

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 November, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Totalizator Act, 1916, with respect to the distribution of money paid into totalizators.

BE

Totalizator (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. This Act may be cited as the "Totalizator Short title. (Amendment) Act, 1976".

2. The Totalizator Act, 1916, is amended in the manner set forth in Schedule 1. Amendment of Act No. 75, 1916.

10

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) (a) Section 2, definition of "Doubles totalizator"—

Before the definition of "Horse race", insert :—

15

"Doubles totalizator" means a doubles totalizator as defined in the rules.

(b) Section 2, definition of "Multiple selection totalizator"—

Before the definition of "Racecourse", insert :—

20

"Multiple selection totalizator" means a totalizator that provides for an investor to select a combination of two or more contestants in an event or a combination of events, but does not include—

(a) a doubles totalizator; or

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) a quinella totalizator, a forecast totalizator or a reinvestment totalizator as defined in the rules.
- (c) Section 2, definition of "Racecourse Development Fund"—
- After the definition of "Racecourse", insert :—
- 10 "Racecourse Development Fund" means the fund established under section 19A.
- (d) Section 2, definition of "The rules"—
- After the definition of "The regulations", insert :—
- 15 "The rules" means the rules made under this Act.
- (2) Sections 8, 8A, 8B, 8C and the short heading before section 8—
- Omit sections 8 and 8A and the short heading before section 8, insert instead :—
- 20 *Distribution and Payment of Money Invested.*
8. (1) This section applies to every racing club except one to which section 8A applies.
- (2) A racing club to which this section applies and which uses a totalizator under this Act shall—
- 25 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors,

Distribu-
tion of
money by
clubs other
than those
to which
section 8A
applies.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 or transferable to another type of totalizator, in accordance with the regulations and the rules; and

(b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

10 (3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

15 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

20 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 6 per centum shall be retained as commission by the club;

25 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

30 (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

10 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

15 (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 6 per centum shall be retained as commission by the club;

25 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

10 (c) the remainder of that balance shall be paid as dividends.

(5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

15 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

20 (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

25 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 7 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 15 (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

- 20 8A. (1) This section applies to every racing club which conducts race-meetings—
- (a) on the Menangle Park racecourse, the Hawkesbury racecourse, the Penrith Showground, the Bankstown Showground or the Fairfield Showground;
- 25 (b) on a prescribed racecourse that is less than 64 kilometres from the Sydney General Post Office; or
- 30 (c) on a racecourse situated 64 kilometres or more from the Sydney General Post Office.

Distribu-
tion of
money by
clubs to
which this
section
applies.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (2) A racing club to which this section applies and which uses a totalizator under this Act shall—

10 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

15 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

20 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

25 (i) 5 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 6½ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

10 (ii) 7½ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

15 (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

20 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) 6½ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

25 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

30 (iii) 9 per centum shall be retained as commission by the club;

AMENDMENTS

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 15 (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

20 (5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

- 25 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) 10 per centum shall be retained as commission by the club;
- 10 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- 15 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- 25 (c) the remainder of that balance shall be paid as dividends.
- 30 8B. (1) If any racing club fails to pay to the Treasury any amount required to be paid by it ^{Payments to the Treasury.} under section 8 or 8A within 14 days after the happening of the event or contingency in relation to which the amount is payable, an additional amount equal to 10 per centum of that amount shall,

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 subject to subsection (2), forthwith become payable
by that club to the Treasury and, on being paid,
shall be credited to the Consolidated Revenue Fund.

10 (2) The Treasurer may, if in any particular
case he thinks fit to do so, waive the payment of
the whole or any part of an additional amount
payable under subsection (1) or give time for its
payment.

(3) Any amount required to be paid by a
racing club to the Treasury under this Act may be
recovered in a court of competent jurisdiction as a
debt due to the Crown.

15 8c. (1) Any amount required to be paid by a
racing club to the Totalizator Agency Board under
this Act may be recovered in a court of competent
jurisdiction as a debt due to the Board.

20 (2) A dividend payable by a racing club in
respect of any bet which was made through the
agency of the Totalizator Agency Board shall be
paid or credited by the club to the Board, and shall,
subject to the Totalizator (Off-course Betting) Act,
25 1964, be paid or credited by the Board as agent for
the club to the person entitled to receive it.

(3) (a) Section 9 (1)—
Omit the subsection.

(b) Section 9 (3)—
Omit "Treasurer", insert instead "Treasury".

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) (a) Section 9A—

5 Omit “Treasurer” wherever occurring, insert
instead “Treasury”.

(b) Section 9A (5)—

After “8”, insert “, 8A”.

(5) Section 9B (1)—

Omit “Treasurer”, insert instead “Treasury”.

10 (6) (a) Section 9c (9) (a)—

Omit “Treasurer”, insert instead “Treasury”.

(b) Section 9c (10) (b)—

Omit “retained by”, insert instead “payable to”.

(7) Section 10 (2), (3), (4), (4A)—

15 Omit section 10 (2), (2A) and (3), insert instead :—

(2) Where a totalizator is used pursuant to
subsection (1), the Minister shall—

20 (a) deduct from the total money paid into the
totalizator in respect of any event or con-
tingency any sums refundable to investors,
or transferable to another type of totalizator,
in accordance with the regulations and the
rules; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (4A), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

10 (a) of the balance referred to in subsection (2)
15 (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board, 14 per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

20 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—
- 5 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- 10 (i) 15½ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and
- 15 (ii) one-half of 1 per centum shall be paid to the Treasury as commission to be credited to the Racecourse Development Fund;
- 20 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- 25 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 30 (iii) 7½ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4A) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

10 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

15 (i) 16½ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

30 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and

5 (c) the remainder of that balance shall be paid as dividends.

(8) Section 16 (2)—

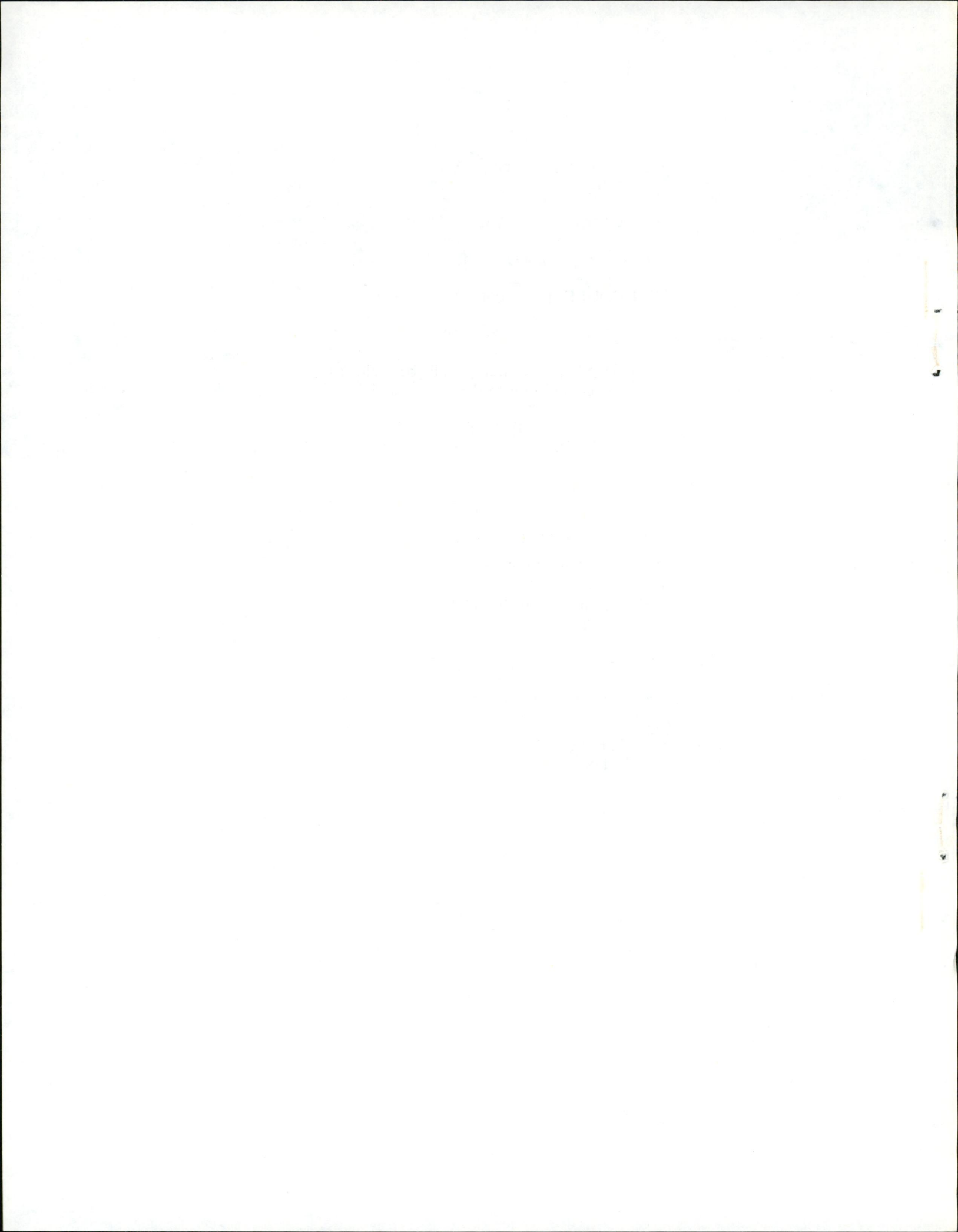
At the end of section 16, insert :—

10 (2) Subsection (1) does not apply to investments made by the Totalizator Agency Board when acting as the agent of a racing club.

(9) Section 20 (3)—

Omit the subsection, insert instead :—

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of the regulations and the rules as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.



No. . . . , 1976.

A BILL

To amend the Totalizator Act, 1916, with respect to the distribution of money paid into totalizators.

[MR RENSCHAW—16 November, 1976.]

BE

Totalizator (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. This Act may be cited as the "Totalizator Short title. (Amendment) Act, 1976".

2. The Totalizator Act, 1916, is amended in the manner set forth in Schedule 1. Amendment of Act No. 75, 1916.

10

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) (a) Section 2, definition of "Doubles totalizator"—

Before the definition of "Horse race", insert :—

15

"Doubles totalizator" means a doubles totalizator as defined in the rules.

(b) Section 2, definition of "Multiple selection totalizator"—

Before the definition of "Racecourse", insert :—

20

"Multiple selection totalizator" means a totalizator that provides for an investor to select a combination of two or more contestants in an event or a combination of events, but does not include—

(a) a doubles totalizator; or

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) a quinella totalizator, a forecast totalizator or a reinvestment totalizator as defined in the rules.

(c) Section 2, definition of "Racecourse Development Fund"—

After the definition of "Racecourse", insert :—

10 "Racecourse Development Fund" means the fund established under section 19A.

(d) Section 2, definition of "The rules"—

After the definition of "The regulations", insert :—

15 "The rules" means the rules made under this Act.

(2) Sections 8, 8A, 8B, 8C and the short heading before section 8—

Omit sections 8 and 8A and the short heading before section 8, insert instead :—

20 *Distribution and Payment of Money Invested.*

8. (1) This section applies to every racing club except one to which section 8A applies.

Distribu-
tion of
money by
clubs other
than those
to which
section 8A
applies.

25 (2) A racing club to which this section applies and which uses a totalizator under this Act shall—

(a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors,

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 or transferable to another type of totalizator, in accordance with the regulations and the rules; and

(b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

10 (3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

15 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

20 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 6 per centum shall be retained as commission by the club;

25 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

30 (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

10

(i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

15

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

20

(iii) 6 per centum shall be retained as commission by the club;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

10 (c) the remainder of that balance shall be paid as dividends.

(5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

15 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

20 (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

25 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 7 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 15 (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

- 20 8A. (1) This section applies to every racing club which conducts race-meetings—
- (a) on the Menangle Park racecourse, the Hawkesbury racecourse, the Penrith Showground, the Bankstown Showground or the Fairfield Showground;
- 25 (b) on a prescribed racecourse that is less than 64 kilometres from the Sydney General Post Office; or
- 30 (c) on a racecourse situated 64 kilometres or more from the Sydney General Post Office.

Distribu-
tion of
money by
clubs to
which this
section
applies.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (2) A racing club to which this section applies and which uses a totalizator under this Act shall—

10 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

15 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

20 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

25 (i) 5 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and
- 10 (ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.
- 15 (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—
- (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- 20 (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 25 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 30 (iii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

15 (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

20 (5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

25

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) 10 per centum shall be retained as commission by the club;
- 10 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- 15 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- 25 (c) the remainder of that balance shall be paid as dividends.

30 8B. (1) If any racing club fails to pay to the Treasury any amount required to be paid by it under section 8 or 8A within 14 days after the happening of the event or contingency in relation to which the amount is payable, an additional amount equal to 10 per centum of that amount shall, ^{Payments to the Treasury.}

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 subject to subsection (2), forthwith become payable by that club to the Treasury and, on being paid, shall be credited to the Consolidated Revenue Fund.

10 (2) The Treasurer may, if in any particular case he thinks fit to do so, waive the payment of the whole or any part of an additional amount payable under subsection (1) or give time for its payment.

(3) Any amount required to be paid by a racing club to the Treasury under this Act may be recovered in a court of competent jurisdiction as a debt due to the Crown.

15 8c. (1) Any amount required to be paid by a racing club to the Totalizator Agency Board under this Act may be recovered in a court of competent jurisdiction as a debt due to the Board. Payment to Totalizator Agency Board.

20 (2) A dividend payable by a racing club in respect of any bet which was made through the agency of the Totalizator Agency Board shall be paid or credited by the club to the Board, and shall, subject to the Totalizator (Off-course Betting) Act, 1964, be paid or credited by the Board as agent for
25 the club to the person entitled to receive it.

(3) (a) Section 9 (1)—

Omit the subsection.

(b) Section 9 (3)—

Omit "Treasurer", insert instead "Treasury".

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) (a) Section 9A—

5 Omit “Treasurer” wherever occurring, insert instead “Treasury”.

(b) Section 9A (5)—

After “8”, insert “, 8A”.

(5) Section 9B (1)—

Omit “Treasurer”, insert instead “Treasury”.

10 (6) (a) Section 9c (9) (a)—

Omit “Treasurer”, insert instead “Treasury”.

(b) Section 9c (10) (b)—

Omit “retained by”, insert instead “payable to”.

(7) Section 10 (2), (3), (4), (4A)—

15 Omit section 10 (2), (2A) and (3), insert instead :—

(2) Where a totalizator is used pursuant to subsection (1), the Minister shall—

20 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (4A), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

10 (a) of the balance referred to in subsection (2)
15 (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board, 14 per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

20 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) 6½ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 7½ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

- 5 (a) of the balance referred to in subsection (2)
(b), excluding any part of that balance
which is derived from bets made through
the agency of the Totalizator Agency
Board—
- 10 (i) $15\frac{1}{2}$ per centum (less the necessary
expenses incurred in using the
totalizator) shall be paid as com-
mission to the Treasury to be
15 credited to the Consolidated
Revenue Fund; and
- (ii) one-half of 1 per centum shall be
paid to the Treasury as commission
to be credited to the Racecourse
Development Fund;
- 20 (b) of that part (if any) of that balance which
is derived from bets made through the
agency of the Board—
- 25 (i) 8 per centum shall be paid as com-
mission to the Treasury to be
credited to the Consolidated
Revenue Fund;
- (ii) one-half of 1 per centum shall be
paid as commission to the Treasury
to be credited to the Racecourse
30 Development Fund; and
- (iii) $7\frac{1}{2}$ per centum shall be paid as
commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4A) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

10 (i) 16½ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

15 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund;

20 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

30 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and

5 (c) the remainder of that balance shall be paid as dividends.

(8) Section 16 (2)—

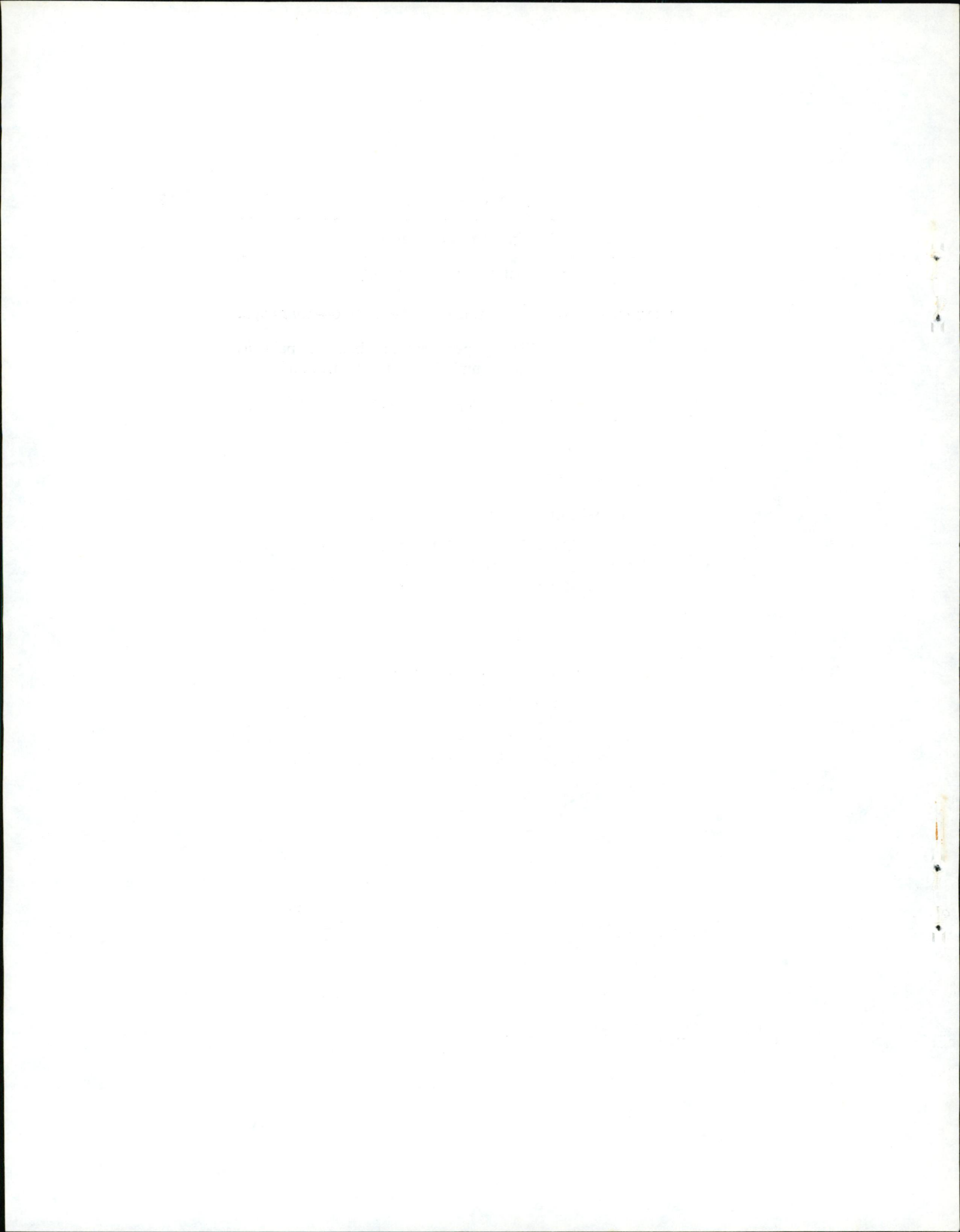
At the end of section 16, insert :—

10 (2) Subsection (1) does not apply to investments made by the Totalizator Agency Board when acting as the agent of a racing club.

(9) Section 20 (3)—

Omit the subsection, insert instead :—

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of the regulations and the rules as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.



PROOF

TOTALIZATOR (AMENDMENT) BILL, 1976

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to re-write the provisions of the Totalizator Act, 1916, with respect to the distribution of amounts invested in totalizators used by racing clubs, without (subject to paragraph (b)) altering the proportions payable or retainable as commission;
 - (b) to provide that amounts invested in multiple selection totalizators are to be distributed in the same way as for doubles totalizators except that the commission retainable by the club using the totalizator or, as the case may be, payable to the Totalizator Agency Board is to be an additional 1 per cent; and
 - (c) to make other amendments of a minor, consequential or revisionary nature.
-

PROOF

No. , 1976.

A BILL

To amend the Totalizator Act, 1916, with respect to
the distribution of money paid into totalizators.

[MR RENSRAW—16 November, 1976.]

BE

Totalizator (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. This Act may be cited as the "Totalizator Short title. (Amendment) Act, 1976".

2. The Totalizator Act, 1916, is amended in the manner set forth in Schedule 1. Amendment of Act No. 75, 1916.

10

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) (a) Section 2, definition of "Doubles totalizator"—

Before the definition of "Horse race", insert :—

15

"Doubles totalizator" means a doubles totalizator as defined in the rules.

(b) Section 2, definition of "Multiple selection totalizator"—

Before the definition of "Racecourse", insert :—

20

"Multiple selection totalizator" means a totalizator that provides for an investor to select a combination of two or more contestants in an event or a combination of events, but does not include—

(a) a doubles totalizator; or

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) a quinella totalizator, a forecast totalizator or a reinvestment totalizator as defined in the rules.

(c) Section 2, definition of "Racecourse Development Fund"—

After the definition of "Racecourse", insert :—

10 "Racecourse Development Fund" means the fund established under section 19A.

(d) Section 2, definition of "The rules"—

After the definition of "The regulations", insert :—

15 "The rules" means the rules made under this Act.

(2) Sections 8, 8A, 8B, 8C and the short heading before section 8—

Omit sections 8 and 8A and the short heading before section 8, insert instead :—

20 *Distribution and Payment of Money Invested.*

8. (1) This section applies to every racing club except one to which section 8A applies.

Distribu-
tion of
money by
clubs other
than those
to which
section 8A
applies.

25 (2) A racing club to which this section applies and which uses a totalizator under this Act shall—

(a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors,

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 or transferable to another type of totaliza-
tor, in accordance with the regulations
and the rules; and

(b) on the happening of that event or con-
tingency, distribute the balance in accord-
ance with subsection (3), (4) or (5),
whichever is applicable.

10 (3) Where the totalizator referred to in sub-
section (2) is a totalizator other than a doubles
totalizator or a multiple selection totalizator—

15 (a) of the balance referred to in subsection
(2) (b), excluding any part of that
balance which is derived from bets made
through the agency of the Totalizator
Agency Board—

20 (i) 8 per centum shall be paid as
commission to the Treasury to be
credited to the Consolidated
Revenue Fund; and

(ii) 6 per centum shall be retained as
commission by the club;

25 (b) of that part (if any) of that balance
which is derived from bets made through
the agency of the Board—

(i) $6\frac{1}{2}$ per centum shall be paid as
commission to the Treasury to be
credited to the Consolidated
Revenue Fund; and

30 (ii) $7\frac{1}{2}$ per centum shall be paid as
commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

10 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

15 (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 6 per centum shall be retained as commission by the club;

25 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

- 5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- 10 (c) the remainder of that balance shall be paid as dividends.

(5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

- 15 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- 20 (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 25 (iii) 7 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 15 (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

- 20 8A. (1) This section applies to every racing club which conducts race-meetings—
- (a) on the Menangle Park racecourse, the Hawkesbury racecourse, the Penrith Showground, the Bankstown Showground or the Fairfield Showground;
- 25 (b) on a prescribed racecourse that is less than 64 kilometres from the Sydney General Post Office; or
- 30 (c) on a racecourse situated 64 kilometres or more from the Sydney General Post Office.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (2) A racing club to which this section applies and which uses a totalizator under this Act shall—

10 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

15 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

20 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

25 (i) 5 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) of that part (if any) of that balance
which is derived from bets made through
the agency of the Board—

(i) $6\frac{1}{2}$ per centum shall be paid as
commission to the Treasury to be
credited to the Consolidated
Revenue Fund; and

10 (ii) $7\frac{1}{2}$ per centum shall be paid as
commission to the Board; and

(c) the remainder of that balance shall be
paid as dividends.

15 (4) Where the totalizator referred to in
subsection (2) is a doubles totalizator—

20 (a) of the balance referred to in subsection
(2) (b), excluding any part of that
balance which is derived from bets made
through the agency of the Totalizator
Agency Board—

(i) $6\frac{1}{2}$ per centum shall be paid as
commission to the Treasury to be
credited to the Consolidated
Revenue Fund;

25 (ii) one-half of 1 per centum shall be
paid as commission to the
Treasury to be credited to the
Racecourse Development Fund;
and

30 (iii) 9 per centum shall be retained as
commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- 10 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 15 (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

20 (5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

- 25 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- 5 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) 10 per centum shall be retained as commission by the club;
- 10 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- 15 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- 20 (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- 25 (c) the remainder of that balance shall be paid as dividends.

30 8B. (1) If any racing club fails to pay to the Treasury any amount required to be paid by it under section 8 or 8A within 14 days after the happening of the event or contingency in relation to which the amount is payable, an additional amount equal to 10 per centum of that amount shall, ^{Payments to the Treasury.}

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 subject to subsection (2), forthwith become payable
by that club to the Treasury and, on being paid,
shall be credited to the Consolidated Revenue Fund.

10 (2) The Treasurer may, if in any particular
case he thinks fit to do so, waive the payment of
the whole or any part of an additional amount
payable under subsection (1) or give time for its
payment.

(3) Any amount required to be paid by a
racing club to the Treasury under this Act may be
recovered in a court of competent jurisdiction as a
debt due to the Crown.

15 8c. (1) Any amount required to be paid by a racing club to the Totalizator Agency Board under this Act may be recovered in a court of competent jurisdiction as a debt due to the Board.

20 (2) A dividend payable by a racing club in
respect of any bet which was made through the
agency of the Totalizator Agency Board shall be
paid or credited by the club to the Board, and shall,
subject to the Totalizator (Off-course Betting) Act,
25 1964, be paid or credited by the Board as agent for
the club to the person entitled to receive it.

(3) (a) Section 9 (1)—
Omit the subsection.

(b) Section 9 (3)—
Omit "Treasurer", insert instead "Treasury".

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) (a) Section 9A—

5 Omit “Treasurer” wherever occurring, insert instead “Treasury”.

(b) Section 9A (5)—

After “8”, insert “, 8A”.

(5) Section 9B (1)—

Omit “Treasurer”, insert instead “Treasury”.

10 (6) (a) Section 9C (9) (a)—

Omit “Treasurer”, insert instead “Treasury”.

(b) Section 9C (10) (b)—

Omit “retained by”, insert instead “payable to”.

(7) Section 10 (2), (3), (4), (4A)—

15 Omit section 10 (2), (2A) and (3), insert instead :—

(2) Where a totalizator is used pursuant to subsection (1), the Minister shall—

20 (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

5 (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (4A), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

10 (a) of the balance referred to in subsection (2)
15 (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board, 14 per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

20 (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

- 5 (a) of the balance referred to in subsection (2)
(b), excluding any part of that balance
which is derived from bets made through
the agency of the Totalizator Agency
Board—
- 10 (i) $15\frac{1}{2}$ per centum (less the necessary
expenses incurred in using the
totalizator) shall be paid as com-
mission to the Treasury to be
15 credited to the Consolidated
Revenue Fund; and
- (ii) one-half of 1 per centum shall be
paid to the Treasury as commission
to be credited to the Racecourse
Development Fund;
- 20 (b) of that part (if any) of that balance which
is derived from bets made through the
agency of the Board—
- 25 (i) 8 per centum shall be paid as com-
mission to the Treasury to be
credited to the Consolidated
Revenue Fund;
- (ii) one-half of 1 per centum shall be
paid as commission to the Treasury
to be credited to the Racecourse
30 Development Fund; and
- (iii) $7\frac{1}{2}$ per centum shall be paid as
commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

5 (4A) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

10 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

15 (i) $16\frac{1}{2}$ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

20 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

25 (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

30 (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(iii) $8\frac{1}{2}$ per centum shall be paid as
commission to the Board; and

5 (c) the remainder of that balance shall be paid
as dividends.

(8) Section 16 (2)—

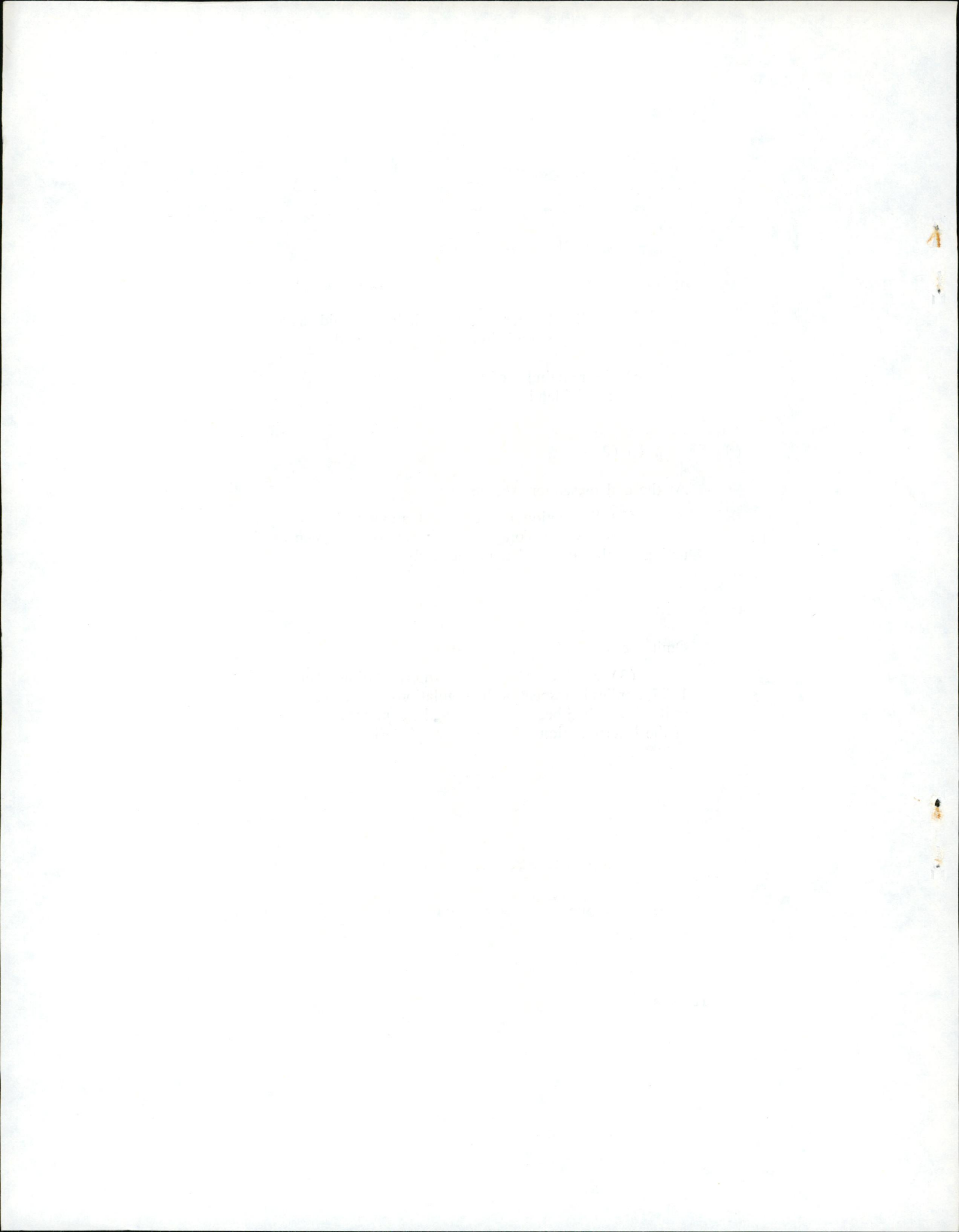
At the end of section 16, insert :—

10 (2) Subsection (1) does not apply to invest-
ments made by the Totalizator Agency Board when
acting as the agent of a racing club.

(9) Section 20 (3)—

Omit the subsection, insert instead :—

15 (3) Section 41 of the Interpretation Act,
1897, applies in respect of the regulations and the rules
as if this Act had been passed after the commencement
of the Interpretation (Amendment) Act, 1969.



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 89, 1976.

An Act to amend the Totalizator Act, 1916, with respect to the distribution of money paid into totalizators.
[Assented to, 2nd December, 1976.]

BE

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

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Totalizator (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. **1.** This Act may be cited as the "Totalizator (Amendment) Act, 1976".

Amendment of Act No. 75, 1916. **2.** The Totalizator Act, 1916, is amended in the manner set forth in Schedule 1.

 Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) (a) Section 2, definition of "Doubles totalizator"—

Before the definition of "Horse race", insert :—

"Doubles totalizator" means a doubles totalizator as defined in the rules.

(b) Section 2, definition of "Multiple selection totalizator"—

Before the definition of "Racecourse", insert :—

"Multiple selection totalizator" means a totalizator that provides for an investor to select a combination of two or more contestants in an event or a combination of events, but does not include—

(a) a doubles totalizator; or

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (b) a quinella totalizator, a forecast totalizator or a reinvestment totalizator as defined in the rules.
- (c) Section 2, definition of "Racecourse Development Fund"—
- After the definition of "Racecourse", insert :—
- "Racecourse Development Fund" means the fund established under section 19A.
- (d) Section 2, definition of "The rules"—
- After the definition of "The regulations", insert :—
- "The rules" means the rules made under this Act.
- (2) Sections 8, 8A, 8B, 8C and the short heading before section 8—
- Omit sections 8 and 8A and the short heading before section 8, insert instead :—

Distribution and Payment of Money Invested.

8. (1) This section applies to every racing club except one to which section 8A applies.
- (2) A racing club to which this section applies and which uses a totalizator under this Act shall—
- (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors

Distribu-
tion of
money by
clubs other
than those
to which
section 8A
applies.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

or transferable to another type of totalizator, in accordance with the regulations and the rules; and

- (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

- (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 6 per centum shall be retained as commission by the club;

- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

(4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 6 per centum shall be retained as commission by the club;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.
- (5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—
- (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
 - (i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
 - (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) 7 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
 - (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

8A. (1) This section applies to every racing club which conducts race-meetings—

- (a) on the Menangle Park racecourse, the Hawkesbury racecourse, the Penrith Showground, the Bankstown Showground or the Fairfield Showground;
- (b) on a prescribed racecourse that is less than 64 kilometres from the Sydney General Post Office; or
- (c) on a racecourse situated 64 kilometres or more from the Sydney General Post Office.

Distribution of money by clubs to which this section applies.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(2) A racing club to which this section applies and which uses a totalizator under this Act shall—

- (a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and
- (b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (5), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

- (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
 - (i) 5 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and
 - (ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

(4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

- (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—
- (i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
 - (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) 9 per centum shall be retained as commission by the club;

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

(5) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) 10 per centum shall be retained as commission by the club;
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—
- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
 - (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
 - (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and
- (c) the remainder of that balance shall be paid as dividends.

8B. (1) If any racing club fails to pay to the Treasury any amount required to be paid by it ^{Payments to the Treasury.} under section 8 or 8A within 14 days after the happening of the event or contingency in relation to which the amount is payable, an additional amount equal to 10 per centum of that amount shall,

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—continued.
AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

subject to subsection (2), forthwith become payable by that club to the Treasury and, on being paid, shall be credited to the Consolidated Revenue Fund.

(2) The Treasurer may, if in any particular case he thinks fit to do so, waive the payment of the whole or any part of an additional amount payable under subsection (1) or give time for its payment.

(3) Any amount required to be paid by a racing club to the Treasury under this Act may be recovered in a court of competent jurisdiction as a debt due to the Crown.

Payment to
Totalizator
Agency
Board.

8c. (1) Any amount required to be paid by a racing club to the Totalizator Agency Board under this Act may be recovered in a court of competent jurisdiction as a debt due to the Board.

(2) A dividend payable by a racing club in respect of any bet which was made through the agency of the Totalizator Agency Board shall be paid or credited by the club to the Board, and shall, subject to the Totalizator (Off-course Betting) Act, 1964, be paid or credited by the Board as agent for the club to the person entitled to receive it.

(3) (a) Section 9 (1)—

Omit the subsection.

(b) Section 9 (3)—

Omit "Treasurer", insert instead "Treasury".

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) (a) Section 9A—

Omit "Treasurer" wherever occurring, insert instead "Treasury".

(b) Section 9A (5)—

After "8", insert ", 8A".

(5) Section 9B (1)—

Omit "Treasurer", insert instead "Treasury".

(6) (a) Section 9C (9) (a)—

Omit "Treasurer", insert instead "Treasury".

(b) Section 9C (10) (b)—

Omit "retained by", insert instead "payable to".

(7) Section 10 (2), (3), (4), (4A)—

Omit section 10 (2), (2A) and (3), insert instead :—

(2) Where a totalizator is used pursuant to subsection (1), the Minister shall—

(a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and the rules; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (4A), whichever is applicable.

(3) Where the totalizator referred to in subsection (2) is a totalizator other than a doubles totalizator or a multiple selection totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board, 14 per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(4) Where the totalizator referred to in subsection (2) is a doubles totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) $15\frac{1}{2}$ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) one-half of 1 per centum shall be paid to the Treasury as commission to be credited to the Racecourse Development Fund;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(c) the remainder of that balance shall be paid as dividends.

(4A) Where the totalizator referred to in subsection (2) is a multiple selection totalizator—

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizator Agency Board—

(i) 16½ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Board—

(i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) the remainder of that balance shall be paid as dividends.

(8) Section 16 (2)—

At the end of section 16, insert :—

(2) Subsection (1) does not apply to investments made by the Totalizator Agency Board when acting as the agent of a racing club.

(9) Section 20 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of the regulations and the rules as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 2nd December, 1976.*

