

TOTALIZATOR (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Totalizator Act, 1916, to enable a racing club, with Ministerial approval, to pool bets made on one racecourse in respect of a race with bets made on the totalizator being used on another racecourse in respect of the same race.

The amendment will enable the declaration of common dividends at 2 or more racecourses where totalizator betting is conducted in respect of the same race.

TOTALIZATOR (AMENDMENT) BILL, 1978

Act No. , 1978.

A BILL FOR

An Act to amend the Totalizator Act, 1916, to enable the pooling of bets made on one racecourse in respect of a race with bets made on the totalizator used on another racecourse in respect of the same race.

[MR BOOTH—7 *December*, 1978.]

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 :—

5 **1.** This Act may be cited as the "Totalizator (Amendment) Short title. Act, 1978".

2. (1) This section and section 1 shall commence on the Commence-
date of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
in the Gazette.

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

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) Section 3B—

After section 3A, insert :—

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3B. (1) Notwithstanding anything contained in any Act Common-
relating to gaming, betting or wagering, a racing club pool
may— totalizator
betting.

(a) on any racecourse at which it holds race-
meetings; and

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(b) with the approval of the Minister and subject to
such terms and conditions as he may impose,

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

5 conduct totalizator betting, in which bets are dealt with
under subsection (2), upon any event or contingency
scheduled to be held on another racecourse within or
outside New South Wales.

(2) All bets made with a racing club pursuant to
subsection (1) in respect of any event or contingency—

10 (a) shall be paid by the racing club into a totalizator
used on another racecourse within New South
Wales in respect of the event or contingency;

(b) shall form part of the money invested on that
totalizator on the relevant event or contingency;
and

15 (c) shall be available for distribution by the racing
club that uses the totalizator on that other
racecourse.

20 (3) The Minister may, for any reason he deems fit,
revoke any approval granted under subsection (1), and
may vary the terms and conditions to which any approval
granted under subsection (1) is subject.

25 (4) If a racing club conducts totalizator betting of
the kind referred to in this section without the approval
of the Minister or otherwise than in accordance with any
terms and conditions to which that approval is subject, it
shall be liable to a penalty not exceeding \$200 for every
day on which it conducts totalizator betting of that kind.

30 (5) A racing club that conducts totalizator betting
pursuant to subsection (1) is, for the purposes of sections
8, 8A, 9C (10), 10 and 11, deemed not to be using a
totalizator in respect of bets made with the club pursuant
to that subsection.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(2) Section 5 (2)—

At the end of section 5, insert :—

- 5 (2) The conduct of totalizator betting pursuant to
section 3B shall be lawful to all intents and purposes, and
every person engaged or concerned in the conduct of that
betting, and every house, office, room or place upon a
10 racecourse used for the purposes of the conduct of that
betting, and every placard or advertisement referring
thereto, shall be exempt from the provisions of any Act
prohibiting gaming, betting or wagering.

(3) Sections 8, 8A—

Omit the sections, insert instead :—

- 15 8. (1) This section applies to every totalizator estab-
lished and used under this Act, except one to which section
8A applies.

Distribution
of money
invested on
totalizators
other than
those to
which
section 8A
applies.

(2) A racing club which, under this Act, uses a
totalizator to which this section applies 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
- 25 (b) on the happening of that event or contingency,
distribute the balance in accordance with
subsection (3), (4) or (5), whichever is
applicable.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

5 (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 referred to in paragraph (b), (c), (d) or (e)—

10 (i) 8 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

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

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

20 (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 7.5 per cent shall be paid as commission to the Board;

25 (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse referred to in section 8A (1)—

(i) 5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

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

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

5 (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in section 8A (1)—

10 (i) 8 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 6 per cent shall be paid as commission to that other club;

15 (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in section 8A (1)—

20 (i) 5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 9 per cent shall be paid as commission to that other club; and

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

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

30 (a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e)—

(i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and
- (iii) 6 per cent 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 Totalizator Agency Board—
- (i) 8 per cent shall be paid as commission to
the Minister to be credited to the
Consolidated Revenue Fund;
- 15 (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and
- (iii) 7.5 per cent shall be paid as commission
to the Board;
- 20 (c) of that part (if any) of that balance which is
derived from bets made under section 3B with the
club at a racecourse referred to in section 8A
(1)—
- (i) 6.5 per cent shall be paid as commission
to the Minister to be credited to the
Consolidated Revenue Fund;
- 25 (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and
- 30 (iii) 9 per cent shall be retained as
commission by the club;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (d) of that part (if any) of that balance which is
derived from bets made under section 3B with
another racing club at a racecourse other than
one referred to in section 8A (1)—
- 10 (i) 9.5 per cent shall be paid to that other
club to be paid as commission by that
other club to the Minister to be credited
to the Consolidated Revenue Fund;
- 15 (ii) 0.5 per cent shall be paid to that other
club to be paid as commission by that
other club to the Minister to be credited
to the Racecourse Development Fund;
and
- (iii) 6 per cent shall be paid as commission
to that other club;
- 20 (e) of that part (if any) of that balance which is
derived from bets made under section 3B with
another racing club at a racecourse referred to
in section 8A (1)—
- 25 (i) 6.5 per cent shall be paid to that other
club to be paid as commission by that
other club to the Minister to be credited
to the Consolidated Revenue Fund;
- 30 (ii) 0.5 per cent shall be paid to that other
club to be paid as commission by that
other club to the Minister to be credited
to the Racecourse Development Fund;
and
- (iii) 9 per cent shall be paid as commission to
that other club; and
- (f) the remainder of that balance shall be paid as
dividends.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

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

- 5 (a) of the balance referred to in subsection (2) (b),
excluding any part of that balance which is
derived from bets referred to in paragraph (b),
(c), (d) or (e)—
- 10 (i) 9.5 per cent shall be paid as commission
to the Minister to be credited to the
Consolidated Revenue Fund;
- (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and
- 15 (iii) 7 per cent shall be retained as commis-
sion by the club;
- (b) of that part (if any) of that balance which is
derived from bets made through the agency of
the Totalizator Agency Board—
- 20 (i) 8 per cent shall be paid as commission to
the Minister to be credited to the Con-
solidated Revenue Fund;
- (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
25 Racecourse Development Fund; and
- (iii) 8.5 per cent shall be paid as commission
to the Board;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse referred to in section 8A (1)—
- (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
- 10 (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 10 per cent shall be retained as commission by the club;
- 15 (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in section 8A (1)—
- 20 (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
- 25 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 7 per cent shall be paid as commission to that other club;

Totalizator (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

- 5 (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in section 8A (1)—
- 10 (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
- 15 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 10 per cent shall be paid as commission to that other club; and
- (f) the remainder of that balance shall be paid as dividends.
- 20 8A. (1) This section applies to every totalizator established and used under this Act—
- 25 (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
- 30 (c) on a racecourse situated 64 kilometres or more from the Sydney General Post Office.
- Distribution of money invested on totalizators to which this section applies.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

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

5 (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

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

15 (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 referred to in paragraph (b), (c), (d) or (e)—

 (i) 5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

25 (ii) 9 per cent 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 Totalizator Agency Board—

30 (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (ii)

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7.5 per cent shall be paid as commission to the Board;

(c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—

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

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

(d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—

(i) 5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 9 per cent shall be paid as commission to that other club;

(e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—

(i) 8 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 6 per cent shall be paid as commission to that other club; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (f) 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 referred to in paragraph (b),
(c), (d) or (e)—

 (i) 6.5 per cent shall be paid as commission
to the Minister to be credited to the
Consolidated Revenue Fund;

15 (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and

 (iii) 9 per cent shall be retained as commis-
sion by the club;

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

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

25 (ii) 0.5 per cent shall be paid as commission
to the Minister to be credited to the
Racecourse Development Fund; and

 (iii) 7.5 per cent shall be paid as commission
to the Board;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—
- (i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
- 10 (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 6 per cent shall be retained as commission by the club;
- 15 (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—
- 20 (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
- 25 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 9 per cent shall be paid as commission to that other club;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

5 (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—

10 (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;

15 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and

(iii) 6 per cent shall be paid as commission to that other club; and

(f) 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 referred to in paragraph (b), (c), (d) or (e)—

(i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

30 (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 10 per cent shall be retained as commission by the club;

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 Totalizator Agency Board—
- (i) 8 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
- 10 (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 8.5 per cent shall be paid as commission to the Board;
- 15 (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—
- (i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
- 20 (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
- 25 (iii) 7 per cent shall be retained as commission by the club;
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—
- 30 (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 10 per cent shall be paid as commission to that other club;
- 10 (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—
- 15 (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
- 20 (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 7 per cent shall be paid as commission to that other club; and
- 25 (f) the remainder of that balance shall be paid as dividends.

(4) Section 8B—

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

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(5) Section 8D—

After section 8C, insert :—

5 8D. (1) Any amount required under section 8, 8A or 9C (10) to be paid by a racing club to another racing club may be recovered in a court of competent jurisdiction as a debt due to that other club. Payment to another club.

10 (2) A dividend payable by a racing club in respect of any bet which was made with another racing club under section 3B shall be paid or credited by the former club to the latter club, and shall be paid or credited by the latter club to the person entitled to receive it.

(6) (a) Section 9 (3)—

15 Omit "Treasury", insert instead "Minister".

(b) Section 9 (4)—

Omit "any such club", insert instead "any club using a totalizator".

(7) Sections 9A, 9B (1), 9C (9) (a)—

20 Omit "Treasury" wherever occurring, insert instead "Minister".

(8) (a) Section 9C (9) (b)—

Omit "Treasurer", insert instead "Minister".

(b) Section 9C (10)—

25 Omit the subsection, insert instead :—

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(10) Where by reason of subsection (3) (paragraph (b) excepted) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid—

(a) by the Minister from the Consolidated Revenue Fund—to the club that used the totalizator;

(b) by the Totalizator Agency Board—to the club that used the totalizator;

(c) by any club that paid bets made with it in respect of the event or contingency into the totalizator pursuant to section 3B (2)—to the club that used the totalizator; and

(d) by the club that used the totalizator,

in shares that bear to each other the same proportion as—

(e) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;

(f) the commission (if any) payable to the Board;

(g) the commission (if any) payable to the club that paid bets made with it in respect of the event or contingency into the totalizator pursuant to section 3B (2); and

(h) the commission (if any) retained by the club that used the totalizator,

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

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(9) (a) Section 10 (3)-(4A)—

Omit the subsections, insert instead :—

- 5 (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)
(b), excluding any part of that balance
which is derived from bets referred to in
paragraph (b), (c) or (d), 14 per cent
(less the necessary expenses incurred in
using the totalizator) shall be retained as
commission by the Minister to be credited
15 to the Consolidated Revenue Fund;
- (b) of that part (if any) of that balance which
is derived from bets made through the
agency of the Totalizator Agency Board—
- 20 (i) 6.5 per cent shall be retained as
commission by the Minister to be
credited to the Consolidated
Revenue Fund; and
- (ii) 7.5 per cent shall be paid as
commission to the Board;
- 25 (c) of that part (if any) of that balance which
is derived from bets made under section 3B
with a racing club at a racecourse other
than one referred to in section 8A (1)—
- 30 (i) 8 per cent shall be retained as
commission by the Minister to be
credited to the Consolidated
Revenue Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

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- (ii) 6 per cent shall be paid as commission to the club;
 - (d) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse referred to in section 8A (1)—
 - (i) 5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per cent shall be paid as commission to the club; and
 - (e) 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 referred to in paragraph (b), (c) or (d)—
 - (i) 15.5 per cent (less the necessary expenses incurred in using the totalizator) shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund;

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 Totalizator Agency Board—
- (i) 8 per cent shall be retained as
commission by the Minister to be
credited to the Consolidated
Revenue Fund;
- 10 (ii) 0.5 per cent shall be retained as
commission by the Minister to be
credited to the Racecourse
Development Fund; and
- 15 (iii) 7.5 per cent shall be paid as
commission to the Board;
- (c) of that part (if any) of that balance which
is derived from bets made under section 3B
with a racing club at a racecourse other
than one referred to in section 8A (1)—
- 20 (i) 9.5 per cent shall be retained as
commission by the Minister to be
credited to the Consolidated
Revenue Fund;
- 25 (ii) 0.5 per cent shall be retained as
commission by the Minister to be
credited to the Racecourse
Development Fund; and
- (iii) 6 per cent shall be paid as
commission to the club;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

5 (d) of that part (if any) of that balance which
is derived from bets made under section 3B
with a racing club at a racecourse referred
to in section 8A (1)—

10 (i) 6.5 per cent shall be retained as
commission by the Minister to be
credited to the Consolidated
Revenue Fund;

(ii) 0.5 per cent shall be retained as
commission by the Minister to be
credited to the Racecourse
Development Fund; and

15 (iii) 9 per cent shall be paid as
commission to the club; and

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

20 (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 referred to in
paragraph (b), (c) or (d)—

25 (i) 16.5 per cent (less the necessary
expenses incurred in using the
totalizator) shall be retained as
commission by the Minister to be
30 credited to the Consolidated
Revenue Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- 5

(ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund;
- 10

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

 - (i) 8 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - 15

(ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 8.5 per cent shall be paid as commission to the Board;
- 20

(c) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse other than one referred to in section 8A (1)—

 - 25

(i) 9.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - 30

(ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(iii) 7 per cent shall be paid as commission to the club;

5 (d) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse referred to in section 8A (1)—

10 (i) 6.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;

15 (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and

(iii) 10 per cent shall be paid as commission to the club; and

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

(b) Section 10 (5)—

Omit “be paid into the Treasury to”.

(10) Section 11 (1), (2)—

25 Omit “Treasurer” wherever occurring, insert instead “Minister”.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(11) Section 16 (3)—

At the end of section 16, insert :—

- 5 (3) Subsection (1) does not apply to any telephonic or telegraphic request, instructions or directions made or given by an officer, agent or servant of a racing club for the purpose of conducting totalizator betting pursuant to section 3B.

10 (12) (a) Section 19A (2)—

Omit “Under Secretary and Comptroller of Accounts, The Treasury”, insert instead “Director, Department of Sport and Recreation”.

(b) Section 19A (5)–(7)—

- 15 Omit “Treasurer” wherever occurring, insert instead “Minister”.

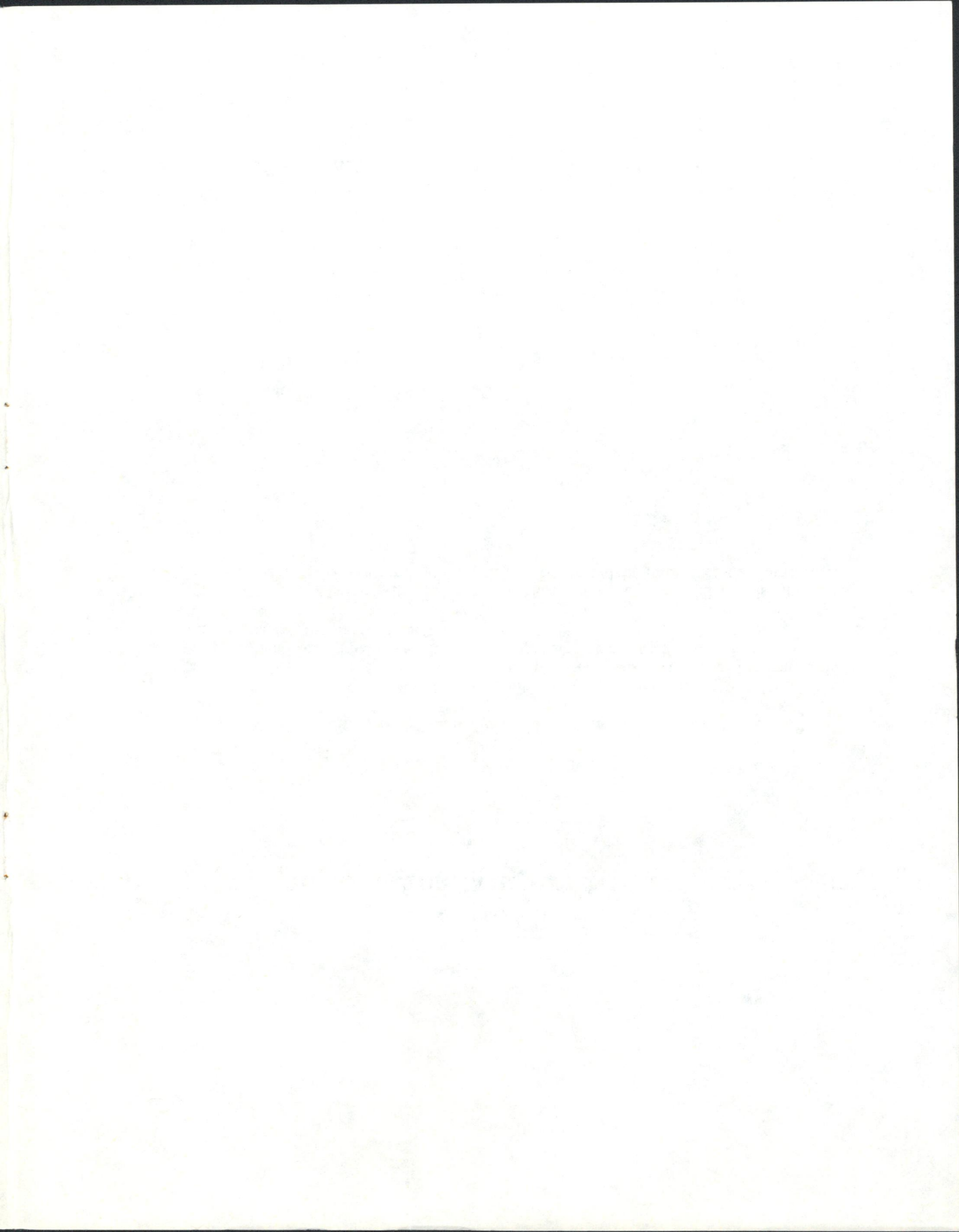
(13) Section 20 (2)—

After “any totalizator”, insert “and the conduct of totalizator betting of the kind referred to in section 3B”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[56c]



TOTALIZATOR (AMENDMENT) ACT, 1978, No. 146

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 146, 1978.

An Act to amend the Totalizator Act, 1916, to enable the pooling of bets made on one racecourse in respect of a race with bets made on the totalizator used on another racecourse in respect of the same race. [Assented to, 29th December, 1978.]

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, 1978".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
75, 1916. **3.** The Totalizator Act, 1916, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916.

(1) Section 3B—

After section 3A, insert :—

Common-
pool
totalizator
betting.

3B. (1) Notwithstanding anything contained in any Act relating to gaming, betting or wagering, a racing club may—

- (a) on any racecourse at which it holds race-meetings; and
- (b) with the approval of the Minister and subject to such terms and conditions as he may impose,

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

conduct totalizator betting, in which bets are dealt with under subsection (2), upon any event or contingency scheduled to be held on another racecourse within or outside New South Wales.

(2) All bets made with a racing club pursuant to subsection (1) in respect of any event or contingency—

- (a) shall be paid by the racing club into a totalizator used on another racecourse within New South Wales in respect of the event or contingency;
- (b) shall form part of the money invested on that totalizator on the relevant event or contingency; and
- (c) shall be available for distribution by the racing club that uses the totalizator on that other racecourse.

(3) The Minister may, for any reason he deems fit, revoke any approval granted under subsection (1), and may vary the terms and conditions to which any approval granted under subsection (1) is subject.

(4) If a racing club conducts totalizator betting of the kind referred to in this section without the approval of the Minister or otherwise than in accordance with any terms and conditions to which that approval is subject, it shall be liable to a penalty not exceeding \$200 for every day on which it conducts totalizator betting of that kind.

(5) A racing club that conducts totalizator betting pursuant to subsection (1) is, for the purposes of sections 8, 8A, 9C (10), 10 and 11, deemed not to be using a totalizator in respect of bets made with the club pursuant to that subsection.

Totalizator (Amendment).

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

(2) Section 5 (2)—

At the end of section 5, insert :—

(2) The conduct of totalizator betting pursuant to section 3B shall be lawful to all intents and purposes, and every person engaged or concerned in the conduct of that betting, and every house, office, room or place upon a racecourse used for the purposes of the conduct of that betting, and every placard or advertisement referring thereto, shall be exempt from the provisions of any Act prohibiting gaming, betting or wagering.

(3) Sections 8, 8A—

Omit the sections, insert instead :—

Distribution
of money
invested on
totalizators
other than
those to
which
section 8A
applies.

8. (1) This section applies to every totalizator established and used under this Act, except one to which section 8A applies.

(2) A racing club which, under this Act, uses a totalizator to which this section applies 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.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(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 referred to in paragraph (b), (c), (d) or (e)—

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

(ii) 6 per cent 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 Totalizator Agency Board—

(i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 7.5 per cent shall be paid as commission to the Board;

(c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse referred to in section 8A (1)—

(i) 5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

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

Totalizator (Amendment).

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

- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in section 8A (1)—
 - (i) 8 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 6 per cent shall be paid as commission to that other club;
 - (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in section 8A (1)—
 - (i) 5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per cent shall be paid as commission to that other club; and
 - (f) 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 referred to in paragraph (b), (c), (d) or (e)—
 - (i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent 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 Totalizator Agency Board—
 - (i) 8 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7.5 per cent shall be paid as commission to the Board;
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse referred to in section 8A (1)—
 - (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent shall be retained as commission by the club;

Totalizator (Amendment).

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

- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in section 8A (1)—
 - (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent shall be paid as commission to that other club;
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in section 8A (1)—
 - (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent shall be paid as commission to that other club; and
- (f) the remainder of that balance shall be paid as dividends.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(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 referred to in paragraph (b), (c), (d) or (e)—

(i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

(ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 7 per cent 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 Totalizator Agency Board—

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

(ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 8.5 per cent shall be paid as commission to the Board;

Totalizator (Amendment).

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

(c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse referred to in section 8A (1)—

(i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

(ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 10 per cent shall be retained as commission by the club;

(d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in section 8A (1)—

(i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;

(ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and

(iii) 7 per cent shall be paid as commission to that other club;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in section 8A (1)—
 - (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 10 per cent shall be paid as commission to that other club; and
- (f) the remainder of that balance shall be paid as dividends.

8A. (1) This section applies to every totalizator established and used under this Act—

Distribution
of money
invested on
totalizators
to which
this section
applies.

- (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.

Totalizator (Amendment).

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

(2) A racing club which, under this Act, uses a totalizator to which this section applies 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 referred to in paragraph (b), (c), (d) or (e)—
 - (i) 5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per cent 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 Totalizator Agency Board—
 - (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (ii) 7.5 per cent shall be paid as commission to the Board;
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—
 - (i) 8 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 6 per cent shall be retained as commission by the club;
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—
 - (i) 5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per cent shall be paid as commission to that other club;
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—
 - (i) 8 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 6 per cent shall be paid as commission to that other club; and

Totalizator (Amendment).

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

- (f) 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 referred to in paragraph (b), (c), (d) or (e)—

(i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;

(ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 9 per cent 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 Totalizator Agency Board—

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

(ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

(iii) 7.5 per cent shall be paid as commission to the Board;

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—
 - (i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent shall be retained as commission by the club;
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—
 - (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent shall be paid as commission to that other club;

Totalizator (Amendment).

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

- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—
 - (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent shall be paid as commission to that other club; and
 - (f) 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 referred to in paragraph (b), (c), (d) or (e)—
 - (i) 6.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 10 per cent 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 Totalizator Agency Board—
 - (i) 8 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 8.5 per cent shall be paid as commission to the Board;
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a racecourse other than one referred to in subsection (1)—
 - (i) 9.5 per cent shall be paid as commission to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7 per cent shall be retained as commission by the club;
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse referred to in subsection (1)—
 - (i) 6.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;

Totalizator (Amendment).

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

- (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
- (iii) 10 per cent shall be paid as commission to that other club;
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a racecourse other than one referred to in subsection (1)—
 - (i) 9.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7 per cent shall be paid as commission to that other club; and
- (f) the remainder of that balance shall be paid as dividends.

(4) Section 8B—

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

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(5) Section 8D—

After section 8C, insert :—

8D. (1) Any amount required under section 8, 8A or 9C (10) to be paid by a racing club to another racing club may be recovered in a court of competent jurisdiction as a debt due to that other club. ^{Payment to another club.}

(2) A dividend payable by a racing club in respect of any bet which was made with another racing club under section 3B shall be paid or credited by the former club to the latter club, and shall be paid or credited by the latter club to the person entitled to receive it.

(6) (a) Section 9 (3)—

Omit "Treasury", insert instead "Minister".

(b) Section 9 (4)—

Omit "any such club", insert instead "any club using a totalizator".

(7) Sections 9A, 9B (1), 9C (9) (a)—

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

(8) (a) Section 9C (9) (b)—

Omit "Treasurer", insert instead "Minister".

(b) Section 9C (10)—

Omit the subsection, insert instead :—

Totalizator (Amendment).

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

(10) Where by reason of subsection (3) (paragraph (b) excepted) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid—

- (a) by the Minister from the Consolidated Revenue Fund—to the club that used the totalizator;
- (b) by the Totalizator Agency Board—to the club that used the totalizator;
- (c) by any club that paid bets made with it in respect of the event or contingency into the totalizator pursuant to section 3B (2)—to the club that used the totalizator; and
- (d) by the club that used the totalizator,

in shares that bear to each other the same proportion as—

- (e) the commission carried to the Consolidated Revenue Fund under this Act or the Totalizator (Off-course Betting) Act, 1964;
- (f) the commission (if any) payable to the Board;
- (g) the commission (if any) payable to the club that paid bets made with it in respect of the event or contingency into the totalizator pursuant to section 3B (2); and
- (h) the commission (if any) retained by the club that used the totalizator,

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

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(9) (a) Section 10 (3)-(4A)—

Omit the subsections, insert instead :—

(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 referred to in paragraph (b), (c) or (d), 14 per cent (less the necessary expenses incurred in using the totalizator) shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;

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

(i) 6.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and

(ii) 7.5 per cent shall be paid as commission to the Board;

(c) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse other than one referred to in section 8A (1)—

(i) 8 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and

Totalizator (Amendment).

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

- (ii) 6 per cent shall be paid as commission to the club;
 - (d) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse referred to in section 8A (1)—
 - (i) 5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 9 per cent shall be paid as commission to the club; and
 - (e) 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 referred to in paragraph (b), (c) or (d)—
 - (i) 15.5 per cent (less the necessary expenses incurred in using the totalizator) shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund;

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 Totalizator Agency Board—
 - (i) 8 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7.5 per cent shall be paid as commission to the Board;
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse other than one referred to in section 8A (1)—
 - (i) 9.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent shall be paid as commission to the club;

Totalizator (Amendment).

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

- (d) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse referred to in section 8A (1)—
 - (i) 6.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent shall be paid as commission to the club; and
 - (e) 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 referred to in paragraph (b), (c) or (d)—
 - (i) 16.5 per cent (less the necessary expenses incurred in using the totalizator) shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund; and

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

- (ii) 0.5 per cent shall be retained as commission by the Minister 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 Totalizator Agency Board—
 - (i) 8 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 8.5 per cent shall be paid as commission to the Board;
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse other than one referred to in section 8A (1)—
 - (i) 9.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;
 - (ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and

Totalizator (Amendment).

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

(iii) 7 per cent shall be paid as commission to the club;

(d) of that part (if any) of that balance which is derived from bets made under section 3B with a racing club at a racecourse referred to in section 8A (1)—

(i) 6.5 per cent shall be retained as commission by the Minister to be credited to the Consolidated Revenue Fund;

(ii) 0.5 per cent shall be retained as commission by the Minister to be credited to the Racecourse Development Fund; and

(iii) 10 per cent shall be paid as commission to the club; and

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

(b) Section 10 (5)—

Omit “be paid into the Treasury to”.

(10) Section 11 (1), (2)—

Omit “Treasurer” wherever occurring, insert instead “Minister”.

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(11) Section 16 (3)—

At the end of section 16, insert :—

(3) Subsection (1) does not apply to any telephonic or telegraphic request, instructions or directions made or given by an officer, agent or servant of a racing club for the purpose of conducting totalizator betting pursuant to section 3B.

(12) (a) Section 19A (2)—

Omit "Under Secretary and Comptroller of Accounts, The Treasury", insert instead "Director, Department of Sport and Recreation".

(b) Section 19A (5)–(7)—

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

(13) Section 20 (2)—

After "any totalizator", insert "and the conduct of totalizator betting of the kind referred to in section 3B".

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 29th December, 1978.*

