

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act relating to the use of totalizators; to increase the minimum dividends payable in certain circumstances; to establish a Racecourse Development Fund; to make further provisions with respect to the powers, authorities, duties and functions of the Totalizator Agency Board and the appointment of substitutes for bookmakers in certain circumstances; for these and other purposes to amend the Totalizator Act, 1916, the Totalizator (Off-course Betting) Act, 1964, and the Bookmakers (Taxation) Act, 1917-1965; to validate certain matters; and for purposes connected therewith.

BE

Racing (Amendment).

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 "Racing (Amendment) Act, 1971". Short title and commencement.

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

2. (1) The Totalizator Act, 1916, is amended— Amendment of Act No. 75, 1916.

(a) (i) by inserting next after the definition of "Racing club" in section two the following new definition :— Sec. 2. (Definitions.)

"60-20-20 Totalizator" means 60-20-20 Totalizator as defined in the rules under this Act.

(ii) by inserting at the end of the same section the following new definition :—

"Totalizator Agency Board" means the Totalizator Agency Board constituted under the Totalizator (Off-course Betting) Act, 1964.

(b) (i) by omitting from subsection one of section eight the words "on a non-starter" and by inserting in lieu thereof the words ", or transferable to another type of totalizator,"; Sec. 8. (Commission.)

(ii) by inserting in the same subsection after the word "commission" the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(1A) In subsection one of this section, "Doubles Totalizator" means Doubles Totalizator as defined in the rules under this Act, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section.

(iv) by inserting in subsection two of the same section after the word "commission" wherever occurring the words "(other than special commission)";

(v) by inserting next after the same subsection the following new subsection :—

(2A) Every club shall pay to the Treasurer an amount equal to the amount to be deducted by the club as special commission in accordance with subsection one of this section, and one-half of the amount so paid shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(c) by omitting subsection two of section nine;

Sec. 9.
(Distribution of dividends.)

(d) by omitting subsection five of section 9A and by inserting in lieu thereof the following subsection :—

Sec. 9A.
(Dividends Adjustment Fund.)

(5) The amounts payable by the club to the Treasurer under sections eight and 9C of this Act in respect of an event or contingency in relation to which an incorrect dividend has been declared and paid shall be the amounts that would have been payable by the club under those sections if the correct dividend had been declared and paid.

(e)

Racing (Amendment).

(e) by omitting section 9C and by inserting in lieu thereof the following section :—

Subst.
sec. 9C.

9C. (1) In this section—

Determina-
tion of
dividend.

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“the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections three, five, seven and eight of this section, be payable by way of dividend in respect of that event or contingency;

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“the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.

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(2) Subject to subsections three, five and six of this section, the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any necessary adjustment under subsection seven of this section, be the payable dividend in relation to that event or contingency.

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(3) Subject to subsections four and six of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is—

(a) equal to or less than the unit of investment for that event or contingency; or

(b) more than that unit but—

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(i) if that unit is fifty cents or more—
not more than the sum of that unit
and five cents; or

(ii)

Racing (Amendment).

- (ii) if that unit is twenty-five cents—
not more than the sum of that unit
and two and one-half cents,

5 the payable dividend shall be an amount equal to
one hundred and four per centum of that unit.

(4) Subsection three of this section does
not apply in any circumstances—

- (a) in which a 60-20-20 Totalizator was used;
or

10 (b) in respect of which the rules under this Act
provide that that subsection does not apply.

(5) In any circumstances referred to in
subsection four of this section, where the calculated
amount in respect of an event or contingency in
15 relation to which a totalizator was used is less than
the unit of investment for that event or contingency,
the payable dividend in respect of that event or
contingency shall, subject to subsection six of this
section, be an amount equal to that unit.

20 (6) Where two or more starters fill any
one place in an event or contingency (including
first place) and a pool or any part thereof
(ascertained in accordance with this Act, the
25 regulations or the rules thereunder in respect of
that place) is required to be divided in respect of
the starters filling that place, the calculated amount
in relation to that event or contingency for each
starter that fills that place—

- 30 (a) where the calculated amount is less than the
unit of investment for that event or
contingency—shall, after any necessary
adjustment under subsection eight of this
section; or

(b)

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(b) where the calculated amount is not less than that unit—shall, after any necessary adjustment under subsection seven of this section,

5 be the payable dividend in relation to that event or contingency for that starter, but nothing in this subsection has effect in any case where that pool or part thereof would have been divided between those same starters had they respectively filled
10 consecutive places commencing with that place.

(7) Where the calculated amount is, under subsection two or subsection six (paragraph (a) excepted) of this section, the payable dividend in relation to any event or contingency—

15 (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of
20 the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or

25 (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the regulations or rules under this Act,

30 and the calculated amount shall be adjusted accordingly.

TABLE

Racing (Amendment).

TABLE

	First Column	Second Column
5	Not more than 5	Nil
	More than 5 but not more than 15	10
	More than 15 but not more than 25	20
	More than 25 but not more than 35	30
	More than 35 but not more than 45	40
10	More than 45 but not more than 55	50
	More than 55 but not more than 65	60
	More than 65 but not more than 75	70
	More than 75 but not more than 85	80
	More than 85 but not more than 95	90
15	More than 95	100

(8) Where the calculated amount is, under subsection six (paragraph (b) excepted) of this section, the payable dividend in relation to any event or contingency, any fraction of a cent shall be disregarded, and the calculated amount shall be adjusted accordingly.

(9) Where, by reason of subsection three (paragraph (a) excepted), seven or eight of this section—

(a) any amounts remain unpaid, those amounts 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; or

(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 concerned.

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(10) Where by reason of subsection three (paragraph (b) excepted) of this section there is insufficient money 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 concerned, by the Totalizator Agency Board to the club, and by the club concerned, in shares that bear to each other the same proportion as—

- (a) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (b) the commission (if any) retained by the Board; and
- (c) the commission (if any) retained by the club,

in respect of the event or contingency, bear to each other.

- (f) (i) by omitting from subsection two of section ten the words "on a non-starter" and by inserting in lieu thereof the words ", or transferable to another type of totalizator,"; Sec. 10.
(Power of
Minister to
assume
control of
totalizator.)
- (ii) by inserting in the same subsection after the word "commission" where firstly occurring the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";
- (iii) by inserting in the same subsection after the word "commission" where secondly occurring the words "(other than special commission)";
- (iv) by inserting at the end of the same subsection the following new paragraph :—

The amount so deducted as special commission shall be paid into the Treasury, and one-half shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(v)

Racing (Amendment).

(v) by inserting next after the same subsection the following new subsection :—

5 (2A) In subsection two of this section, "Doubles Totalizator" has the meaning ascribed thereto by subsection (1A) of section eight of this Act.

(g) by inserting next after section nineteen the following new section and short heading thereto :— New sec.
19A.

Racecourse Development Fund.

10 19A. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Racecourse Development Fund" (in this section referred to as "the Fund"). Racecourse
Develop-
ment
Fund.

15 (2) There shall be a Racecourse Development Committee (in this section referred to as "the Committee") consisting of—

(a) the persons for the time being holding office or acting as the Chairman and the General Manager of the Totalizator Agency Board respectively; and

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(b) the person for the time being holding office or acting as the Under Secretary and Comptroller of Accounts, The Treasury, or a person from time to time nominated by him to act as a member of the Committee.

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(3) There shall be paid to the credit of the Fund—

(a) such amounts as are directed by this Act to be credited to the Fund;

30 (b) such amounts as are paid to the Fund under paragraph (c) of subsection three of section fourteen of the Totalizator (Off-course Betting) Act, 1964;

(c)

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(c) any amounts repaid in respect of any loans made from the Fund; and

(d) any amounts received in respect of interest on loans made from the Fund.

5 (4) There shall be paid out of the Fund—

(a) the costs and expenses incurred by the Committee in carrying out its functions under this Act; and

10 (b) any amounts that are authorised to be paid out of the Fund under subsection five of this section.

(5) The Treasurer may, on the recommendation of the Committee, authorise payments out of the Fund—

15 (a) to provide finance for or towards the making of permanent improvements or the provision of totalizator facilities on any racecourse or the construction or the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

20 (b) to re-finance wholly or in part, or to discharge in whole or in part, any liability incurred in the making of permanent improvements or the provision of totalizator facilities on any racecourse or in the construction or in the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(c)

Racing (Amendment).

5 (c) to discharge wholly or in part any liabilities incurred by or on behalf of a racing club in respect of a racecourse which has ceased to be licensed under the provisions of the Gaming and Betting Act, 1912; or

(d) to assist horse or greyhound trainers to transfer their training activities to premises at or in the vicinity of a training track.

10 (6) Any payments authorised to be paid under subsection five of this section may be made by way of grant or loan and any payment by way of loan may be made subject to such terms and conditions of repayment and at such rate of interest (if any) as are, with the approval of the Treasurer, agreed upon between the Committee and the person to whom the loan is made.

20 (7) The Committee may, with the approval of the Treasurer, enter into agreements or arrangements with any person relating to any matter in respect of which payments may be authorised under subsection five of this section.

(h) (i) by omitting paragraph (b) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—

Sec. 20.
(Regulations and rules.)

25 (b) all matters which by this Act are required or permitted to be prescribed by the regulations or which are necessary or convenient to be so prescribed for carrying out or giving effect to this Act;

30 (ii) by inserting in subsection two of the same section after the word "totalizator" the words ", and prescribing all matters and things which by this Act are required or permitted to be prescribed by the rules";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

5 (2A) Without affecting the generality of subsection two of this section, the rules made thereunder may make provision for or with respect to—

10 (a) the refund, in such circumstances as may be prescribed by the rules, to an investor of amounts invested by him on a totalizator; and

(b) the transfer, in such circumstances as may be prescribed by the rules, of an amount invested on one type of totalizator to another type.

15 (2) The Totalizator Act, 1916, is further amended— Further amendment of Act No. 75, 1916. (Statute law revision.)

(a) by omitting the definition of “Minister” in section two; Sec. 2. (Definitions.)

(b) by omitting from section three the word “all” and by inserting in lieu thereof the word “every”; Sec. 3. (Power of Minister to direct use of totalizator.)

20 (c) by omitting from section eight the word “Colonial” wherever occurring; Sec. 8. (Commission.)

(d) by omitting from section 8A the word “Colonial”; Sec. 8A. (Recovery of amounts due.)

(e) by omitting from subsection three of section nine the word “Colonial”; Sec. 9. (Distribution of dividends.)

25 (f) by omitting from section 9A (subsection five excepted) the word “Colonial” wherever occurring; Sec. 9A. (Dividends Adjustment Fund.)

(g)

Racing (Amendment).

- (g) by omitting from subsection one of section 9B the word "Colonial"; Sec. 9B.
(Unclaimed moneys.)
- (h) by omitting from section eleven the word "Colonial" wherever occurring; Sec. 11.
(Returns.)
- 5 (i) by omitting the short heading to section twenty and by inserting in lieu thereof the following short heading :— Short heading to sec. 20.

Regulations and rules.

- 10 (j) by omitting from section twenty-one the words "or police". Sec. 21.
(Recovery of penalties.)

(3) The provisions of subsection two of section nine and section 9C of the Totalizator Act, 1916, shall continue to apply to and in respect of dividends in respect of any event or contingency that happened before the commencement of the amendments made by paragraphs (c) and (e) of subsection one of this section in all respects as if those amendments had not been made.

3. The Totalizator (Off-course Betting) Act, 1964, is amended— Amendment of Act No. 1, 1964.

- 20 (a) by inserting next after the definition of "Prescribed" in section two the following new definition :— Sec. 2.
(Interpretation.)
- "Racecourse Development Fund" means the Racecourse Development Fund established under section 19A of the Totalizator Act, 1916.
- 25 (b) by omitting from paragraph (h) of subsection two of section three the words "Far South Racing Association" and by inserting in lieu thereof the words "Southern Tablelands and South Coast Racing Association"; Sec. 3.
(Constitution of Board.)
- 30 (c) (i) by omitting from subsection one of section eleven the words "All expenses" and by inserting in lieu thereof the words "Subject to this Act, all expenses"; Sec. 11.
(Expenses and financial scheme of Board.)

(ii)

Racing (Amendment).

- (ii) by omitting from paragraph (a) of subsection three of the same section the word "and" where secondly occurring;
- 5 (iii) by inserting at the end of paragraph (b) of the same subsection the following word and new paragraph :—
 ; and
- 10 (c) the payment by the Board to the Race-course Development Fund of part of the residue of commission received by the Board.
- (iv) by inserting next after subsection five of the same section the following new subsection :—
 15 (6) The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section ten of this Act.
- 20 (d) (i) by inserting in subsection one of section twelve ^{Sec. 12.} after the word "Commonwealth" the words ^{(Conduct of off-course totali-} "or, with the approval of the Minister given ^{zators.)} in a particular case, on any race-course outside the Commonwealth";
- (ii) by omitting from subsection two of the same section the words "All bets made with the Board shall, subject" and by inserting in lieu thereof the word "Subject";
- (iii) by omitting from the same subsection the words "in respect of" wherever occurring and by inserting in lieu thereof the words "all bets made with the Board in respect of";
- (iv)

Racing (Amendment).

- (iv) by inserting next after subsection three of the same section the following new subsection :—

5 (3A) All bets made with the Board in respect of an event or contingency scheduled to be held on a race-course outside the Commonwealth shall be dealt with under subsection three of this section, in the same manner as if the event or contingency were scheduled to be held within the Commonwealth and the Minister had made a determination under that subsection in respect of the event or contingency.

- (v) by inserting next after subsection four of the same section the following new subsections :—

15 (5) Notwithstanding anything in this Act or the Totalizator Act, 1916, the Board may enter into arrangements or agreements with any authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth for the purpose of enabling amounts received by that authority from investors to be paid into a totalizator used by the Board.

25 (6) Any arrangement or agreement under subsection five of this section—

- (a) shall be entered into only upon such terms and subject to such conditions as the Treasurer may approve; and
- 30 (b) may be carried into effect notwithstanding anything contained in this Act.

(e)

Racing (Amendment).

- (e) (i) by omitting from subsection one of section fourteen the figure, letter and symbol "9A,"; Sec. 14.
(Applica-
tion of
Totalizator
Act.)

(ii) by inserting in subsection two of the same section after the word "commission" where firstly and secondly occurring the words
5 "(other than special commission)";

(iii) by inserting in paragraph (c) of subsection three of the same section after the word
10 "clubs" where secondly occurring the words
", and to the Racecourse Development Fund,";

- (f) by inserting next after section fourteen the following new section :— New sec.
14A.

14A. (1) There shall be established in the Special Deposits Account at the Treasury an
15 account to be called the "T.A.B. Adjustment Account" (in this section referred to as "the Account"). T.A.B.
Adjustment
Account.

(2) Where, by reason of an error occurring in the calculation or determination of the total number or value of bets received by the
20 Board in respect of a starter in an event or contingency or in the calculation or determination of the dividend payable in respect of an event or contingency, or arising in such other circumstances
25 as the Minister may determine—

(a) a profit or gain accrues to the Board which would not have accrued had the error not been made—an amount equal to that profit or gain shall be paid by the Board to the
30 Account within fourteen days of the error becoming known to the Board, or any officer, employee or agent of the Board, or within such further time as the Minister may allow in any particular case; or

(b)

Racing (Amendment).

(b) a loss is actually suffered by the Board which would not have been suffered by the Board had the error not been made—an amount equal to the loss shall, subject to this section, upon a claim being made by the Board to the Minister within fourteen days of the error becoming known to the Board, or within such further time as the Minister may allow in any particular case, be paid from the Account to the Board.

(3) Any balance remaining in the Account on the first day of June and the first day of December in each year shall be paid from the Account into the Consolidated Revenue Fund.

(4) Where a claim has been made under paragraph (b) of subsection two of this section in respect of any loss, the Account shall be liable only to the extent of the balance available in the Account, and any claim, in so far as it has not been met from the Account by reason of the foregoing provisions of this section, shall lapse on the first day of June or the first day of December, whichever first occurs, next following the making of the claim.

(5) The amounts payable by the Board to the Treasurer as commission and special commission under this Act or the Totalizator Act, 1916, in respect of an event or contingency in respect of which an error, as referred to in subsection two of this section, was made, shall be the amounts that would have been payable by the Board had the error not been made.

Racing (Amendment).

- (g) by inserting next after section sixteen the following New sec. 16A.
new section :—

16A. (1) The Board may invest any moneys Investment of moneys by Board.
held by the Board and not immediately required for
the purposes of this Act—

(a) in any manner for the time being authorised
for the investment of trust funds; or

(b) except in the case of any moneys held upon
trust—in any other manner approved by
the Minister, but so that the rate of interest
at which the moneys are so invested is—

(i) not less than the maximum ordinary
rate of interest on trading bank
overdrafts as determined by the
Reserve Bank of Australia and
current at the time of making the
investment; or

(ii) in such special circumstances as may
be determined by the Minister on
the recommendation of the Board,
not less than a rate of interest deter-
mined by the Minister on the like
recommendation, being a rate lower
than the maximum ordinary rate
referred to in subparagraph (i) of
this paragraph.

(2) Any income received by the Board
from the investment of moneys under this section
shall be dealt with under subsection three of section
fourteen of this Act as if it were the residue of
commission paid to the Board.

- (h) (i) by omitting from paragraph (a) of subsection Sec. 17.
one of section seventeen the word “every” and (Provisions relating to offices, branches and agencies of the Board.)
by inserting in lieu thereof the words “subject
to subsection (1A) of this section, every”;
(ii)

Racing (Amendment).

- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
- (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—
- (i) the name, starting time and location of the event or contingency;
- (ii) the distance over which the event or contingency is to be run;
- (iii) the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency;
- (iv) the state of the weather at the place at which the event or contingency is to be run; and
- (v) the condition of the track upon which the event or contingency is to be run.
- (iv) by inserting next after the same subsection the following new subsections :—
- (1A) Where the Board is satisfied—
- (a) that the establishment in any area situated beyond forty miles from the General Post Office, Sydney, of an office, branch or agency of the Board

in

Racing (Amendment).

5 in separate premises to which access
may be had from the street without
passing through other occupied
premises is not economic in the
circumstances;

(b) that the establishment of an office,
branch or agency of the Board in that
area is desirable having regard to—

10 (i) the remoteness or inaccessi-
bility of the area in relation to
established offices, branches
and agencies of the Board;

15 (ii) the extent of any demand for
the establishment of an office,
branch or agency of the Board
in the area; and

(iii) the Board's estimate of the
probable volume of its business
in the area; and

20 (c) that premises are available in the area
which, but for the fact that they are
not separate premises as referred to
in paragraph (a) of this subsection,
25 would, having regard to section ten of
this Act, be suitable premises in which
to establish an office, branch or agency
of the Board,

30 the Board may, with the approval of the
Minister in writing, establish an office, branch
or agency in those premises and the provisions
of paragraph (a) of subsection one of this
section shall not apply in respect of those
premises.

(1B)

Racing (Amendment).

(1B) Notwithstanding anything in this or any other Act—

- 5 (a) the Board may, when requested to do so by a racing club and with the approval of the Minister, conduct totalizator betting on a race-course for and on behalf of the club; and
- 10 (b) in so far as the Board conducts totalizator betting under paragraph (a) of this subsection—
- (i) the provisions of this Act shall not apply to or in respect of that betting;
- 15 (ii) the provisions of the Totalizator Act, 1916, shall apply to and in respect of that betting; and
- 20 (iii) anything done or omitted by the Board shall be deemed to have been done or omitted by the club.
- (v) by omitting from paragraph (c) of subsection two of the same section the word “and”;
- 25 (vi) by omitting from paragraph (d) of the same subsection the words “an amount” and by inserting in lieu thereof the words “except as provided by paragraph (e) of this subsection, an amount”;
- 30 (vii) by omitting from the same paragraph the words “of twenty-five cents” where secondly occurring and by inserting in lieu thereof the word “invested”;

(viii)

Racing (Amendment).

(viii) by inserting at the end of the same paragraph the following word and new paragraph :—

; and

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(e) an amount of fifty cents or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency in any case where a Doubles Totalizator or a Quinella Totalizator is used or where the bet is received by the Board under paragraph (b) of subsection two of section twelve of this Act, 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 invested bears to the unit of investment.

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(ix) by inserting next after the same subsection the following new subsection :—

(2A) In paragraph (e) of subsection two of this section—

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“Doubles Totalizator” means Doubles Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section;

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“Quinella Totalizator” means Quinella Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Quinella Totalizator for the purposes of this section.

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(x)

Racing (Amendment).

5 (x) by omitting from subsection three of the same section the words "two dollars" and by inserting in lieu thereof the words "five dollars by way of deposit with the Board or by furnishing to the Board a bank guarantee acceptable to the Board";

(xi) by omitting from the same subsection the word "further" and by inserting in lieu thereof the words "moneys or further";

10 (xii) by inserting in the same subsection after the word "account" where secondly occurring the words "or by furnishing to the Board such a guarantee or increasing the amount guaranteed under such a guarantee";

15 (i) by omitting section twenty-three.

Sec. 23.
(Amendment
of Act No.
75, 1916.)

4. (1) The Bookmakers (Taxation) Act, 1917-1965, Amendment
is amended— of Act No.
15, 1917.

(a) by omitting from section one the symbol and figures "—1932"; Sec. 1.
(Short title
and com-
mencement.)

20 (b) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :— Sec. 27.
(Authority
to act for
bookmaker
during
absence.)

25 (1) In such circumstances and subject to such conditions as may be prescribed by the regulations under this Act, the body with

which

Racing (Amendment).

which a person is registered as a bookmaker may upon application made by the bookmaker—

- 5 (a) declare any period during which he is or is to be absent to be an approved period; and
- 10 (b) issue a written authority to a person nominated by the bookmaker to carry on the business of the bookmaker during the approved period.

(ii) by inserting next after subsection two of the same section the following new subsections :—

- 15 (3) Any person carrying on the business of a bookmaker pursuant to any authority issued under subsection one of this section shall, on demand made by any officer of police or by any person authorised by the Treasurer as referred to in section fourteen of this Act, produce the authority to that officer or person.

20 Penalty : Two hundred dollars.

- 25 (4) The Under Secretary and Comptroller of Accounts, The Treasury, may, by instrument in writing served on the body, direct a body referred to in subsection one of this section not to issue an authority under that subsection to any person named in the instrument, and may, by a like instrument, revoke or vary any such direction.

- 30 (5) Any authority issued under subsection one of this section to a person named in an instrument in force under subsection four of this section shall, whether issued before or after the instrument was served on the body concerned, have no force or effect.

Racing (Amendment).

(2) Any authority in force under section twenty-seven of the Bookmakers (Taxation) Act, 1917–1965, immediately before the commencement of subsection one of this section shall continue to have force and effect in all respects as if
5 that subsection had not been enacted.

5. Any act, matter or thing done or omitted before the Validation. commencement of any amendment made by this Act to the Totalizator Act, 1916, or the Totalizator (Off-course Betting) Act, 1964, which would have been lawful had that amend-
10 ment been in force when the act, matter or thing was done or omitted, is hereby validated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971
[25c]

April 1971

W. J. (1971)

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W. J. (1971)

No. , 1971.

A BILL

Relating to the use of totalizators; to increase the minimum dividends payable in certain circumstances; to establish a Racecourse Development Fund; to make further provisions with respect to the powers, authorities, duties and functions of the Totalizator Agency Board and the appointment of substitutes for bookmakers in certain circumstances; for these and other purposes to amend the Totalizator Act, 1916, the Totalizator (Off-course Betting) Act, 1964, and the Bookmakers (Taxation) Act, 1917-1965; to validate certain matters; and for purposes connected therewith.

[MR ASKIN—7 December, 1971.]

BE

Racing (Amendment).

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
5 follows :—

1. (1) This Act may be cited as the "Racing Short title
(Amendment) Act, 1971". and com-
mencement.

(2) The several provisions of this Act shall commence
upon such day or days as may be appointed by the Governor
10 in that behalf and notified by proclamation published in the
Gazette.

2. (1) The Totalizator Act, 1916, is amended— Amendment
of Act No.
75, 1916.

(a) (i) by inserting next after the definition of Sec. 2.
"Racing club" in section two the following (Defini-
15 new definition :— tions.)

"60-20-20 Totalizator" means 60-20-20
Totalizator as defined in the rules
under this Act.

(ii) by inserting at the end of the same section the
20 following new definition :—

"Totalizator Agency Board" means the
Totalizator Agency Board constituted
under the Totalizator (Off-course
Betting) Act, 1964.

(b) (i) by omitting from subsection one of section Sec. 8.
25 eight the words "on a non-starter" and by (Commis-
sion.)
inserting in lieu thereof the words " , or
transferable to another type of totalizator,";

(ii) by inserting in the same subsection after the
30 word "commission" the words "and, in the
case of moneys paid into a Doubles Totali-
zator, a further one per centum as special
commission";

(iii)

Racing (Amendment).

- (iii) by inserting next after the same subsection the following new subsection :—

(1A) In subsection one of this section, “Doubles Totalizator” means Doubles Totalizator as defined in the rules under this Act, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section.

- (iv) by inserting in subsection two of the same section after the word “commission” wherever occurring the words “(other than special commission)”;

- (v) by inserting next after the same subsection the following new subsection :—

(2A) Every club shall pay to the Treasurer an amount equal to the amount to be deducted by the club as special commission in accordance with subsection one of this section, and one-half of the amount so paid shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

- (c) by omitting subsection two of section nine;

Sec. 9.
(Distribution of dividends.)

- (d) by omitting subsection five of section 9A and by inserting in lieu thereof the following subsection :—

Sec. 9A.
(Dividends Adjustment Fund.)

(5) The amounts payable by the club to the Treasurer under sections eight and 9C of this Act in respect of an event or contingency in relation to which an incorrect dividend has been declared and paid shall be the amounts that would have been payable by the club under those sections if the correct dividend had been declared and paid.

(e)

Racing (Amendment).

(e) by omitting section 9c and by inserting in lieu thereof the following section :—

Subst.
sec. 9c.

9c. (1) In this section—

Determina-
tion of
dividend.

5

“the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections three, five, seven and eight of this section, be payable by way of dividend in respect of that event or contingency;

10

“the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.

15

20

(2) Subject to subsections three, five and six of this section, the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any necessary adjustment under subsection seven of this section, be the payable dividend in relation to that event or contingency.

25

(3) Subject to subsections four and six of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is—

(a) equal to or less than the unit of investment for that event or contingency; or

(b) more than that unit but—

30

(i) if that unit is fifty cents or more—
not more than the sum of that unit
and five cents; or

(ii)

Racing (Amendment).

- (ii) if that unit is twenty-five cents—
not more than the sum of that unit
and two and one-half cents,

5 the payable dividend shall be an amount equal to
one hundred and four per centum of that unit.

(4) Subsection three of this section does
not apply in any circumstances—

- (a) in which a 60-20-20 Totalizator was used;
or

10 (b) in respect of which the rules under this Act
provide that that subsection does not apply.

15 (5) In any circumstances referred to in
subsection four of this section, where the calculated
amount in respect of an event or contingency in
relation to which a totalizator was used is less than
the unit of investment for that event or contingency,
the payable dividend in respect of that event or
contingency shall, subject to subsection six of this
section, be an amount equal to that unit.

20 (6) Where two or more starters fill any
one place in an event or contingency (including
first place) and a pool or any part thereof
(ascertained in accordance with this Act, the
regulations or the rules thereunder in respect of
25 that place) is required to be divided in respect of
the starters filling that place, the calculated amount
in relation to that event or contingency for each
starter that fills that place—

- 30 (a) where the calculated amount is less than the
unit of investment for that event or
contingency—shall, after any necessary
adjustment under subsection eight of this
section; or

(b)

Racing (Amendment).

(b) where the calculated amount is not less than that unit—shall, after any necessary adjustment under subsection seven of this section,

5 be the payable dividend in relation to that event or contingency for that starter, but nothing in this subsection has effect in any case where that pool or part thereof would have been divided between those same starters had they respectively filled
10 consecutive places commencing with that place.

(7) Where the calculated amount is, under subsection two or subsection six (paragraph (a) excepted) of this section, the payable dividend in relation to any event or contingency—

15 (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of
20 the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or

25 (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the regulations or rules under this Act,

30 and the calculated amount shall be adjusted accordingly.

TABLE

Racing (Amendment).

TABLE

	First Column	Second Column
5	Not more than 5	Nil
	More than 5 but not more than 15	10
	More than 15 but not more than 25	20
	More than 25 but not more than 35	30
	More than 35 but not more than 45	40
10	More than 45 but not more than 55	50
	More than 55 but not more than 65	60
	More than 65 but not more than 75	70
	More than 75 but not more than 85	80
	More than 85 but not more than 95	90
15	More than 95	100

(8) Where the calculated amount is, under subsection six (paragraph (b) excepted) of this section, the payable dividend in relation to any event or contingency, any fraction of a cent shall be disregarded, and the calculated amount shall be adjusted accordingly.

(9) Where, by reason of subsection three (paragraph (a) excepted), seven or eight of this section—

(a) any amounts remain unpaid, those amounts 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; or

(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 concerned.

(10)

Racing (Amendment).

(10) Where by reason of subsection three (paragraph (b) excepted) of this section there is insufficient money 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 concerned, by the Totalizator Agency Board to the club, and by the club concerned, in shares that bear to each other the same proportion as—

- (a) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (b) the commission (if any) retained by the Board; and
- (c) the commission (if any) retained by the club,

in respect of the event or contingency, bear to each other.

- (f) (i) by omitting from subsection two of section ten the words “on a non-starter” and by inserting in lieu thereof the words “, or transferable to another type of totalizator,”; Sec. 10. (Power of Minister to assume control of totalizator.)
- (ii) by inserting in the same subsection after the word “commission” where firstly occurring the words “and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission”;
- (iii) by inserting in the same subsection after the word “commission” where secondly occurring the words “(other than special commission)”;
- (iv) by inserting at the end of the same subsection the following new paragraph :—

The amount so deducted as special commission shall be paid into the Treasury, and one-half shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(v)

Racing (Amendment).

- (v) by inserting next after the same subsection the following new subsection :—

5 (2A) In subsection two of this section, "Doubles Totalizator" has the meaning ascribed thereto by subsection (1A) of section eight of this Act.

- (g) by inserting next after section nineteen the following new section and short heading thereto :— New sec.
19A.

Racecourse Development Fund.

10 19A. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Racecourse Development Fund" (in this section referred to as "the Fund"). Racecourse
Develop-
ment
Fund.

15 (2) There shall be a Racecourse Development Committee (in this section referred to as "the Committee") consisting of—

20 (a) the persons for the time being holding office or acting as the Chairman and the General Manager of the Totalizator Agency Board respectively; and

25 (b) the person for the time being holding office or acting as the Under Secretary and Comptroller of Accounts, The Treasury, or a person from time to time nominated by him to act as a member of the Committee.

(3) There shall be paid to the credit of the Fund—

(a) such amounts as are directed by this Act to be credited to the Fund;

30 (b) such amounts as are paid to the Fund under paragraph (c) of subsection three of section fourteen of the Totalizator (Off-course Betting) Act, 1964;

(c)

Racing (Amendment).

(c) any amounts repaid in respect of any loans made from the Fund; and

(d) any amounts received in respect of interest on loans made from the Fund.

5 (4) There shall be paid out of the Fund—

(a) the costs and expenses incurred by the Committee in carrying out its functions under this Act; and

10 (b) any amounts that are authorised to be paid out of the Fund under subsection five of this section.

(5) The Treasurer may, on the recommendation of the Committee, authorise payments out of the Fund—

15 (a) to provide finance for or towards the making of permanent improvements or the provision of totalizator facilities on any racecourse or the construction or the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

20 (b) to re-finance wholly or in part, or to discharge in whole or in part, any liability incurred in the making of permanent improvements or the provision of totalizator facilities on any racecourse or in the construction or in the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

30

(c)

Racing (Amendment).

5 (c) to discharge wholly or in part any liabilities incurred by or on behalf of a racing club in respect of a racecourse which has ceased to be licensed under the provisions of the Gaming and Betting Act, 1912; or

(d) to assist horse or greyhound trainers to transfer their training activities to premises at or in the vicinity of a training track.

10 (6) Any payments authorised to be paid under subsection five of this section may be made by way of grant or loan and any payment by way of loan may be made subject to such terms and conditions of repayment and at such rate of interest (if any) as are, with the approval of the Treasurer,
15 agreed upon between the Committee and the person to whom the loan is made.

20 (7) The Committee may, with the approval of the Treasurer, enter into agreements or arrangements with any person relating to any matter in respect of which payments may be authorised under subsection five of this section.

(h) (i) by omitting paragraph (b) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :— (Regulations and rules.)

25 (b) all matters which by this Act are required or permitted to be prescribed by the regulations or which are necessary or convenient to be so prescribed for carrying out or giving
30 effect to this Act;

(ii) by inserting in subsection two of the same section after the word "totalizator" the words
35 ", and prescribing all matters and things which by this Act are required or permitted to be prescribed by the rules";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(2A) Without affecting the generality of subsection two of this section, the rules made thereunder may make provision for or with respect to—

(a) the refund, in such circumstances as may be prescribed by the rules, to an investor of amounts invested by him on a totalizator; and

(b) the transfer, in such circumstances as may be prescribed by the rules, of an amount invested on one type of totalizator to another type.

(2) The Totalizator Act, 1916, is further amended— Further amendment of Act No. 75, 1916. (Statute law revision.)

(a) by omitting the definition of “Minister” in section two; Sec. 2. (Definitions.)

(b) by omitting from section three the word “all” and by inserting in lieu thereof the word “every”; Sec. 3. (Power of Minister to direct use of totalizator.)

(c) by omitting from section eight the word “Colonial” wherever occurring; Sec. 8. (Commission.)

(d) by omitting from section 8A the word “Colonial”; Sec. 8A. (Recovery of amounts due.)

(e) by omitting from subsection three of section nine the word “Colonial”; Sec. 9. (Distribution of dividends.)

(f) by omitting from section 9A (subsection five excepted) the word “Colonial” wherever occurring; Sec. 9A. (Dividends Adjustment Fund.)

(g)

Racing (Amendment).

- (g) by omitting from subsection one of section 9B the word "Colonial"; Sec. 9B.
(Unclaimed
moneys.)
- (h) by omitting from section eleven the word "Colonial" wherever occurring; Sec. 11.
(Returns.)
- 5 (i) by omitting the short heading to section twenty and by inserting in lieu thereof the following short heading :— Short
heading to
sec. 20.

Regulations and rules.

- 10 (j) by omitting from section twenty-one the words "or police". Sec. 21.
(Recovery
of
penalties.)

(3) The provisions of subsection two of section nine and section 9C of the Totalizator Act, 1916, shall continue to apply to and in respect of dividends in respect of any event or contingency that happened before the commencement of the amendments made by paragraphs (c) and (e) of subsection one of this section in all respects as if those amendments had not been made.

3. The Totalizator (Off-course Betting) Act, 1964, is amended— Amendment
of Act No.
1, 1964.

- 20 (a) by inserting next after the definition of "Prescribed" in section two the following new definition :— Sec. 2.
(Interpre-
tation.)
- "Racecourse Development Fund" means the Racecourse Development Fund established under section 19A of the Totalizator Act, 1916.
- 25 (b) by omitting from paragraph (h) of subsection two of section three the words "Far South Racing Association" and by inserting in lieu thereof the words "Southern Tablelands and South Coast Racing Association"; Sec. 3.
(Constitution
of Board.)
- 30 (c) (i) by omitting from subsection one of section eleven the words "All expenses" and by inserting in lieu thereof the words "Subject to this Act, all expenses"; Sec. 11.
(Expenses
and financial
scheme of
Board.)
- (ii)

Racing (Amendment).

- (ii) by omitting from paragraph (a) of subsection three of the same section the word "and" where secondly occurring;
- 5 (iii) by inserting at the end of paragraph (b) of the same subsection the following word and new paragraph :—
 ; and
- 10 (c) the payment by the Board to the Race-course Development Fund of part of the residue of commission received by the Board.
- (iv) by inserting next after subsection five of the same section the following new subsection :—
 15 (6) The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section ten of this Act.
- 20 (d) (i) by inserting in subsection one of section twelve ^{Sec. 12.} after the word "Commonwealth" the words ^(Conduct of off-course totalizators.) "or, with the approval of the Minister given in a particular case, on any race-course outside the Commonwealth";
- 25 (ii) by omitting from subsection two of the same section the words "All bets made with the Board shall, subject" and by inserting in lieu thereof the word "Subject";
- 30 (iii) by omitting from the same subsection the words "in respect of" wherever occurring and by inserting in lieu thereof the words "all bets made with the Board in respect of";
- (iv)

Racing (Amendment).

- (iv) by inserting next after subsection three of the same section the following new subsection :—

5 (3A) All bets made with the Board in respect of an event or contingency scheduled to be held on a race-course outside the Commonwealth shall be dealt with under subsection three of this section, in the same manner as if the event or contingency were scheduled to be held within the Commonwealth and the Minister had made a determination under that subsection in respect of the event or contingency.

- (v) by inserting next after subsection four of the same section the following new subsections :—

15 (5) Notwithstanding anything in this Act or the Totalizator Act, 1916, the Board may enter into arrangements or agreements with any authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth for the purpose of enabling amounts received by that authority from investors to be paid into a totalizator used by the Board.

25 (6) Any arrangement or agreement under subsection five of this section—

(a) shall be entered into only upon such terms and subject to such conditions as the Treasurer may approve; and

30 (b) may be carried into effect notwithstanding anything contained in this Act.

(c)

Racing (Amendment).

(e) (i) by omitting from subsection one of section Sec. 14.
fourteen the figure, letter and symbol "9A,"; (Applica-
tion of
Totalizator
Act.)

5 (ii) by inserting in subsection two of the same
section after the word "commission" where
firstly and secondly occurring the words
"(other than special commission)";

10 (iii) by inserting in paragraph (c) of subsection
three of the same section after the word
"clubs" where secondly occurring the words
", and to the Racecourse Development Fund,";

(f) by inserting next after section fourteen the following New sec.
new section :— 14A.

15 14A. (1) There shall be established in the T.A.B.
Special Deposits Account at the Treasury an Adjustment
account to be called the "T.A.B. Adjustment Account.
Account" (in this section referred to as "the
Account").

20 (2) Where, by reason of an error
occurring in the calculation or determination of
the total number or value of bets received by the
Board in respect of a starter in an event or
contingency or in the calculation or determination
of the dividend payable in respect of an event or
contingency, or arising in such other circumstances
25 as the Minister may determine—

30 (a) a profit or gain accrues to the Board which
would not have accrued had the error not
been made—an amount equal to that profit
or gain shall be paid by the Board to the
Account within fourteen days of the error
becoming known to the Board, or any
officer, employee or agent of the Board, or
within such further time as the Minister
may allow in any particular case; or

(b)

Racing (Amendment).

5 (b) a loss is actually suffered by the Board
which would not have been suffered by the
Board had the error not been made—an
amount equal to the loss shall, subject to
this section, upon a claim being made by
the Board to the Minister within fourteen
days of the error becoming known to the
Board, or within such further time as the
Minister may allow in any particular case,
10 be paid from the Account to the Board.

(3) Any balance remaining in the Account
on the first day of June and the first day of
December in each year shall be paid from the
Account into the Consolidated Revenue Fund.

15 (4) Where a claim has been made under
paragraph (b) of subsection two of this section
in respect of any loss, the Account shall be liable
only to the extent of the balance available in the
Account, and any claim, in so far as it has not been
20 met from the Account by reason of the foregoing
provisions of this section, shall lapse on the first
day of June or the first day of December, whichever
first occurs, next following the making of the claim.

25 (5) The amounts payable by the Board
to the Treasurer as commission and special
commission under this Act or the Totalizator Act,
1916, in respect of an event or contingency in
respect of which an error, as referred to in
subsection two of this section, was made, shall be
30 the amounts that would have been payable by the
Board had the error not been made.

Racing (Amendment).

- (g) by inserting next after section sixteen the following new section :—

New sec.
16A.

16A. (1) The Board may invest any moneys held by the Board and not immediately required for the purposes of this Act—

Investment
of moneys
by Board.

(a) in any manner for the time being authorised for the investment of trust funds; or

(b) except in the case of any moneys held upon trust—in any other manner approved by the Minister, but so that the rate of interest at which the moneys are so invested is—

(i) not less than the maximum ordinary rate of interest on trading bank overdrafts as determined by the Reserve Bank of Australia and current at the time of making the investment; or

(ii) in such special circumstances as may be determined by the Minister on the recommendation of the Board, not less than a rate of interest determined by the Minister on the like recommendation, being a rate lower than the maximum ordinary rate referred to in subparagraph (i) of this paragraph.

(2) Any income received by the Board from the investment of moneys under this section shall be dealt with under subsection three of section fourteen of this Act as if it were the residue of commission paid to the Board.

- (h) (i) by omitting from paragraph (a) of subsection

one of section seventeen the word "every" and by inserting in lieu thereof the words "subject to subsection (1A) of this section, every";

Sec. 17.
(Provisions
relating to
offices,
branches
and agencies
of the
Board.)

(ii)

Racing (Amendment).

(ii) by omitting paragraph (c) of the same subsection;

(iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

5

(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—

10

(i) the name, starting time and location of the event or contingency;

15

(ii) the distance over which the event or contingency is to be run;

20

(iii) the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency;

(iv) the state of the weather at the place at which the event or contingency is to be run; and

25

(v) the condition of the track upon which the event or contingency is to be run.

(iv) by inserting next after the same subsection the following new subsections :—

30

(1A) Where the Board is satisfied—

(a) that the establishment in any area situated beyond forty miles from the General Post Office, Sydney, of an office, branch or agency of the Board

in

Racing (Amendment).

in separate premises to which access may be had from the street without passing through other occupied premises is not economic in the circumstances;

(b) that the establishment of an office, branch or agency of the Board in that area is desirable having regard to—

(i) the remoteness or inaccessibility of the area in relation to established offices, branches and agencies of the Board;

(ii) the extent of any demand for the establishment of an office, branch or agency of the Board in the area; and

(iii) the Board's estimate of the probable volume of its business in the area; and

(c) that premises are available in the area which, but for the fact that they are not separate premises as referred to in paragraph (a) of this subsection, would, having regard to section ten of this Act, be suitable premises in which to establish an office, branch or agency of the Board,

the Board may, with the approval of the Minister in writing, establish an office, branch or agency in those premises and the provisions of paragraph (a) of subsection one of this section shall not apply in respect of those premises.

Racing (Amendment).

(1B) Notwithstanding anything in this or any other Act—

- 5 (a) the Board may, when requested to do so by a racing club and with the approval of the Minister, conduct totalizator betting on a race-course for and on behalf of the club; and
- 10 (b) in so far as the Board conducts totalizator betting under paragraph (a) of this subsection—
 - (i) the provisions of this Act shall not apply to or in respect of that betting;
 - 15 (ii) the provisions of the Totalizator Act, 1916, shall apply to and in respect of that betting; and
 - 20 (iii) anything done or omitted by the Board shall be deemed to have been done or omitted by the club.
- (v) by omitting from paragraph (c) of subsection two of the same section the word “and”;
- 25 (vi) by omitting from paragraph (d) of the same subsection the words “an amount” and by inserting in lieu thereof the words “except as provided by paragraph (e) of this subsection, an amount”;
- 30 (vii) by omitting from the same paragraph the words “of twenty-five cents” where secondly occurring and by inserting in lieu thereof the word “invested”;

(viii)

Racing (Amendment).

(viii) by inserting at the end of the same paragraph the following word and new paragraph :—

; and

(e) an amount of fifty cents or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency in any case where a Doubles Totalizator or a Quinella Totalizator is used or where the bet is received by the Board under paragraph (b) of subsection two of section twelve of this Act, 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 invested bears to the unit of investment.

(ix) by inserting next after the same subsection the following new subsection :—

(2A) In paragraph (e) of subsection two of this section—

“Doubles Totalizator” means Doubles Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section;

“Quinella Totalizator” means Quinella Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Quinella Totalizator for the purposes of this section.

(x)

Racing (Amendment).

5 (x) by omitting from subsection three of the same section the words "two dollars" and by inserting in lieu thereof the words "five dollars by way of deposit with the Board or by furnishing to the Board a bank guarantee acceptable to the Board";

(xi) by omitting from the same subsection the word "further" and by inserting in lieu thereof the words "moneys or further";

10 (xii) by inserting in the same subsection after the word "account" where secondly occurring the words "or by furnishing to the Board such a guarantee or increasing the amount guaranteed under such a guarantee";

15 (i) by omitting section twenty-three.

Sec. 23.
(Amendment
of Act No.
75, 1916.)

4. (1) The Bookmakers (Taxation) Act, 1917-1965, Amendment
is amended— of Act No.
15, 1917.

(a) by omitting from section one the symbol and figures "—1932"; Sec. 1.
(Short title
and com-
mencement.)

20 (b) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :— Sec. 27.
(Authority
to act for
bookmaker
during
absence.)

25 (1) In such circumstances and subject to such conditions as may be prescribed by the regulations under this Act, the body with

which

Racing (Amendment).

which a person is registered as a bookmaker may upon application made by the bookmaker—

- 5 (a) declare any period during which he is or is to be absent to be an approved period; and
- 10 (b) issue a written authority to a person nominated by the bookmaker to carry on the business of the bookmaker during the approved period.

(ii) by inserting next after subsection two of the same section the following new subsections :—

15 (3) Any person carrying on the business of a bookmaker pursuant to any authority issued under subsection one of this section shall, on demand made by any officer of police or by any person authorised by the Treasurer as referred to in section fourteen of this Act, produce the authority to that officer or person.

20 Penalty : Two hundred dollars.

25 (4) The Under Secretary and Comptroller of Accounts, The Treasury, may, by instrument in writing served on the body, direct a body referred to in subsection one of this section not to issue an authority under that subsection to any person named in the instrument, and may, by a like instrument, revoke or vary any such direction.

30 (5) Any authority issued under subsection one of this section to a person named in an instrument in force under subsection four of this section shall, whether issued before or after the instrument was served on the body concerned, have no force or effect.

Racing (Amendment).

(2) Any authority in force under section twenty-seven of the Bookmakers (Taxation) Act, 1917–1965, immediately before the commencement of subsection one of this section shall continue to have force and effect in all respects as if
5 that subsection had not been enacted.

5. Any act, matter or thing done or omitted before the Validation. commencement of any amendment made by this Act to the Totalizator Act, 1916, or the Totalizator (Off-course Betting) Act, 1964, which would have been lawful had that amend-
10 ment been in force when the act, matter or thing was done or omitted, is hereby validated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971
[25c]

RACING (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to amend the Totalizator Act, 1916—

- (i) to increase the amount of commission to be deducted from bets made on a Doubles Totalizator from thirteen to fourteen per centum, to be shared equally between the Racecourse Development Fund referred to in subparagraph (v) hereof and the Consolidated Revenue Fund;
- (ii) to provide that, except in certain cases, the minimum dividend payable on a totalizator is—
 - 26 cents—where the unit of investment is 25 cents;
 - 52 cents—where the unit of investment is 50 cents; and
 - \$1.04—where the unit of investment is \$1;
- (iii) to provide that, in relation to 60-20-20 Totalizators and in any circumstances to be prescribed by the rules under the Act, the minimum dividend is to be an amount equal to the unit of investment;
- (iv) to provide that certain dead heats are not to affect the method of determining the dividend payable;
- (v) to establish a Racecourse Development Fund, into which is to be paid an amount referred to in subparagraph (i) hereof, a proportion of the commission received by the Totalizator Agency Board, and certain other amounts;
- (vi) to enable payments to be made from the Racecourse Development Fund for the purpose of financing or re-financing permanent improvements on racecourses and training tracks, discharging certain liabilities incurred by racing clubs, and assisting trainers to transfer their premises to or to the vicinity of a training track; and

- (vii) to empower the rules under the Act to provide for the transfer of investments from one type of totalizator to another;
- (b) to amend the Totalizator (Off-course Betting) Act, 1964—
 - (i) to require the Totalizator Agency Board (hereinafter referred to as "the Board") to include in its financial scheme provision for the payment to the Racecourse Development Fund of part of the Board's commission;
 - (ii) to enable the Board to borrow by way of overdraft for certain purposes;
 - (iii) to permit the Board to operate a totalizator on an event or contingency held outside the Commonwealth;
 - (iv) to enable the Board to enter into agreements for the purpose of receiving money paid by investors in other States or Territories;
 - (v) to establish a T.A.B. Adjustment Account for the purpose of adjusting profits and losses made by the Board as a result of certain errors;
 - (vi) to widen the Board's power of investment in certain respects;
 - (vii) to repeal the provision forbidding broadcasts and other descriptions of races in premises of the Board and the bringing of radios into those premises;
 - (viii) to widen the class of information that may be communicated in premises of the Board in respect of races to be held;
 - (ix) to empower the Board to operate an on-course totalizator as agent for a racing club;
 - (x) to provide that 50 cents and multiples thereof are to be accepted by the Board for bets on the Doubles and Quinella Totalizators; and
 - (xi) to increase the minimum deposit for telephone and letter accounts from \$2 to \$5 and to permit the use of bank guarantees;
- (c) to amend the Bookmakers (Taxation) Act, 1917-1965, to enable the appointment of a substitute to act for a bookmaker whose absence is approved by the body with whom he is registered;
- (d) to validate any act, matter or thing done or omitted before the commencement of any amendment made by the Bill if the act, matter or thing would have been valid if the amendment had been in force when the act, matter or thing was done or omitted; and
- (e) to make other provisions of a minor, consequential or ancillary character.

PROOF

No. , 1971.

A BILL

Relating to the use of totalizators; to increase the minimum dividends payable in certain circumstances; to establish a Racecourse Development Fund; to make further provisions with respect to the powers, authorities, duties and functions of the Totalizator Agency Board and the appointment of substitutes for bookmakers in certain circumstances; for these and other purposes to amend the Totalizator Act, 1916, the Totalizator (Off-course Betting) Act, 1964, and the Bookmakers (Taxation) Act, 1917-1965; to validate certain matters; and for purposes connected therewith.

[MR ASKIN—7 December, 1971.]

BE

Racing (Amendment).

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 "Racing (Amendment) Act, 1971". Short title and commencement.

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

2. (1) The Totalizator Act, 1916, is amended— Amendment of Act No. 75, 1916.

(a) (i) by inserting next after the definition of "Racing club" in section two the following new definition :— Sec. 2. (Definitions.)

"60-20-20 Totalizator" means 60-20-20 Totalizator as defined in the rules under this Act.

(ii) by inserting at the end of the same section the following new definition :—

"Totalizator Agency Board" means the Totalizator Agency Board constituted under the Totalizator (Off-course Betting) Act, 1964.

(b) (i) by omitting from subsection one of section eight the words "on a non-starter" and by inserting in lieu thereof the words ", or transferable to another type of totalizator,"; Sec. 8. (Commission.)

(ii) by inserting in the same subsection after the word "commission" the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(1A) In subsection one of this section, “Doubles Totalizator” means Doubles Totalizator as defined in the rules under this Act, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section.

(iv) by inserting in subsection two of the same section after the word “commission” wherever occurring the words “(other than special commission)”;

(v) by inserting next after the same subsection the following new subsection :—

(2A) Every club shall pay to the Treasurer an amount equal to the amount to be deducted by the club as special commission in accordance with subsection one of this section, and one-half of the amount so paid shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(c) by omitting subsection two of section nine;

Sec. 9.
(Distribution of dividends.)

(d) by omitting subsection five of section 9A and by inserting in lieu thereof the following subsection :—

Sec. 9A.
(Dividends Adjustment Fund.)

(5) The amounts payable by the club to the Treasurer under sections eight and 9c of this Act in respect of an event or contingency in relation to which an incorrect dividend has been declared and paid shall be the amounts that would have been payable by the club under those sections if the correct dividend had been declared and paid.

(e)

Racing (Amendment).

(e) by omitting section 9C and by inserting in lieu thereof the following section :—

Subst.
sec. 9c.

9c. (1) In this section—

Determina-
tion of
dividend.

5 “the calculated amount”, in relation to an event
or contingency in relation to which a
totalizator was used, means the amount
which would, but for subsections three, five,
seven and eight of this section, be payable
10 by way of dividend in respect of that event
or contingency;

15 “the payable dividend”, in relation to an event
or contingency in relation to which a
totalizator was used, means the amount to
be paid by way of dividend in respect of
that event or contingency.

20 (2) Subject to subsections three, five and
six of this section, the calculated amount in relation
to an event or contingency in relation to which a
totalizator was used shall, after any necessary
adjustment under subsection seven of this section,
be the payable dividend in relation to that event
or contingency.

25 (3) Subject to subsections four and six of
this section, where the calculated amount in respect
of an event or contingency in relation to which a
totalizator was used is—

(a) equal to or less than the unit of investment
for that event or contingency; or

(b) more than that unit but—

30 (i) if that unit is fifty cents or more—
not more than the sum of that unit
and five cents; or

(ii)

Racing (Amendment).

- (ii) if that unit is twenty-five cents—
not more than the sum of that unit
and two and one-half cents,

the payable dividend shall be an amount equal to
one hundred and four per centum of that unit.

(4) Subsection three of this section does
not apply in any circumstances—

- (a) in which a 60-20-20 Totalizator was used;
or

- (b) in respect of which the rules under this Act
provide that that subsection does not apply.

(5) In any circumstances referred to in
subsection four of this section, where the calculated
amount in respect of an event or contingency in
relation to which a totalizator was used is less than
the unit of investment for that event or contingency,
the payable dividend in respect of that event or
contingency shall, subject to subsection six of this
section, be an amount equal to that unit.

(6) Where two or more starters fill any
one place in an event or contingency (including
first place) and a pool or any part thereof
(ascertained in accordance with this Act, the
regulations or the rules thereunder in respect of
that place) is required to be divided in respect of
the starters filling that place, the calculated amount
in relation to that event or contingency for each
starter that fills that place—

- (a) where the calculated amount is less than the
unit of investment for that event or
contingency—shall, after any necessary
adjustment under subsection eight of this
section; or

(b)

Racing (Amendment).

(b) where the calculated amount is not less than that unit—shall, after any necessary adjustment under subsection seven of this section,

5 be the payable dividend in relation to that event or contingency for that starter, but nothing in this subsection has effect in any case where that pool or part thereof would have been divided between those same starters had they respectively filled
10 consecutive places commencing with that place.

(7) Where the calculated amount is, under subsection two or subsection six (paragraph (a) excepted) of this section, the payable dividend in relation to any event or contingency—

15 (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of
20 the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or

25 (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the regulations or rules under this Act,

30 and the calculated amount shall be adjusted accordingly.

TABLE

Racing (Amendment).

TABLE

	First Column	Second Column
5	Not more than 5	Nil
	More than 5 but not more than 15	10
	More than 15 but not more than 25	20
	More than 25 but not more than 35	30
	More than 35 but not more than 45	40
10	More than 45 but not more than 55	50
	More than 55 but not more than 65	60
	More than 65 but not more than 75	70
	More than 75 but not more than 85	80
	More than 85 but not more than 95	90
15	More than 95	100

(8) Where the calculated amount is, under subsection six (paragraph (b) excepted) of this section, the payable dividend in relation to any event or contingency, any fraction of a cent shall be disregarded, and the calculated amount shall be adjusted accordingly.

(9) Where, by reason of subsection three (paragraph (a) excepted), seven or eight of this section—

(a) any amounts remain unpaid, those amounts 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; or

(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 concerned.

Racing (Amendment).

5 (10) Where by reason of subsection three (paragraph (b) excepted) of this section there is insufficient money 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 concerned, by the Totalizator Agency Board to the club, and by the club concerned, in shares that bear to each other the same proportion as—

- 10 (a) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (b) the commission (if any) retained by the Board; and
- 15 (c) the commission (if any) retained by the club,

in respect of the event or contingency, bear to each other.

- 20 (f) (i) by omitting from subsection two of section ten the words “on a non-starter” and by inserting in lieu thereof the words “, or transferable to another type of totalizator,”; (Power of Minister to assume control of totalizator.)
- (ii) by inserting in the same subsection after the word “commission” where firstly occurring the words “and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission”;
- 25 (iii) by inserting in the same subsection after the word “commission” where secondly occurring the words “(other than special commission)”;
- 30 (iv) by inserting at the end of the same subsection the following new paragraph :—

35 The amount so deducted as special commission shall be paid into the Treasury, and one-half shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(v)

Racing (Amendment).

- (v) by inserting next after the same subsection the following new subsection :—

5 (2A) In subsection two of this section, "Doubles Totalizator" has the meaning ascribed thereto by subsection (1A) of section eight of this Act.

- (g) by inserting next after section nineteen the following new section and short heading thereto :— New sec. 19A.

Racecourse Development Fund.

10 19A. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Racecourse Development Fund" (in this section referred to as "the Fund"). Racecourse Development Fund.

15 (2) There shall be a Racecourse Development Committee (in this section referred to as "the Committee") consisting of—

20 (a) the persons for the time being holding office or acting as the Chairman and the General Manager of the Totalizator Agency Board respectively; and

25 (b) the person for the time being holding office or acting as the Under Secretary and Comptroller of Accounts, The Treasury, or a person from time to time nominated by him to act as a member of the Committee.

(3) There shall be paid to the credit of the Fund—

(a) such amounts as are directed by this Act to be credited to the Fund;

30 (b) such amounts as are paid to the Fund under paragraph (c) of subsection three of section fourteen of the Totalizator (Off-course Betting) Act, 1964;

(c)

Racing (Amendment).

(c) any amounts repaid in respect of any loans made from the Fund; and

(d) any amounts received in respect of interest on loans made from the Fund.

5 (4) There shall be paid out of the Fund—

(a) the costs and expenses incurred by the Committee in carrying out its functions under this Act; and

10 (b) any amounts that are authorised to be paid out of the Fund under subsection five of this section.

(5) The Treasurer may, on the recommendation of the Committee, authorise payments out of the Fund—

15 (a) to provide finance for or towards the making of permanent improvements or the provision of totalizator facilities on any racecourse or the construction or the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

20 (b) to re-finance wholly or in part, or to discharge in whole or in part, any liability incurred in the making of permanent improvements or the provision of totalizator facilities on any racecourse or in the construction or in the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(c)

Racing (Amendment).

5 (c) to discharge wholly or in part any liabilities incurred by or on behalf of a racing club in respect of a racecourse which has ceased to be licensed under the provisions of the Gaming and Betting Act, 1912; or

(d) to assist horse or greyhound trainers to transfer their training activities to premises at or in the vicinity of a training track.

10 (6) Any payments authorised to be paid under subsection five of this section may be made by way of grant or loan and any payment by way of loan may be made subject to such terms and conditions of repayment and at such rate of interest (if any) as are, with the approval of the Treasurer,
15 agreed upon between the Committee and the person to whom the loan is made.

20 (7) The Committee may, with the approval of the Treasurer, enter into agreements or arrangements with any person relating to any matter in respect of which payments may be authorised under subsection five of this section.

(h) (i) by omitting paragraph (b) of subsection one Sec. 20. of section twenty and by inserting in lieu thereof the following paragraph :— (Regulations and rules.)

25 (b) all matters which by this Act are required or permitted to be prescribed by the regulations or which are necessary or convenient to be so prescribed for carrying out or giving
30 effect to this Act;

(ii) by inserting in subsection two of the same section after the word "totalizator" the words
35 ", and prescribing all matters and things which by this Act are required or permitted to be prescribed by the rules";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(2A) Without affecting the generality of subsection two of this section, the rules made thereunder may make provision for or with respect to—

(a) the refund, in such circumstances as may be prescribed by the rules, to an investor of amounts invested by him on a totalizator; and

(b) the transfer, in such circumstances as may be prescribed by the rules, of an amount invested on one type of totalizator to another type.

(2) The Totalizator Act, 1916, is further amended—

Further amendment of Act No. 75, 1916. (Statute law revision.)

(a) by omitting the definition of “Minister” in section two; Sec. 2. (Definitions.)

(b) by omitting from section three the word “all” and by inserting in lieu thereof the word “every”; Sec. 3. (Power of Minister to direct use of totalizator.)

(c) by omitting from section eight the word “Colonial” wherever occurring; Sec. 8. (Commission.)

(d) by omitting from section 8A the word “Colonial”; Sec. 8A. (Recovery of amounts due.)

(e) by omitting from subsection three of section nine the word “Colonial”; Sec. 9. (Distribution of dividends.)

(f) by omitting from section 9A (subsection five excepted) the word “Colonial” wherever occurring; Sec. 9A. (Dividends Adjustment Fund.)

(g)

Racing (Amendment).

- (g) by omitting from subsection one of section 9B the word "Colonial"; Sec. 9B.
(Unclaimed moneys.)
- (h) by omitting from section eleven the word "Colonial" wherever occurring; Sec. 11.
(Returns.)
- 5 (i) by omitting the short heading to section twenty and by inserting in lieu thereof the following short heading :— Short heading to sec. 20.

Regulations and rules.

- 10 (j) by omitting from section twenty-one the words "or police". Sec. 21.
(Recovery of penalties.)

(3) The provisions of subsection two of section nine and section 9c of the Totalizator Act, 1916, shall continue to apply to and in respect of dividends in respect of any event or contingency that happened before the commencement of the amendments made by paragraphs (c) and (e) of subsection one of this section in all respects as if those amendments had not been made.

15

3. The Totalizator (Off-course Betting) Act, 1964, is amended— Amendment of Act No. 1, 1964.

- 20 (a) by inserting next after the definition of "Prescribed" in section two the following new definition :— Sec. 2.
(Interpretation.)
- "Racecourse Development Fund" means the Racecourse Development Fund established under section 19A of the Totalizator Act, 1916.
- 25
- (b) by omitting from paragraph (h) of subsection two of section three the words "Far South Racing Association" and by inserting in lieu thereof the words "Southern Tablelands and South Coast Racing Association"; Sec. 3.
(Constitution of Board.)
- 30 (c) (i) by omitting from subsection one of section eleven the words "All expenses" and by inserting in lieu thereof the words "Subject to this Act, all expenses"; Sec. 11.
(Expenses and financial scheme of Board.)
- (ii)

Racing (Amendment).

- (ii) by omitting from paragraph (a) of subsection three of the same section the word "and" where secondly occurring;
- 5 (iii) by inserting at the end of paragraph (b) of the same subsection the following word and new paragraph :—
 ; and
- 10 (c) the payment by the Board to the Race-course Development Fund of part of the residue of commission received by the Board.
- (iv) by inserting next after subsection five of the same section the following new subsection :—
 15 (6) The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section ten of this Act.
- 20 (d) (i) by inserting in subsection one of section twelve ^{Sec. 12.} after the word "Commonwealth" the words ^{(Conduct of off-course totali-} "or, with the approval of the Minister given ^{zators.)} in a particular case, on any race-course outside the Commonwealth";
- 25 (ii) by omitting from subsection two of the same section the words "All bets made with the Board shall, subject" and by inserting in lieu thereof the word "Subject";
- 30 (iii) by omitting from the same subsection the words "in respect of" wherever occurring and by inserting in lieu thereof the words "all bets made with the Board in respect of";
- (iv)

Racing (Amendment).

- (iv) by inserting next after subsection three of the same section the following new subsection :—

5 (3A) All bets made with the Board in respect of an event or contingency scheduled to be held on a race-course outside the Commonwealth shall be dealt with under subsection three of this section, in the same manner as if the event or contingency were scheduled to be held within the Commonwealth and the Minister had made a determination under that subsection in respect of the event or contingency.

- (v) by inserting next after subsection four of the same section the following new subsections :—

15 (5) Notwithstanding anything in this Act or the Totalizator Act, 1916, the Board may enter into arrangements or agreements with any authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth for the purpose of enabling
20 amounts received by that authority from investors to be paid into a totalizator used by the Board.

25 (6) Any arrangement or agreement under subsection five of this section—

- (a) shall be entered into only upon such terms and subject to such conditions as the Treasurer may approve; and
30 (b) may be carried into effect notwithstanding anything contained in this Act.

(e)

Racing (Amendment).

- (e) (i) by omitting from subsection one of section fourteen the figure, letter and symbol "9A,"; Sec. 14.
(Applica-
tion of
Totalizator
Act.)

5 (ii) by inserting in subsection two of the same section after the word "commission" where firstly and secondly occurring the words "(other than special commission)";

10 (iii) by inserting in paragraph (c) of subsection three of the same section after the word "clubs" where secondly occurring the words ", and to the Racecourse Development Fund,";

- (f) by inserting next after section fourteen the following new section :— New sec.
14A.

15 14A. (1) There shall be established in the Special Deposits Account at the Treasury an account to be called the "T.A.B. Adjustment Account" (in this section referred to as "the Account"). T.A.B.
Adjustment
Account.

20 (2) Where, by reason of an error occurring in the calculation or determination of the total number or value of bets received by the Board in respect of a starter in an event or contingency or in the calculation or determination of the dividend payable in respect of an event or contingency, or arising in such other circumstances as the Minister may determine—

25 (a) a profit or gain accrues to the Board which would not have accrued had the error not been made—an amount equal to that profit or gain shall be paid by the Board to the Account within fourteen days of the error becoming known to the Board, or any officer, employee or agent of the Board, or within such further time as the Minister may allow in any particular case; or

30

(b)

Racing (Amendment).

5 (b) a loss is actually suffered by the Board
which would not have been suffered by the
Board had the error not been made—an
amount equal to the loss shall, subject to
this section, upon a claim being made by
the Board to the Minister within fourteen
days of the error becoming known to the
Board, or within such further time as the
Minister may allow in any particular case,
10 be paid from the Account to the Board.

(3) Any balance remaining in the Account
on the first day of June and the first day of
December in each year shall be paid from the
Account into the Consolidated Revenue Fund.

15 (4) Where a claim has been made under
paragraph (b) of subsection two of this section
in respect of any loss, the Account shall be liable
only to the extent of the balance available in the
Account, and any claim, in so far as it has not been
20 met from the Account by reason of the foregoing
provisions of this section, shall lapse on the first
day of June or the first day of December, whichever
first occurs, next following the making of the claim.

25 (5) The amounts payable by the Board
to the Treasurer as commission and special
commission under this Act or the Totalizator Act,
1916, in respect of an event or contingency in
respect of which an error, as referred to in
subsection two of this section, was made, shall be
30 the amounts that would have been payable by the
Board had the error not been made.

Racing (Amendment).

- (g) by inserting next after section sixteen the following New sec.
16A.
new section :—

16A. (1) The Board may invest any moneys Investment
of moneys
by Board.
held by the Board and not immediately required for
the purposes of this Act—

(a) in any manner for the time being authorised
for the investment of trust funds; or

(b) except in the case of any moneys held upon
trust—in any other manner approved by
the Minister, but so that the rate of interest
at which the moneys are so invested is—

(i) not less than the maximum ordinary
rate of interest on trading bank
overdrafts as determined by the
Reserve Bank of Australia and
current at the time of making the
investment; or

(ii) in such special circumstances as may
be determined by the Minister on
the recommendation of the Board,
not less than a rate of interest deter-
mined by the Minister on the like
recommendation, being a rate lower
than the maximum ordinary rate
referred to in subparagraph (i) of
this paragraph.

(2) Any income received by the Board
from the investment of moneys under this section
shall be dealt with under subsection three of section
fourteen of this Act as if it were the residue of
commission paid to the Board.

- (h) (i) by omitting from paragraph (a) of subsection Sec. 17.
one of section seventeen the word “every” and (Provisions
relating to
offices,
branches
and agencies
of the
Board.)
by inserting in lieu thereof the words “subject
to subsection (1A) of this section, every”;

(ii)

Racing (Amendment).

(ii) by omitting paragraph (c) of the same subsection;

(iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

5

(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—

10

(i) the name, starting time and location of the event or contingency;

15

(ii) the distance over which the event or contingency is to be run;

20

(iii) the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency;

(iv) the state of the weather at the place at which the event or contingency is to be run; and

25

(v) the condition of the track upon which the event or contingency is to be run.

(iv) by inserting next after the same subsection the following new subsections :—

30

(1A) Where the Board is satisfied—

(a) that the establishment in any area situated beyond forty miles from the General Post Office, Sydney, of an office, branch or agency of the Board

in

Racing (Amendment).

in separate premises to which access may be had from the street without passing through other occupied premises is not economic in the circumstances;

(b) that the establishment of an office, branch or agency of the Board in that area is desirable having regard to—

(i) the remoteness or inaccessibility of the area in relation to established offices, branches and agencies of the Board;

(ii) the extent of any demand for the establishment of an office, branch or agency of the Board in the area; and

(iii) the Board's estimate of the probable volume of its business in the area; and

(c) that premises are available in the area which, but for the fact that they are not separate premises as referred to in paragraph (a) of this subsection, would, having regard to section ten of this Act, be suitable premises in which to establish an office, branch or agency of the Board,

the Board may, with the approval of the Minister in writing, establish an office, branch or agency in those premises and the provisions of paragraph (a) of subsection one of this section shall not apply in respect of those premises.

(1B)

Racing (Amendment).

(1B) Notwithstanding anything in this or any other Act—

- 5 (a) the Board may, when requested to do so by a racing club and with the approval of the Minister, conduct totalizator betting on a race-course for and on behalf of the club; and
- 10 (b) in so far as the Board conducts totalizator betting under paragraph (a) of this subsection—
- (i) the provisions of this Act shall not apply to or in respect of that betting;
- 15 (ii) the provisions of the Totalizator Act, 1916, shall apply to and in respect of that betting; and
- 20 (iii) anything done or omitted by the Board shall be deemed to have been done or omitted by the club.
- (v) by omitting from paragraph (c) of subsection two of the same section the word “and”;
- 25 (vi) by omitting from paragraph (d) of the same subsection the words “an amount” and by inserting in lieu thereof the words “except as provided by paragraph (e) of this subsection, an amount”;
- 30 (vii) by omitting from the same paragraph the words “of twenty-five cents” where secondly occurring and by inserting in lieu thereof the word “invested”;

(viii)

Racing (Amendment).

(viii) by inserting at the end of the same paragraph the following word and new paragraph :—

; and

5 (e) an amount of fifty cents or any multiple
of that amount shall be accepted by
the Board as a bet upon any event or
contingency in any case where a
Doubles Totalizator or a Quinella
10 Totalizator is used or where the bet is
received by the Board under paragraph
(b) of subsection two of section twelve
of this Act, and the dividend payable
by the Board in respect of such bet
15 shall bear the same proportion to the
dividend declared in respect of the
unit of investment as the amount
invested bears to the unit of
investment.

20 (ix) by inserting next after the same subsection the
following new subsection :—

(2A) In paragraph (e) of subsection two
of this section—

25 “Doubles Totalizator” means Doubles
Totalizator as defined in the rules
under the Totalizator Act, 1916, and
includes any other type of totalizator
prescribed by the regulations as a
Doubles Totalizator for the purposes
of this section;

30 “Quinella Totalizator” means Quinella
Totalizator as defined in the rules
under the Totalizator Act, 1916, and
includes any other type of totalizator
prescribed by the regulations as a
35 Quinella Totalizator for the purposes
of this section.

(x)

Racing (Amendment).

5 (x) by omitting from subsection three of the same section the words "two dollars" and by inserting in lieu thereof the words "five dollars by way of deposit with the Board or by furnishing to the Board a bank guarantee acceptable to the Board";

(xi) by omitting from the same subsection the word "further" and by inserting in lieu thereof the words "moneys or further";

10 (xii) by inserting in the same subsection after the word "account" where secondly occurring the words "or by furnishing to the Board such a guarantee or increasing the amount guaranteed under such a guarantee";

15 (i) by omitting section twenty-three.

Sec. 23.
(Amendment
of Act No.
75, 1916.)

4. (1) The Bookmakers (Taxation) Act, 1917-1965, Amendment
is amended— of Act No.
15, 1917.

(a) by omitting from section one the symbol and figures "—1932"; Sec. 1.
(Short title
and com-
mencement.)

20 (b) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :— Sec. 27.
(Authority
to act for
bookmaker
during
absence.)

25 (1) In such circumstances and subject to such conditions as may be prescribed by the regulations under this Act, the body with

which

Racing (Amendment).

which a person is registered as a bookmaker may upon application made by the bookmaker—

- 5 (a) declare any period during which he is or is to be absent to be an approved period; and
- (b) issue a written authority to a person nominated by the bookmaker to carry on the business of the bookmaker during the approved period.

(ii) by inserting next after subsection two of the same section the following new subsections :—

15 (3) Any person carrying on the business of a bookmaker pursuant to any authority issued under subsection one of this section shall, on demand made by any officer of police or by any person authorised by the Treasurer as referred to in section fourteen of this Act, produce the authority to that officer or person.

20 Penalty : Two hundred dollars.

25 (4) The Under Secretary and Comptroller of Accounts, The Treasury, may, by instrument in writing served on the body, direct a body referred to in subsection one of this section not to issue an authority under that subsection to any person named in the instrument, and may, by a like instrument, revoke or vary any such direction.

30 (5) Any authority issued under subsection one of this section to a person named in an instrument in force under subsection four of this section shall, whether issued before or after the instrument was served on the body concerned, have no force or effect.

Racing (Amendment).

(2) Any authority in force under section twenty-seven of the Bookmakers (Taxation) Act, 1917–1965, immediately before the commencement of subsection one of this section shall continue to have force and effect in all respects as if
5 that subsection had not been enacted.

5. Any act, matter or thing done or omitted before the Validation. commencement of any amendment made by this Act to the Totalizator Act, 1916, or the Totalizator (Off-course Betting) Act, 1964, which would have been lawful had that amend-
10 ment been in force when the act, matter or thing was done or omitted, is hereby validated.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 63, 1971.

An Act relating to the use of totalizators; to increase the minimum dividends payable in certain circumstances; to establish a Racecourse Development Fund; to make further provisions with respect to the powers, authorities, duties and functions of the Totalizator Agency Board and the appointment of substitutes for bookmakers in certain circumstances; for these and other purposes to amend the Totalizator Act, 1916, the Totalizator (Off-course Betting) Act, 1964, and the Bookmakers (Taxation) Act, 1917-1965; to validate certain matters; and for purposes connected therewith. [Assented to, 17th December, 1971.]

BE

Racing (Amendment).

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 :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Racing (Amendment) Act, 1971".

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

Amendment
of Act No.
75, 1916.

2. (1) The Totalizator Act, 1916, is amended—

Sec. 2.
(Defini-
tions.)

(a) (i) by inserting next after the definition of "Racing club" in section two the following new definition :—

"60-20-20 Totalizator" means 60-20-20 Totalizator as defined in the rules under this Act.

(ii) by inserting at the end of the same section the following new definition :—

"Totalizator Agency Board" means the Totalizator Agency Board constituted under the Totalizator (Off-course Betting) Act, 1964.

Sec. 8.
(Commis-
sion.)

(b) (i) by omitting from subsection one of section eight the words "on a non-starter" and by inserting in lieu thereof the words " , or transferable to another type of totalizator," ;

(ii) by inserting in the same subsection after the word "commission" the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";

(iii)

Racing (Amendment).

- (iii) by inserting next after the same subsection the following new subsection :—

(1A) In subsection one of this section, “Doubles Totalizator” means Doubles Totalizator as defined in the rules under this Act, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section.

- (iv) by inserting in subsection two of the same section after the word “commission” wherever occurring the words “(other than special commission)”;

- (v) by inserting next after the same subsection the following new subsection :—

(2A) Every club shall pay to the Treasurer an amount equal to the amount to be deducted by the club as special commission in accordance with subsection one of this section, and one-half of the amount so paid shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

- (c) by omitting subsection two of section nine;

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

- (d) by omitting subsection five of section 9A and by inserting in lieu thereof the following subsection :—

Sec. 9A.
(Dividends
Adjustment
Fund.)

(5) The amounts payable by the club to the Treasurer under sections eight and 9C of this Act in respect of an event or contingency in relation to which an incorrect dividend has been declared and paid shall be the amounts that would have been payable by the club under those sections if the correct dividend had been declared and paid.

(e)

Racing (Amendment).

Subst.
sec. 9c.

- (e) by omitting section 9c and by inserting in lieu thereof the following section :—

Determina-
tion of
dividend.

9c. (1) In this section—

“the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections three, five, seven and eight of this section, be payable by way of dividend in respect of that event or contingency;

“the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.

(2) Subject to subsections three, five and six of this section, the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any necessary adjustment under subsection seven of this section, be the payable dividend in relation to that event or contingency.

(3) Subject to subsections four and six of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is—

(a) equal to or less than the unit of investment for that event or contingency; or

(b) more than that unit but—

(i) if that unit is fifty cents or more—
not more than the sum of that unit
and five cents; or

(ii)

Racing (Amendment).

- (ii) if that unit is twenty-five cents—
not more than the sum of that unit
and two and one-half cents,

the payable dividend shall be an amount equal to one hundred and four per centum of that unit.

(4) Subsection three of this section does not apply in any circumstances—

- (a) in which a 60-20-20 Totalizator was used;
or

- (b) in respect of which the rules under this Act provide that that subsection does not apply.

(5) In any circumstances referred to in subsection four of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall, subject to subsection six of this section, be an amount equal to that unit.

(6) Where two or more starters fill any one place in an event or contingency (including first place) and a pool or any part thereof (ascertained in accordance with this Act, the regulations or the rules thereunder in respect of that place) is required to be divided in respect of the starters filling that place, the calculated amount in relation to that event or contingency for each starter that fills that place—

- (a) where the calculated amount is less than the unit of investment for that event or contingency—shall, after any necessary adjustment under subsection eight of this section; or

(b)

Racing (Amendment).

- (b) where the calculated amount is not less than that unit—shall, after any necessary adjustment under subsection seven of this section,

be the payable dividend in relation to that event or contingency for that starter, but nothing in this subsection has effect in any case where that pool or part thereof would have been divided between those same starters had they respectively filled consecutive places commencing with that place.

(7) Where the calculated amount is, under subsection two or subsection six (paragraph (a) excepted) of this section, the payable dividend in relation to any event or contingency—

- (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or
- (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the regulations or rules under this Act,

and the calculated amount shall be adjusted accordingly.

TABLE

Racing (Amendment).

TABLE

First Column	Second Column
Not more than 5	Nil
More than 5 but not more than 15	10
More than 15 but not more than 25	20
More than 25 but not more than 35	30
More than 35 but not more than 45	40
More than 45 but not more than 55	50
More than 55 but not more than 65	60
More than 65 but not more than 75	70
More than 75 but not more than 85	80
More than 85 but not more than 95	90
More than 95	100

(8) Where the calculated amount is, under subsection six (paragraph (b) excepted) of this section, the payable dividend in relation to any event or contingency, any fraction of a cent shall be disregarded, and the calculated amount shall be adjusted accordingly.

(9) Where, by reason of subsection three (paragraph (a) excepted), seven or eight of this section—

- (a) any amounts remain unpaid, those amounts 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; or
- (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 concerned.

Racing (Amendment).

(10) Where by reason of subsection three (paragraph (b) excepted) of this section there is insufficient money 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 concerned, by the Totalizator Agency Board to the club, and by the club concerned, in shares that bear to each other the same proportion: as—

- (a) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (b) the commission (if any) retained by the Board; and
- (c) the commission (if any) retained by the club,

in respect of the event or contingency, bear to each other.

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

- (f) (i) by omitting from subsection two of section ten the words "on a non-starter" and by inserting in lieu thereof the words ", or transferable to another type of totalizator,";
- (ii) by inserting in the same subsection after the word "commission" where firstly occurring the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";
- (iii) by inserting in the same subsection after the word "commission" where secondly occurring the words "(other than special commission)";
- (iv) by inserting at the end of the same subsection the following new paragraph :—

The amount so deducted as special commission shall be paid into the Treasury, and one-half shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

Racing (Amendment).

- (v) by inserting next after the same subsection the following new subsection :—

(2A) In subsection two of this section, “Doubles Totalizator” has the meaning ascribed thereto by subsection (1A) of section eight of this Act.

- (g) by inserting next after section nineteen the following new section and short heading thereto :—

New sec.
19A.

Racecourse Development Fund.

19A. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the “Racecourse Development Fund” (in this section referred to as “the Fund”).

Racecourse
Develop-
ment
Fund.

(2) There shall be a Racecourse Development Committee (in this section referred to as “the Committee”) consisting of—

- (a) the persons for the time being holding office or acting as the Chairman and the General Manager of the Totalizator Agency Board respectively; and
- (b) the person for the time being holding office or acting as the Under Secretary and Comptroller of Accounts, The Treasury, or a person from time to time nominated by him to act as a member of the Committee.

(3) There shall be paid to the credit of the Fund—

- (a) such amounts as are directed by this Act to be credited to the Fund;
- (b) such amounts as are paid to the Fund under paragraph (c) of subsection three of section fourteen of the Totalizator (Off-course Betting) Act, 1964;

(c)

Racing (Amendment).

(c) any amounts repaid in respect of any loans made from the Fund; and

(d) any amounts received in respect of interest on loans made from the Fund.

(4) There shall be paid out of the Fund—

(a) the costs and expenses incurred by the Committee in carrying out its functions under this Act; and

(b) any amounts that are authorised to be paid out of the Fund under subsection five of this section.

(5) The Treasurer may, on the recommendation of the Committee, authorise payments out of the Fund—

(a) to provide finance for or towards the making of permanent improvements or the provision of totalizator facilities on any racecourse or the construction or the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(b) to re-finance wholly or in part, or to discharge in whole or in part, any liability incurred in the making of permanent improvements or the provision of totalizator facilities on any racecourse or in the construction or in the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(c)

Racing (Amendment).

- (c) to discharge wholly or in part any liabilities incurred by or on behalf of a racing club in respect of a racecourse which has ceased to be licensed under the provisions of the Gaming and Betting Act, 1912; or
- (d) to assist horse or greyhound trainers to transfer their training activities to premises at or in the vicinity of a training track.

(6) Any payments authorised to be paid under subsection five of this section may be made by way of grant or loan and any payment by way of loan may be made subject to such terms and conditions of repayment and at such rate of interest (if any) as are, with the approval of the Treasurer, agreed upon between the Committee and the person to whom the loan is made.

(7) The Committee may, with the approval of the Treasurer, enter into agreements or arrangements with any person relating to any matter in respect of which payments may be authorised under subsection five of this section.

- (h) (i) by omitting paragraph (b) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :—

Sec. 20.
(Regulations and rules.)

- (b) all matters which by this Act are required or permitted to be prescribed by the regulations or which are necessary or convenient to be so prescribed for carrying out or giving effect to this Act;

- (ii) by inserting in subsection two of the same section after the word "totalizator" the words ", and prescribing all matters and things which by this Act are required or permitted to be prescribed by the rules";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(2A) Without affecting the generality of subsection two of this section, the rules made thereunder may make provision for or with respect to—

- (a) the refund, in such circumstances as may be prescribed by the rules, to an investor of amounts invested by him on a totalizator; and
- (b) the transfer, in such circumstances as may be prescribed by the rules, of an amount invested on one type of totalizator to another type.

(2) The Totalizator Act, 1916, is further amended—

Further
amendment
of Act No.
75, 1916.
(Statute
law
revision.)

Sec. 2.
(Defini-
tions.)

(a) by omitting the definition of “Minister” in section two;

Sec. 3.
(Power of
Minister to
direct use of
totalizator.)

(b) by omitting from section three the word “all” and by inserting in lieu thereof the word “every”;

Sec. 8.
(Commis-
sion.)

(c) by omitting from section eight the word “Colonial” wherever occurring;

Sec. 8A.
(Recovery
of amounts
due.)

(d) by omitting from section 8A the word “Colonial”;

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

(e) by omitting from subsection three of section nine the word “Colonial”;

Sec. 9A.
(Dividends
Adjustment
Fund.)

(f) by omitting from section 9A (subsection five excepted) the word “Colonial” wherever occurring;

(g)

Racing (Amendment).

- (g) by omitting from subsection one of section 9B the word "Colonial"; Sec. 9B.
(Unclaimed
moneys.)
- (h) by omitting from section eleven the word "Colonial" wherever occurring; Sec. 11.
(Returns.)
- (i) by omitting the short heading to section twenty and by inserting in lieu thereof the following short heading :— Short
heading to
sec. 20.

Regulations and rules.

- (j) by omitting from section twenty-one the words "or police". Sec. 21.
(Recovery
of
penalties.)

(3) The provisions of subsection two of section nine and section 9c of the Totalizator Act, 1916, shall continue to apply to and in respect of dividends in respect of any event or contingency that happened before the commencement of the amendments made by paragraphs (c) and (e) of subsection one of this section in all respects as if those amendments had not been made.

3. The Totalizator (Off-course Betting) Act, 1964, is amended— Amendment
of Act No.
1, 1964.

- (a) by inserting next after the definition of "Prescribed" in section two the following new definition :— Sec. 2.
(Interpre-
tation.)

"Racecourse Development Fund" means the Racecourse Development Fund established under section 19A of the Totalizator Act, 1916.
- (b) by omitting from paragraph (h) of subsection two of section three the words "Far South Racing Association" and by inserting in lieu thereof the words "Southern Tablelands and South Coast Racing Association"; Sec. 3.
(Constitution
of Board.)
- (c) (i) by omitting from subsection one of section eleven the words "All expenses" and by inserting in lieu thereof the words "Subject to this Act, all expenses"; Sec. 11.
(Expenses
and financial
scheme of
Board.)

(ii)

Racing (Amendment).

- (ii) by omitting from paragraph (a) of subsection three of the same section the word "and" where secondly occurring;
- (iii) by inserting at the end of paragraph (b) of the same subsection the following word and new paragraph :—

; and

- (c) the payment by the Board to the Race-course Development Fund of part of the residue of commission received by the Board.
- (iv) by inserting next after subsection five of the same section the following new subsection :—

(6) The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section ten of this Act.

Sec. 12.
(Conduct of
off-course
totali-
zators.)

- (d) (i) by inserting in subsection one of section twelve after the word "Commonwealth" the words "or, with the approval of the Minister given in a particular case, on any race-course outside the Commonwealth";
- (ii) by omitting from subsection two of the same section the words "All bets made with the Board shall, subject" and by inserting in lieu thereof the word "Subject";
- (iii) by omitting from the same subsection the words "in respect of" wherever occurring and by inserting in lieu thereof the words "all bets made with the Board in respect of";

(iv)

Racing (Amendment).

- (iv) by inserting next after subsection three of the same section the following new subsection :—

(3A) All bets made with the Board in respect of an event or contingency scheduled to be held on a race-course outside the Commonwealth shall be dealt with under subsection three of this section, in the same manner as if the event or contingency were scheduled to be held within the Commonwealth and the Minister had made a determination under that subsection in respect of the event or contingency.

- (v) by inserting next after subsection four of the same section the following new subsections :—

(5) Notwithstanding anything in this Act or the Totalizator Act, 1916, the Board may enter into arrangements or agreements with any authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth for the purpose of enabling amounts received by that authority from investors to be paid into a totalizator used by the Board.

(6) Any arrangement or agreement under subsection five of this section—

- (a) shall be entered into only upon such terms and subject to such conditions as the Treasurer may approve; and
- (b) may be carried into effect notwithstanding anything contained in this Act.

(e)

Racing (Amendment).

Sec. 14.
(Applica-
tion of
Totalizer
Act.)

(e) (i) by omitting from subsection one of section fourteen the figure, letter and symbol "9A,";

(ii) by inserting in subsection two of the same section after the word "commission" where firstly and secondly occurring the words "(other than special commission)";

(iii) by inserting in paragraph (c) of subsection three of the same section after the word "clubs" where secondly occurring the words ", and to the Racecourse Development Fund,";

New sec.
14A.

(f) by inserting next after section fourteen the following new section :—

T.A.B.
Adjustment
Account.

14A. (1) There shall be established in the Special Deposits Account at the Treasury an account to be called the "T.A.B. Adjustment Account" (in this section referred to as "the Account").

(2) Where, by reason of an error occurring in the calculation or determination of the total number or value of bets received by the Board in respect of a starter in an event or contingency or in the calculation or determination of the dividend payable in respect of an event or contingency, or arising in such other circumstances as the Minister may determine—

(a) a profit or gain accrues to the Board which would not have accrued had the error not been made—an amount equal to that profit or gain shall be paid by the Board to the Account within fourteen days of the error becoming known to the Board, or any officer, employee or agent of the Board, or within such further time as the Minister may allow in any particular case; or

(b)

Racing (Amendment).

(b) a loss is actually suffered by the Board which would not have been suffered by the Board had the error not been made—an amount equal to the loss shall, subject to this section, upon a claim being made by the Board to the Minister within fourteen days of the error becoming known to the Board, or within such further time as the Minister may allow in any particular case, be paid from the Account to the Board.

(3) Any balance remaining in the Account on the first day of June and the first day of December in each year shall be paid from the Account into the Consolidated Revenue Fund.

(4) Where a claim has been made under paragraph (b) of subsection two of this section in respect of any loss, the Account shall be liable only to the extent of the balance available in the Account, and any claim, in so far as it has not been met from the Account by reason of the foregoing provisions of this section, shall lapse on the first day of June or the first day of December, whichever first occurs, next following the making of the claim.

(5) The amounts payable by the Board to the Treasurer as commission and special commission under this Act or the Totalizator Act, 1916, in respect of an event or contingency in respect of which an error, as referred to in subsection two of this section, was made, shall be the amounts that would have been payable by the Board had the error not been made.

Racing (Amendment).

New sec.
16A.

- (g) by inserting next after section sixteen the following new section :—

Investment
of moneys
by Board.

16A. (1) The Board may invest any moneys held by the Board and not immediately required for the purposes of this Act—

(a) in any manner for the time being authorised for the investment of trust funds; or

(b) except in the case of any moneys held upon trust—in any other manner approved by the Minister, but so that the rate of interest at which the moneys are so invested is—

(i) not less than the maximum ordinary rate of interest on trading bank overdrafts as determined by the Reserve Bank of Australia and current at the time of making the investment; or

(ii) in such special circumstances as may be determined by the Minister on the recommendation of the Board, not less than a rate of interest determined by the Minister on the like recommendation, being a rate lower than the maximum ordinary rate referred to in subparagraph (i) of this paragraph.

(2) Any income received by the Board from the investment of moneys under this section shall be dealt with under subsection three of section fourteen of this Act as if it were the residue of commission paid to the Board.

Sec. 17.
(Provisions
relating to
offices,
branches
and agencies
of the
Board.)

- (h) (i) by omitting from paragraph (a) of subsection one of section seventeen the word “every” and by inserting in lieu thereof the words “subject to subsection (1A) of this section, every”;

(ii)

Racing (Amendment).

(ii) by omitting paragraph (c) of the same subsection;

(iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

(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—

(i) the name, starting time and location of the event or contingency;

(ii) the distance over which the event or contingency is to be run;

(iii) the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency;

(iv) the state of the weather at the place at which the event or contingency is to be run; and

(v) the condition of the track upon which the event or contingency is to be run.

(iv) by inserting next after the same subsection the following new subsections :—

(1A) Where the Board is satisfied—

(a) that the establishment in any area situated beyond forty miles from the General Post Office, Sydney, of an office, branch or agency of the Board

Racing (Amendment).

in separate premises to which access may be had from the street without passing through other occupied premises is not economic in the circumstances;

(b) that the establishment of an office, branch or agency of the Board in that area is desirable having regard to—

(i) the remoteness or inaccessibility of the area in relation to established offices, branches and agencies of the Board;

(ii) the extent of any demand for the establishment of an office, branch or agency of the Board in the area; and

(iii) the Board's estimate of the probable volume of its business in the area; and

(c) that premises are available in the area which, but for the fact that they are not separate premises as referred to in paragraph (a) of this subsection, would, having regard to section ten of this Act, be suitable premises in which to establish an office, branch or agency of the Board,

the Board may, with the approval of the Minister in writing, establish an office, branch or agency in those premises and the provisions of paragraph (a) of subsection one of this section shall not apply in respect of those premises.

Racing (Amendment).

(1B) Notwithstanding anything in this or any other Act—

- (a) the Board may, when requested to do so by a racing club and with the approval of the Minister, conduct totalizator betting on a race-course for and on behalf of the club; and
- (b) in so far as the Board conducts totalizator betting under paragraph (a) of this subsection—
 - (i) the provisions of this Act shall not apply to or in respect of that betting;
 - (ii) the provisions of the Totalizator Act, 1916, shall apply to and in respect of that betting; and
 - (iii) anything done or omitted by the Board shall be deemed to have been done or omitted by the club.
- (v) by omitting from paragraph (c) of subsection two of the same section the word “and”;
- (vi) by omitting from paragraph (d) of the same subsection the words “an amount” and by inserting in lieu thereof the words “except as provided by paragraph (e) of this subsection, an amount”;
- (vii) by omitting from the same paragraph the words “of twenty-five cents” where secondly occurring and by inserting in lieu thereof the word “invested”;

(viii)

Racing (Amendment).

(viii) by inserting at the end of the same paragraph the following word and new paragraph :—

; and

- (e) an amount of fifty cents or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency in any case where a Doubles Totalizator or a Quinella Totalizator is used or where the bet is received by the Board under paragraph (b) of subsection two of section twelve of this Act, 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 invested bears to the unit of investment.

(ix) by inserting next after the same subsection the following new subsection :—

(2A) In paragraph (e) of subsection two of this section—

“Doubles Totalizator” means Doubles Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section;

“Quinella Totalizator” means Quinella Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Quinella Totalizator for the purposes of this section.

(x)

Racing (Amendment).

- (x) by omitting from subsection three of the same section the words "two dollars" and by inserting in lieu thereof the words "five dollars by way of deposit with the Board or by furnishing to the Board a bank guarantee acceptable to the Board";
- (xi) by omitting from the same subsection the word "further" and by inserting in lieu thereof the words "moneys or further";
- (xii) by inserting in the same subsection after the word "account" where secondly occurring the words "or by furnishing to the Board such a guarantee or increasing the amount guaranteed under such a guarantee";

(i) by omitting section twenty-three.

Sec. 23.
(Amendment
of Act No.
75, 1916.)

4. (1) The Bookmakers (Taxation) Act, 1917-1965, is amended—

Amendment
of Act No.
15, 1917.

(a) by omitting from section one the symbol and figures "—1932";

Sec. 1.
(Short title
and com-
mencement.)

(b) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

Sec. 27.
(Authority
to act for
bookmaker
during
absence.)

(1) In such circumstances and subject to such conditions as may be prescribed by the regulations under this Act, the body with

which

Racing (Amendment).

which a person is registered as a bookmaker may upon application made by the bookmaker—

- (a) declare any period during which he is or is to be absent to be an approved period; and
 - (b) issue a written authority to a person nominated by the bookmaker to carry on the business of the bookmaker during the approved period.
- (ii) by inserting next after subsection two of the same section the following new subsections :—

(3) Any person carrying on the business of a bookmaker pursuant to any authority issued under subsection one of this section shall, on demand made by any officer of police or by any person authorised by the Treasurer as referred to in section fourteen of this Act, produce the authority to that officer or person.

Penalty : Two hundred dollars.

(4) The Under Secretary and Comptroller of Accounts, The Treasury, may, by instrument in writing served on the body, direct a body referred to in subsection one of this section not to issue an authority under that subsection to any person named in the instrument, and may, by a like instrument, revoke or vary any such direction.

(5) Any authority issued under subsection one of this section to a person named in an instrument in force under subsection four of this section shall, whether issued before or after the instrument was served on the body concerned, have no force or effect.

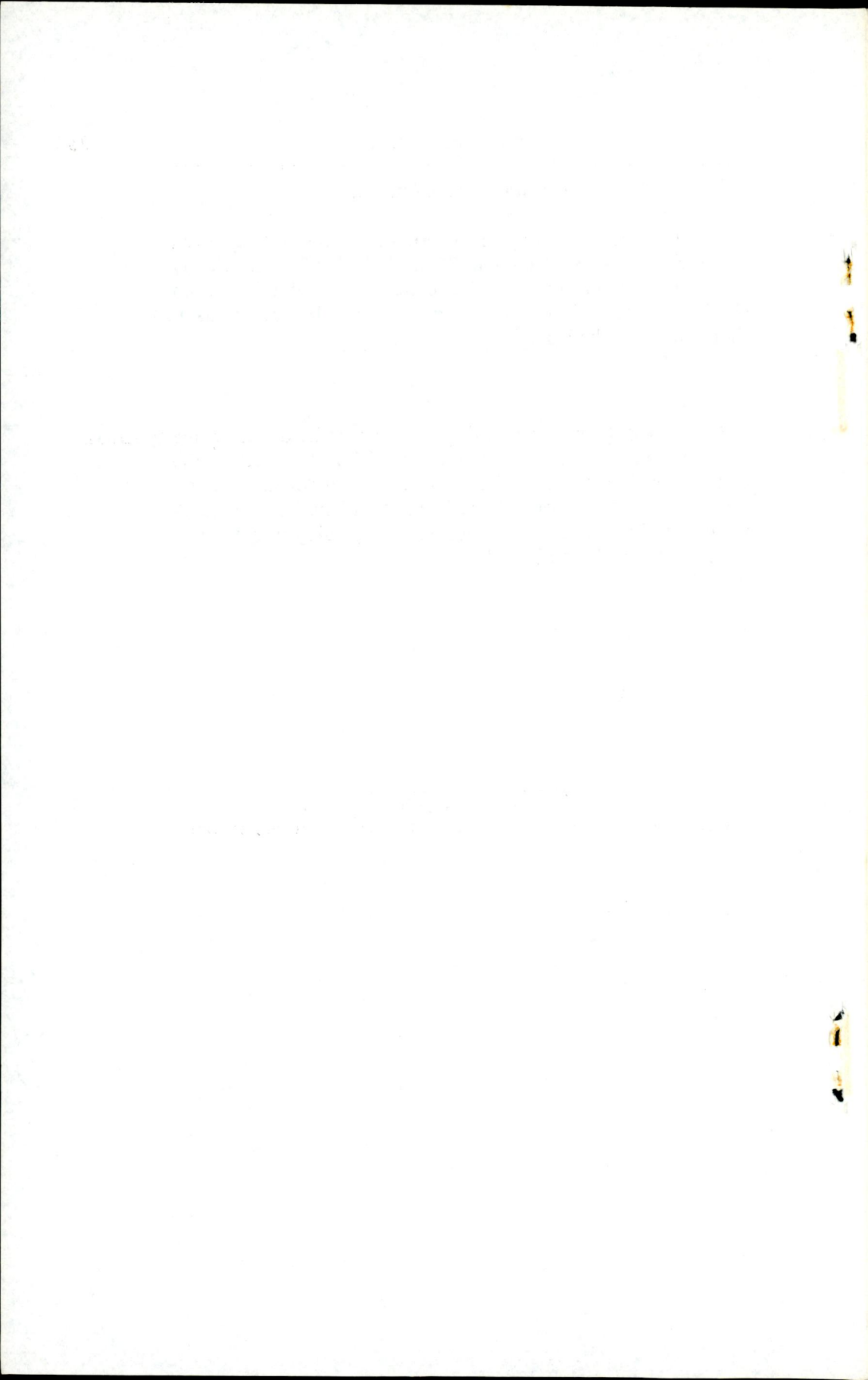
Racing (Amendment).

(2) Any authority in force under section twenty-seven of the Bookmakers (Taxation) Act, 1917–1965, immediately before the commencement of subsection one of this section shall continue to have force and effect in all respects as if that subsection had not been enacted.

5. Any act, matter or thing done or omitted before the Validation. commencement of any amendment made by this Act to the Totalizator Act, 1916, or the Totalizator (Off-course Betting) Act, 1964, which would have been lawful had that amendment been in force when the act, matter or thing was done or omitted, is hereby validated.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972



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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly

*Legislative Assembly Chamber,
Sydney, 9 December, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 63, 1971.

An Act relating to the use of totalizators; to increase the minimum dividends payable in certain circumstances; to establish a Racecourse Development Fund; to make further provisions with respect to the powers, authorities, duties and functions of the Totalizator Agency Board and the appointment of substitutes for bookmakers in certain circumstances; for these and other purposes to amend the Totalizator Act, 1916, the Totalizator (Off-course Betting) Act, 1964, and the Bookmakers (Taxation) Act, 1917-1965; to validate certain matters; and for purposes connected therewith. [Assented to, 17th December, 1971.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Racing (Amendment).

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 :—

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Racing (Amendment) Act, 1971".

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in that behalf and notified by proclamation published in the Gazette.

Amendment
of Act No.
75, 1916.

2. (1) The Totalizator Act, 1916, is amended—

Sec. 2.
(Defini-
tions.)

(a) (i) by inserting next after the definition of "Racing club" in section two the following new definition :—

"60-20-20 Totalizator" means 60-20-20 Totalizator as defined in the rules under this Act.

(ii) by inserting at the end of the same section the following new definition :—

"Totalizator Agency Board" means the Totalizator Agency Board constituted under the Totalizator (Off-course Betting) Act, 1964.

Sec. 8.
(Commis-
sion.)

(b) (i) by omitting from subsection one of section eight the words "on a non-starter" and by inserting in lieu thereof the words " , or transferable to another type of totalizator,";

(ii) by inserting in the same subsection after the word "commission" the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";

(iii)

Racing (Amendment).

- (iii) by inserting next after the same subsection the following new subsection :—

(1A) In subsection one of this section, "Doubles Totalizator" means Doubles Totalizator as defined in the rules under this Act, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section.

- (iv) by inserting in subsection two of the same section after the word "commission" wherever occurring the words "(other than special commission)";

- (v) by inserting next after the same subsection the following new subsection :—

(2A) Every club shall pay to the Treasurer an amount equal to the amount to be deducted by the club as special commission in accordance with subsection one of this section, and one-half of the amount so paid shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

- (c) by omitting subsection two of section nine;

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

- (d) by omitting subsection five of section 9A and by inserting in lieu thereof the following subsection :—

Sec. 9A.
(Dividends
Adjustment
Fund.)

(5) The amounts payable by the club to the Treasurer under sections eight and 9C of this Act in respect of an event or contingency in relation to which an incorrect dividend has been declared and paid shall be the amounts that would have been payable by the club under those sections if the correct dividend had been declared and paid.

- (e)

Racing (Amendment).

Subst.
sec. 9c.

(e) by omitting section 9c and by inserting in lieu thereof the following section :—

Determina-
tion of
dividend.

9c. (1) In this section—

“the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections three, five, seven and eight of this section, be payable by way of dividend in respect of that event or contingency;

“the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.

(2) Subject to subsections three, five and six of this section, the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any necessary adjustment under subsection seven of this section, be the payable dividend in relation to that event or contingency.

(3) Subject to subsections four and six of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is—

(a) equal to or less than the unit of investment for that event or contingency; or

(b) more than that unit but—

(i) if that unit is fifty cents or more—
not more than the sum of that unit
and five cents; or

(ii)

Racing (Amendment).

- (ii) if that unit is twenty-five cents—
not more than the sum of that unit
and two and one-half cents,

the payable dividend shall be an amount equal to one hundred and four per centum of that unit.

(4) Subsection three of this section does not apply in any circumstances—

- (a) in which a 60-20-20 Totalizator was used;
or
- (b) in respect of which the rules under this Act provide that that subsection does not apply.

(5) In any circumstances referred to in subsection four of this section, where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall, subject to subsection six of this section, be an amount equal to that unit.

(6) Where two or more starters fill any one place in an event or contingency (including first place) and a pool or any part thereof (ascertained in accordance with this Act, the regulations or the rules thereunder in respect of that place) is required to be divided in respect of the starters filling that place, the calculated amount in relation to that event or contingency for each starter that fills that place—

- (a) where the calculated amount is less than the unit of investment for that event or contingency—shall, after any necessary adjustment under subsection eight of this section; or

(b)

Racing (Amendment).

- (b) where the calculated amount is not less than that unit—shall, after any necessary adjustment under subsection seven of this section,

be the payable dividend in relation to that event or contingency for that starter, but nothing in this subsection has effect in any case where that pool or part thereof would have been divided between those same starters had they respectively filled consecutive places commencing with that place.

(7) Where the calculated amount is, under subsection two or subsection six (paragraph (a) excepted) of this section, the payable dividend in relation to any event or contingency—

- (a) where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or

- (b) where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the regulations or rules under this Act,

and the calculated amount shall be adjusted accordingly.

TABLE

Racing (Amendment).

TABLE

First Column	Second Column
Not more than 5	Nil
More than 5 but not more than 15	10
More than 15 but not more than 25	20
More than 25 but not more than 35	30
More than 35 but not more than 45	40
More than 45 but not more than 55	50
More than 55 but not more than 65	60
More than 65 but not more than 75	70
More than 75 but not more than 85	80
More than 85 but not more than 95	90
More than 95	100

(8) Where the calculated amount is, under subsection six (paragraph (b) excepted) of this section, the payable dividend in relation to any event or contingency, any fraction of a cent shall be disregarded, and the calculated amount shall be adjusted accordingly.

(9) Where, by reason of subsection three (paragraph (a) excepted), seven or eight of this section—

(a) any amounts remain unpaid, those amounts 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; or

(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 concerned.

(10)

Racing (Amendment).

(10) Where by reason of subsection three (paragraph (b) excepted) of this section there is insufficient money 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 concerned, by the Totalizator Agency Board to the club, and by the club concerned, in shares that bear to each other the same proportion as—

- (a) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (b) the commission (if any) retained by the Board; and
- (c) the commission (if any) retained by the club,

in respect of the event or contingency, bear to each other.

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

- (f) (i) by omitting from subsection two of section ten the words "on a non-starter" and by inserting in lieu thereof the words " , or transferable to another type of totalizator, ";
- (ii) by inserting in the same subsection after the word "commission" where firstly occurring the words "and, in the case of moneys paid into a Doubles Totalizator, a further one per centum as special commission";
- (iii) by inserting in the same subsection after the word "commission" where secondly occurring the words "(other than special commission)";
- (iv) by inserting at the end of the same subsection the following new paragraph :—

The amount so deducted as special commission shall be paid into the Treasury, and one-half shall be carried to the Consolidated Revenue Fund and the other half shall be credited to the Racecourse Development Fund established under section 19A of this Act.

(v)

Racing (Amendment).

- (v) by inserting next after the same subsection the following new subsection :—

(2A) In subsection two of this section, "Doubles Totalizator" has the meaning ascribed thereto by subsection (1A) of section eight of this Act.

- (g) by inserting next after section nineteen the following ^{New sec. 19A.} new section and short heading thereto :—

Racecourse Development Fund.

19A. (1) There shall be established in the Special Deposits Account at the Treasury a fund to be called the "Racecourse Development Fund" (in this section referred to as "the Fund"). ^{Racecourse Development Fund.}

(2) There shall be a Racecourse Development Committee (in this section referred to as "the Committee") consisting of—

(a) the persons for the time being holding office or acting as the Chairman and the General Manager of the Totalizator Agency Board respectively; and

(b) the person for the time being holding office or acting as the Under Secretary and Comptroller of Accounts. The Treasury, or a person from time to time nominated by him to act as a member of the Committee.

(3) There shall be paid to the credit of the Fund—

(a) such amounts as are directed by this Act to be credited to the Fund;

(b) such amounts as are paid to the Fund under paragraph (c) of subsection three of section fourteen of the Totalizator (Off-course Betting) Act, 1964;

(c)

Racing (Amendment).

(c) any amounts repaid in respect of any loans made from the Fund; and

(d) any amounts received in respect of interest on loans made from the Fund.

(4) There shall be paid out of the Fund—

(a) the costs and expenses incurred by the Committee in carrying out its functions under this Act; and

(b) any amounts that are authorised to be paid out of the Fund under subsection five of this section.

(5) The Treasurer may, on the recommendation of the Committee, authorise payments out of the Fund—

(a) to provide finance for or towards the making of permanent improvements or the provision of totalizator facilities on any racecourse or the construction or the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(b) to re-finance wholly or in part, or to discharge in whole or in part, any liability incurred in the making of permanent improvements or the provision of totalizator facilities on any racecourse or in the construction or in the making of permanent improvements to a training track or to any facilities ancillary thereto which are under the management of a racing club or clubs, whether the facilities are on a racecourse or elsewhere;

(c)

Racing (Amendment).

(c) to discharge wholly or in part any liabilities incurred by or on behalf of a racing club in respect of a racecourse which has ceased to be licensed under the provisions of the Gaming and Betting Act, 1912; or

(d) to assist horse or greyhound trainers to transfer their training activities to premises at or in the vicinity of a training track.

(6) Any payments authorised to be paid under subsection five of this section may be made by way of grant or loan and any payment by way of loan may be made subject to such terms and conditions of repayment and at such rate of interest (if any) as are, with the approval of the Treasurer, agreed upon between the Committee and the person to whom the loan is made.

(7) The Committee may, with the approval of the Treasurer, enter into agreements or arrangements with any person relating to any matter in respect of which payments may be authorised under subsection five of this section.

(h) (i) by omitting paragraph (b) of subsection one of section twenty and by inserting in lieu thereof the following paragraph :— Sec. 20.
(Regulations and rules.)

(b) all matters which by this Act are required or permitted to be prescribed by the regulations or which are necessary or convenient to be so prescribed for carrying out or giving effect to this Act;

(ii) by inserting in subsection two of the same section after the word "totalizator" the words "and prescribing all matters and things which by this Act are required or permitted to be prescribed by the rules";

(iii)

Racing (Amendment).

(iii) by inserting next after the same subsection the following new subsection :—

(2A) Without affecting the generality of subsection two of this section, the rules made thereunder may make provision for or with respect to—

(a) the refund, in such circumstances as may be prescribed by the rules, to an investor of amounts invested by him on a totalizator; and

(b) the transfer, in such circumstances as may be prescribed by the rules, of an amount invested on one type of totalizator to another type.

(2) The Totalizator Act, 1916, is further amended—

Further
amendment
of Act No.
75, 1916.

(Statute
law
revision.)

Sec. 2.
(Defini-
tions.)

(a) by omitting the definition of “Minister” in section two;

Sec. 3.
(Power of
Minister to
direct use of
totalizator.)

(b) by omitting from section three the word “all” and by inserting in lieu thereof the word “every”;

Sec. 8.
(Commis-
sion.)

(c) by omitting from section eight the word “Colonial” wherever occurring;

Sec. 8A.
(Recovery
of amounts
due.)

(d) by omitting from section 8A the word “Colonial”;

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

(e) by omitting from subsection three of section nine the word “Colonial”;

Sec. 9A.
(Dividends
Adjustment
Fund.)

(f) by omitting from section 9A (subsection five excepted) the word “Colonial” wherever occurring;

(g)

Racing (Amendment).

- (g) by omitting from subsection one of section 9B the word "Colonial"; Sec. 9B.
(Unclaimed
moneys.)
- (h) by omitting from section eleven the word "Colonial" wherever occurring; Sec. 11.
(Returns.)
- (i) by omitting the short heading to section twenty and by inserting in lieu thereof the following short heading :— Short
heading to
sec. 20.

Regulations and rules.

- (j) by omitting from section twenty-one the words "or police". Sec. 21.
(Recovery
of
penalties.)

(3) The provisions of subsection two of section nine and section 9C of the Totalizator Act, 1916, shall continue to apply to and in respect of dividends in respect of any event or contingency that happened before the commencement of the amendments made by paragraphs (c) and (e) of subsection one of this section in all respects as if those amendments had not been made.

3. The Totalizator (Off-course Betting) Act, 1964, is amended— Amendment
of Act No.
1, 1964.

- (a) by inserting next after the definition of "Prescribed" in section two the following new definition :— Sec. 2.
(Interpre-
tation.)

"Racecourse Development Fund" means the Racecourse Development Fund established under section 19A of the Totalizator Act, 1916.
- (b) by omitting from paragraph (h) of subsection two of section three the words "Far South Racing Association" and by inserting in lieu thereof the words "Southern Tablelands and South Coast Racing Association"; Sec. 3.
(Constitution
of Board.)
- (c) (i) by omitting from subsection one of section eleven the words "All expenses" and by inserting in lieu thereof the words "Subject to this Act, all expenses"; Sec. 11.
(Expenses
and financial
scheme of
Board.)
- (ii)

Racing (Amendment).

(ii) by omitting from paragraph (a) of subsection three of the same section the word "and" where secondly occurring;

(iii) by inserting at the end of paragraph (b) of the same subsection the following word and new paragraph :—

; and

(c) the payment by the Board to the Race-course Development Fund of part of the residue of commission received by the Board.

(iv) by inserting next after subsection five of the same section the following new subsection :—

(6) The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section ten of this Act.

Sec. 12.
(Conduct of
off-course
totali-
zators.)

(d) (i) by inserting in subsection one of section twelve after the word "Commonwealth" the words "or, with the approval of the Minister given in a particular case, on any race-course outside the Commonwealth";

(ii) by omitting from subsection two of the same section the words "All bets made with the Board shall, subject" and by inserting in lieu thereof the word "Subject";

(iii) by omitting from the same subsection the words "in respect of" wherever occurring and by inserting in lieu thereof the words "all bets made with the Board in respect of";

(iv)

Racing (Amendment).

- (iv) by inserting next after subsection three of the same section the following new subsection :—

(3A) All bets made with the Board in respect of an event or contingency scheduled to be held on a race-course outside the Commonwealth shall be dealt with under subsection three of this section, in the same manner as if the event or contingency were scheduled to be held within the Commonwealth and the Minister had made a determination under that subsection in respect of the event or contingency.

- (v) by inserting next after subsection four of the same section the following new subsections :—

(5) Notwithstanding anything in this Act or the Totalizator Act, 1916, the Board may enter into arrangements or agreements with any authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth for the purpose of enabling amounts received by that authority from investors to be paid into a totalizator used by the Board.

(6) Any arrangement or agreement under subsection five of this section—

(a) shall be entered into only upon such terms and subject to such conditions as the Treasurer may approve; and

(b) may be carried into effect notwithstanding anything contained in this Act.

(e)

Racing (Amendment).

Sec. 14.
(Applica-
tion of
Totalizator
Act.)

(e) (i) by omitting from subsection one of section fourteen the figure, letter and symbol "9A,";

(ii) by inserting in subsection two of the same section after the word "commission" where firstly and secondly occurring the words "(other than special commission)";

(iii) by inserting in paragraph (c) of subsection three of the same section after the word "clubs" where secondly occurring the words ", and to the Racecourse Development Fund,";

New sec.
14A.

(f) by inserting next after section fourteen the following new section :—

T.A.B.
Adjustment
Account.

14A. (1) There shall be established in the Special Deposits Account at the Treasury an account to be called the "T.A.B. Adjustment Account" (in this section referred to as "the Account").

(2) Where, by reason of an error occurring in the calculation or determination of the total number or value of bets received by the Board in respect of a starter in an event or contingency or in the calculation or determination of the dividend payable in respect of an event or contingency, or arising in such other circumstances as the Minister may determine—

(a) a profit or gain accrues to the Board which would not have accrued had the error not been made—an amount equal to that profit or gain shall be paid by the Board to the Account within fourteen days of the error becoming known to the Board, or any officer, employee or agent of the Board, or within such further time as the Minister may allow in any particular case; or

(b)

Racing (Amendment).

(b) a loss is actually suffered by the Board which would not have been suffered by the Board had the error not been made—an amount equal to the loss shall, subject to this section, upon a claim being made by the Board to the Minister within fourteen days of the error becoming known to the Board, or within such further time as the Minister may allow in any particular case, be paid from the Account to the Board.

(3) Any balance remaining in the Account on the first day of June and the first day of December in each year shall be paid from the Account into the Consolidated Revenue Fund.

(4) Where a claim has been made under paragraph (b) of subsection two of this section in respect of any loss, the Account shall be liable only to the extent of the balance available in the Account, and any claim, in so far as it has not been met from the Account by reason of the foregoing provisions of this section, shall lapse on the first day of June or the first day of December, whichever first occurs, next following the making of the claim.

(5) The amounts payable by the Board to the Treasurer as commission and special commission under this Act or the Totalizator Act, 1916, in respect of an event or contingency in respect of which an error, as referred to in subsection two of this section, was made, shall be the amounts that would have been payable by the Board had the error not been made.

(g)

Racing (Amendment).

New sec.
16A.

- (g) by inserting next after section sixteen the following new section :—

Investment
of moneys
by Board.

16A. (1) The Board may invest any moneys held by the Board and not immediately required for the purposes of this Act—

(a) in any manner for the time being authorised for the investment of trust funds; or

(b) except in the case of any moneys held upon trust—in any other manner approved by the Minister, but so that the rate of interest at which the moneys are so invested is—

(i) not less than the maximum ordinary rate of interest on trading bank overdrafts as determined by the Reserve Bank of Australia and current at the time of making the investment; or

(ii) in such special circumstances as may be determined by the Minister on the recommendation of the Board, not less than a rate of interest determined by the Minister on the like recommendation, being a rate lower than the maximum ordinary rate referred to in subparagraph (i) of this paragraph.

(2) Any income received by the Board from the investment of moneys under this section shall be dealt with under subsection three of section fourteen of this Act as if it were the residue of commission paid to the Board.

Sec. 17.
(Provisions
relating to
offices,
branches
and agencies
of the
Board.)

- (h) (i) by omitting from paragraph (a) of subsection one of section seventeen the word “every” and by inserting in lieu thereof the words “subject to subsection (1A) of this section, every”;

(ii)

Racing (Amendment).

- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—
 - (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—
 - (i) the name, starting time and location of the event or contingency;
 - (ii) the distance over which the event or contingency is to be run;
 - (iii) the names, post or box positions, totalizator numbers, riders or drivers of the starters in the event or contingency;
 - (iv) the state of the weather at the place at which the event or contingency is to be run; and
 - (v) the condition of the track upon which the event or contingency is to be run.

- (iv) by inserting next after the same subsection the following new subsections :—

- (1A) Where the Board is satisfied—

- (a) that the establishment in any area situated beyond forty miles from the General Post Office, Sydney, of an office, branch or agency of the Board

in

Racing (Amendment).

in separate premises to which access may be had from the street without passing through other occupied premises is not economic in the circumstances;

(b) that the establishment of an office, branch or agency of the Board in that area is desirable having regard to—

(i) the remoteness or inaccessibility of the area in relation to established offices, branches and agencies of the Board;

(ii) the extent of any demand for the establishment of an office, branch or agency of the Board in the area; and

(iii) the Board's estimate of the probable volume of its business in the area; and

(c) that premises are available in the area which, but for the fact that they are not separate premises as referred to in paragraph (a) of this subsection, would, having regard to section ten of this Act, be suitable premises in which to establish an office, branch or agency of the Board,

the Board may, with the approval of the Minister in writing, establish an office, branch or agency in those premises and the provisions of paragraph (a) of subsection one of this section shall not apply in respect of those premises.

(1B)

Racing (Amendment).

(1B) Notwithstanding anything in this or any other Act—

- (a) the Board may, when requested to do so by a racing club and with the approval of the Minister, conduct totalizator betting on a race-course for and on behalf of the club; and
- (b) in so far as the Board conducts totalizator betting under paragraph (a) of this subsection—
 - (i) the provisions of this Act shall not apply to or in respect of that betting;
 - (ii) the provisions of the Totalizator Act, 1916, shall apply to and in respect of that betting; and
 - (iii) anything done or omitted by the Board shall be deemed to have been done or omitted by the club.
- (v) by omitting from paragraph (c) of subsection two of the same section the word “and”;
- (vi) by omitting from paragraph (d) of the same subsection the words “an amount” and by inserting in lieu thereof the words “except as provided by paragraph (e) of this subsection, an amount”;
- (vii) by omitting from the same paragraph the words “of twenty-five cents” where secondly occurring and by inserting in lieu thereof the word “invested”;

(viii)

Racing (Amendment).

(viii) by inserting at the end of the same paragraph the following word and new paragraph :—

; and

(e) an amount of fifty cents or any multiple of that amount shall be accepted by the Board as a bet upon any event or contingency in any case where a Doubles Totalizator or a Quinella Totalizator is used or where the bet is received by the Board under paragraph (b) of subsection two of section twelve of this Act, 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 invested bears to the unit of investment.

(ix) by inserting next after the same subsection the following new subsection :—

(2A) In paragraph (e) of subsection two of this section—

“Doubles Totalizator” means Doubles Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Doubles Totalizator for the purposes of this section;

“Quinella Totalizator” means Quinella Totalizator as defined in the rules under the Totalizator Act, 1916, and includes any other type of totalizator prescribed by the regulations as a Quinella Totalizator for the purposes of this section.

(x)

Racing (Amendment).

- (x) by omitting from subsection three of the same section the words "two dollars" and by inserting in lieu thereof the words "five dollars by way of deposit with the Board or by furnishing to the Board a bank guarantee acceptable to the Board";
- (xi) by omitting from the same subsection the word "further" and by inserting in lieu thereof the words "moneys or further";
- (xii) by inserting in the same subsection after the word "account" where secondly occurring the words "or by furnishing to the Board such a guarantee or increasing the amount guaranteed under such a guarantee";

(i) by omitting section twenty-three.

Sec. 23.
(Amendment
of Act No.
75, 1916.)

4. (1) The Bookmakers (Taxation) Act, 1917-1965, Amendment of Act No. 15, 1917.
is amended—

(a) by omitting from section one the symbol and figures "—1932";

Sec. 1.
(Short title
and com-
mencement.)

(b) (i) by omitting subsection one of section twenty-seven and by inserting in lieu thereof the following subsection :—

Sec. 27.
(Authority
to act for
bookmaker
during
absence.)

(1) In such circumstances and subject to such conditions as may be prescribed by the regulations under this Act, the body with

which

Racing (Amendment).

which a person is registered as a bookmaker may upon application made by the bookmaker—

- (a) declare any period during which he is or is to be absent to be an approved period; and
 - (b) issue a written authority to a person nominated by the bookmaker to carry on the business of the bookmaker during the approved period.
- (ii) by inserting next after subsection two of the same section the following new subsections :—

(3) Any person carrying on the business of a bookmaker pursuant to any authority issued under subsection one of this section shall, on demand made by any officer of police or by any person authorised by the Treasurer as referred to in section fourteen of this Act, produce the authority to that officer or person.

Penalty : Two hundred dollars.

(4) The Under Secretary and Comptroller of Accounts, The Treasury, may, by instrument in writing served on the body, direct a body referred to in subsection one of this section not to issue an authority under that subsection to any person named in the instrument, and may, by a like instrument, revoke or vary any such direction.

(5) Any authority issued under subsection one of this section to a person named in an instrument in force under subsection four of this section shall, whether issued before or after the instrument was served on the body concerned, have no force or effect.

Racing (Amendment).

(2) Any authority in force under section twenty-seven of the Bookmakers (Taxation) Act, 1917–1965, immediately before the commencement of subsection one of this section shall continue to have force and effect in all respects as if that subsection had not been enacted.

5. Any act, matter or thing done or omitted before the Validation commencement of any amendment made by this Act to the Totalizator Act, 1916, or the Totalizator (Off-course Betting) Act, 1964, which would have been lawful had that amendment been in force when the act, matter or thing was done or omitted, is hereby validated.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 17th December, 1971.*

April 20, 1971

Barry (Lambert)

I am writing you this letter to let you know that I have received your letter of April 15, 1971, and I am sorry that I have not been able to get back to you sooner. I am sure that you will understand my situation.

I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation.

I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation. I am sure that you will understand my situation.

A. R. GUTER

Director

Enclosure

Very truly yours,