a summary manner before a stipendiary magistrate or any two justices in petty sessions. Proceedings for offences.

23. The Totalizator Act, 1916, as amended by subsequent Acts, is amended— Amendment of Act No. 75, 1916.

- (a) (i) by omitting from subsection one of section nine the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid"; Sec. 9. (Distribution of dividends.)
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Where the amount of any dividend declared payable in respect of any event or contingency is less than the unit of investment in respect of that event or contingency the amount

Totalizator (Off-course Betting).

amount of the unit of investment shall nevertheless be paid as such dividend and the difference between the dividend declared payable and the amount of the unit of investment shall be paid from the Consolidated Revenue Fund :

Provided that where two or more starters fill any one place in an event or contingency (including first place) and any part of a pool, ascertained in accordance with this Act, the regulations or rules in respect of that place, is required to be divided in respect of the starters filling that place the dividend declared payable in respect of each starter in that place shall be the dividend payable notwithstanding that such dividend may be less than the unit of investment in respect of the event or contingency.

Sec. 9A.
(Dividends
Adjustment
Funds.)

- (b) (i) by omitting from subsection five of section 9A the word "nine" and by inserting in lieu thereof the figure and letter "9C";
- (ii) by omitting from the same subsection the words "of sixpence";

New sec. 9C.

- (c) by inserting next after section 9B the following new section :—

Provisions
applicable
where
dividends
include
fractions.

9C. (1) In determining or calculating the dividend payable under any provision of this Act the following provisions shall have effect :—

- (a) where the unit of investment is five shillings and the dividend includes a remainder which is a fraction of a shilling—
- (i) that fraction, if it amounts to threepence or less, shall be disregarded;
- (ii) that fraction, if it amounts to more than threepence but not more than ninepence, shall be regarded as sixpence;
- (iii)

Totalizator (Off-course Betting).

- (iii) that fraction, if it amounts to more than ninepence, shall be regarded as a shilling;
 - (b) where the unit of investment is ten shillings and the dividend includes a remainder which is a fraction of a shilling—
 - (i) that fraction, if it amounts to sixpence or less, shall be disregarded;
 - (ii) that fraction, if it amounts to more than sixpence, shall be regarded as a shilling;
 - (c) where the unit of investment is any other amount and the dividend includes a remainder which is a fraction of a shilling, that fraction shall be dealt with as prescribed.
- (2) Where by reason of subsection one of this section—
- (a) any fractions remain unpaid such fractions shall within fourteen days after the happening of the relevant event or contingency be paid to the Treasurer to be carried to the Consolidated Revenue Fund;
 - (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency the deficiency shall be paid by the Treasurer from the Consolidated Revenue Fund to the club using the totalizator on that event or contingency.
- (d) (i) by omitting from subsection three of section ten the words "Provided that it shall not be necessary to pay any fraction of a sixpence unless
- Sec. 10.
(Power of
Minister
to assume
control of
totalizator.)

Totalizator (Off-course Betting).

- unless such fraction amounts to or exceeds threepence, in which case threepence shall be paid.”;
- (ii) by omitting subsection four of the same section.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 12th March, 1964.*