

TOTALIZATOR (AMENDMENT) ACT 1990 No. 3

NEW SOUTH WALES



TABLE OF PROVISIONS

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THE PARLIAMENT OF NEW SOUTH WALES
IN SESSION

THE LEGISLATIVE COUNCIL

IN THE CHAMBER OF PEERS

ON FRIDAY, 11th DECEMBER 1903

THE HOUSE OF ASSEMBLY

IN THE CHAMBER OF COMMONS



NEW SOUTH WALES

THE LEGISLATIVE COUNCIL (AMENDMENT) ACT 1903 NO. 3

TOTALIZATOR (AMENDMENT) ACT 1990 No. 3

NEW SOUTH WALES



Act No. 3, 1990

An Act to amend the Totalizator Act 1916 with respect to superfecta totalizators, and for other purposes. [Assented to 22 May 1990]

See also Totalizator (Off-course Betting) Amendment Act 1990.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Totalizator (Amendment) Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Totalizator Act 1916 No. 75

3. The Totalizator Act 1916 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS**

(Sec. 3)

(1) Section 2 (Definitions):

- (a) At the end of the definition of "Multiple selection totalizator", insert:
; or
- (c) a superfecta totalizator.
- (b) After the definition of "Race-meeting", insert:
"Racing Assistance Fund" means the fund established under section 19B.
- (c) After the definition of "60-20-20 Totalizator", insert:
"Superfecta totalizator" means a superfecta totalizator as defined in the rules.

(2) Section 8 (Distribution of money invested on totalizators other than those to which section 8A or 10 applies):

- (a) From section 8 (2) (b), omit "or (5)", insert instead ", (5) or (6)".

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued*

- (b) From section 8 (3), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".
- (c) After section 8 (5), insert:
 - (6) Where the totalizator referred to in subsection (2) is a superfecta 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) or (c):
 - (i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent is to 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) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 8.5 per cent is to 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 another racing club:
 - (i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued*

- (ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
- (iii) 10 per cent is to be paid as commission to that other club; and
- (d) the remainder of that balance is to be paid as dividends.

(3) Section 8A (**Distribution of money invested on totalizators to which this section applies**):

In section 8A (1), after "except", insert "a superfecta totalizator or".

(4) Section 10 (**Power of Minister to assume control of totalizator**):

- (a) From section 10 (2) (b), omit "or (4A)", insert instead ", (4A) or (4B)".
- (b) From section 10 (3), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".
- (c) After section 10 (4A), insert:

(4B) Where the totalizator referred to in subsection (2) is a superfecta 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) or (c):

- (i) 15.5 per cent (less the necessary expenses incurred in using the totalizator) is to be retained as commission by the Minister to be credited to the Consolidated Fund; and

- (ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund;

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

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued*

- (i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 8.5 per cent is to be paid as commission to the Board;
 - (c) of that part (if any) of the balance which is derived from bets made under section 3B with a racing club:
 - (i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent is to be paid as commission to the club; and
 - (d) the remainder of that balance is to be paid as dividends.
- (5) Part 6, heading:
Omit the heading, insert instead:

**PART 6 - RACECOURSE DEVELOPMENT FUND AND
RACING ASSISTANCE FUND**

- (6) Section 19B:
After section 19A, insert:
- Racing Assistance Fund**
- 19B. (1) There is to be established in the Special Deposits Account at the Treasury a Racing Assistance Fund.
- (2) There is to be paid into the Racing Assistance Fund such amounts as are directed by sections 8 (6) and 10 (4B)

**SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued***

of this Act and section 13A (5) of the Totalizator (Off-course Betting) Act 1964 to be credited to the Fund.

(3) The Minister may, from time to time, apply any amount standing to the credit of the Racing Assistance Fund:

- (a) firstly, in the payment of rebates referred to in subsection (4) to a club conducting a totalizator at a race-meeting at the Harold Park racecourse or the Wentworth Park racecourse; and
- (b) secondly, in the payment of contributions to or on behalf of racing clubs (in accordance with a formula determined by the Minister) towards the costs of controlling race-meetings; and
- (c) thirdly, in the payment of contributions to research organisations towards the costs of conducting research into racing animals.

(4) A rebate to a club under subsection (3) (a) is to be equivalent to the difference between the amount of commission credited to the Consolidated Fund under section 8 from the money invested in the club's totalizator in respect of a race-meeting held by the club and the amount that would have been payable to the Consolidated Fund had the racecourse been one to which the provisions of section 8A applied.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 4B:

After section 4A, insert:

Use of totalizator facilities of other clubs

4B. (1) A racing club holding a race-meeting may, by hire or other arrangement, make use of totalizator facilities

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

established by another racing club on the racecourse of that other club.

(2) When totalizator facilities are used under such an arrangement:

- (a) the club holding the race-meeting is to be taken to be using a totalizator on its racecourse in relation to that race-meeting; and
- (b) the club providing the totalizator facilities is not to be taken to be using a totalizator on its racecourse in relation to that use of the totalizator.

(3) The totalizator facilities of a racing club may be used on a day on which a race-meeting is not being held on the racecourse of that club despite section 4A.

(2) **Section 12 (Penalty on persons under 18 years of age wagering by means of totalizator):**

At the end of the section, insert:

(2) A person under the age of 16 years may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.

*[Minister's second reading speech made in -
Legislative Assembly on 2 May 1990
Legislative Council on 8 May 1990]*

UNITED STATES DEPARTMENT OF AGRICULTURE

Statement of the person or persons who have knowledge of the facts and circumstances of the case.

(1) Name of the person or persons who have knowledge of the facts and circumstances of the case.

(2) Position of the person or persons who have knowledge of the facts and circumstances of the case.

(3) Date of the statement.

(4) Signature of the person or persons who have knowledge of the facts and circumstances of the case.

(5) Title of the person or persons who have knowledge of the facts and circumstances of the case.

(6) Address of the person or persons who have knowledge of the facts and circumstances of the case.

(7) Telephone number of the person or persons who have knowledge of the facts and circumstances of the case.

(8) Other information.

(9) Signature of the person or persons who have knowledge of the facts and circumstances of the case.

(10) Title of the person or persons who have knowledge of the facts and circumstances of the case.

(11) Address of the person or persons who have knowledge of the facts and circumstances of the case.

(12) Telephone number of the person or persons who have knowledge of the facts and circumstances of the case.

(13) Other information.

(14) Signature of the person or persons who have knowledge of the facts and circumstances of the case.

(15) Title of the person or persons who have knowledge of the facts and circumstances of the case.

(16) Address of the person or persons who have knowledge of the facts and circumstances of the case.

(17) Telephone number of the person or persons who have knowledge of the facts and circumstances of the case.



FIRST PRINT

TOTALIZATOR (AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Totalizator (Off-course Betting) Amendment Bill 1990 is cognate with this Bill.

The object of this Bill is to amend the Totalizator Act 1916 so as:

- (a) to increase the rate of commission that is deducted from superfecta totalizators from 17% to 20%; and
- (b) to vary the disbursement of the commission that is deducted from superfecta totalizators and, in particular, to increase the commission payable to the club conducting the totalizator, to reduce the commission payable to the Consolidated Fund and to provide for the payment of commission into a Racing Assistance Fund; and
- (c) to provide financial assistance from the proposed Racing Assistance Fund for a club conducting a totalizator at Harold Park or Wentworth Park racecourse, for all clubs in connection with the costs incurred in controlling race-meetings, and for scientific research into racing animals; and
- (d) to enable racing clubs holding race-meetings to make use of the totalizator facilities of other racing clubs; and
- (e) to prevent imprisonment or detention of persons under the age of 16 years who fail to pay a monetary penalty imposed for under-age totalizator betting.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Totalizator Act 1916.

Totalizator (Amendment) 1990

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS

The amendments contained in Schedule 1 remove superfecta totalizators from the general category of multiple selection totalizators and insert specific provisions relating to superfecta totalizators. Superfecta totalizators are defined in the rules under the Principal Act. Generally speaking, persons betting on such a totalizator are required to select the first 6 placegetters in a race in the correct finishing order.

Schedule 1 (1) inserts new definitions of "Racing Assistance Fund" and "Superfecta totalizator".

Schedule 1 (2) and (4) provide for changes in the rate of commission deducted from superfecta totalizators and in the disbursement of that commission. Schedule 1 (2) amends section 8 of the Principal Act (which is the general provision) and Schedule 1 (4) amends section 10 (which relates to totalizators under the control of the Minister because of prior mismanagement). The effect of the amendments is as follows:

Commission in respect of off-course superfecta totalizators

- * 5.5% credited to the Consolidated Fund [instead of 8%]
- * 6% credited to the Racing Assistance Fund [instead of 0.5% to the Racecourse Development Fund]
- * 8.5% retained by the Totalizator Agency Board [no change]
- * Total 20% [instead of 17%]

Commission in respect of on-course superfecta totalizators

- * 5.5% credited to the Consolidated Fund [instead of 9.5%]
- * 4.5% credited to the Racing Assistance Fund [instead of 0.5% to the Racecourse Development Fund]
- * 10% retained by the club conducting the totalizator [instead of 7%]
- * Total 20% [instead of 17%]

Schedule 1 (3) exempts superfecta totalizators from section 8A of the Principal Act. Under that section the rate of commission for totalizator betting at racecourses outside the metropolitan area is varied so as to reduce the commission payable to the Consolidated Fund and to increase the commission payable to the club concerned. As a result of the amendment made by Schedule 1 (3) the rate of commission is to be the same irrespective of the location of the racecourse at which the superfecta totalizator betting is conducted.

Schedule 1 (5) and (6) provide for the establishment of the Racing Assistance Fund and for the credit to that Fund of the commissions as directed in the proposed amendments to sections 8 and 10 of the Principal Act and section 13A of the Totalizator (Off-course Betting) Act 1964 (which relates to totalizator betting operated separately by the Totalizator Agency Board instead of as agent for the club concerned). Payments may be made from the Fund:

- (a) firstly, as rebates to clubs conducting totalizators at race-meetings at Harold Park or Wentworth Park racecourse (the rebates are to be equal to the additional commission that would be payable to those clubs for totalizator

Totalizator (Amendment) 1990

- betting generally if the racecourses were situated outside the metropolitan area and section 8A of the Principal Act applied to them);
- (b) secondly, as contributions to, or on behalf of, racing clubs towards the costs of controlling race-meetings; and
 - (c) thirdly, as contributions to organisations conducting scientific research into racing animals.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

Schedule 2 (1) enables a racing club holding a race-meeting to make use of the totalizator facilities of another racing club. In such circumstances, the club holding the race-meeting is taken to be using the totalizator in relation to that race-meeting. The totalizator facilities may be used even if a race-meeting is not being held on that day on the other club's race-course.

Schedule 2 (2) prevents the imprisonment or detention of persons under the age of 16 years who fail to pay a monetary penalty imposed for under-age totalizator betting. The amendment is in line with section 10A of the Gaming and Betting Act 1912 which applies a similar provision to under-age betting with bookmakers. On conviction, the court will have available the sentencing options under section 33 of the Children (Criminal Proceedings) Act 1987 which include a caution, a recognizance, release on probation and community service work.

FIRST PRINT

TOTALIZATOR (AMENDMENT) BILL 1990

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Totalizator Act 1916 No. 75

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

TOTALIZATOR (AMENDMENT) BILL 1990

NEW SOUTH WALES



No. , 1990

A BILL FOR

An Act to amend the Totalizator Act 1916 with respect to superfecta totalizators, and for other purposes.

See also Totalizator (Off-course Betting) Amendment Bill 1990.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Totalizator (Amendment) Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Totalizator Act 1916 No. 75

3. The Totalizator Act 1916 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS**

(Sec. 3)

(1) **Section 2 (Definitions):**

- (a) At the end of the definition of "Multiple selection totalizator", insert:
; or
- (c) a superfecta totalizator.
- (b) After the definition of "Race-meeting", insert:
"Racing Assistance Fund" means the fund established under section 19B.
- (c) After the definition of "60-20-20 Totalizator", insert:
"Superfecta totalizator" means a superfecta totalizator as defined in the rules.

(2) **Section 8 (Distribution of money invested on totalizators other than those to which section 8A or 10 applies):**

- (a) From section 8 (2) (b), omit "or (5)", insert instead ", (5) or (6)".

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued*

- (b) From section 8 (3), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".
- (c) After section 8 (5), insert:
 - (6) Where the totalizator referred to in subsection (2) is a superfecta 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) or (c):
 - (i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent is to 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) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 8.5 per cent is to 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 another racing club:
 - (i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and

**SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued***

- (ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent is to be paid as commission to that other club; and
 - (d) the remainder of that balance is to be paid as dividends.
- (3) **Section 8A (Distribution of money invested on totalizators to which this section applies):**

In section 8A (1), after "except", insert "a superfecta totalizator or".
- (4) **Section 10 (Power of Minister to assume control of totalizator):**
 - (a) From section 10 (2) (b), omit "or (4A)", insert instead ", (4A) or (4B)".
 - (b) From section 10 (3), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".
 - (c) After section 10 (4A), insert:
 - (4B) Where the totalizator referred to in subsection (2) is a superfecta 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) or (c):
 - (i) 15.5 per cent (less the necessary expenses incurred in using the totalizator) is to be retained as commission by the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund;
 - (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued*

- (i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and
- (ii) 6 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and
- (iii) 8.5 per cent is to be paid as commission to the Board;
- (c) of that part (if any) of the balance which is derived from bets made under section 3B with a racing club:
 - (i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent is to be paid as commission to the club; and
- (d) the remainder of that balance is to be paid as dividends.

(5) Part 6, heading:

Omit the heading, insert instead:

**PART 6 - RACECOURSE DEVELOPMENT FUND AND
RACING ASSISTANCE FUND**

(6) Section 19B:

After section 19A, insert:

Racing Assistance Fund

19B. (1) There is to be established in the Special Deposits Account at the Treasury a Racing Assistance Fund.

(2) There is to be paid into the Racing Assistance Fund such amounts as are directed by sections 8 (6) and 10 (4B)

**SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA
TOTALIZATORS - *continued***

of this Act and section 13A (5) of the Totalizator (Off-course Betting) Act 1964 to be credited to the Fund.

(3) The Minister may, from time to time, apply any amount standing to the credit of the Racing Assistance Fund:

- (a) firstly, in the payment of rebates referred to in subsection (4) to a club conducting a totalizator at a race-meeting at the Harold Park racecourse or the Wentworth Park racecourse; and
- (b) secondly, in the payment of contributions to or on behalf of racing clubs (in accordance with a formula determined by the Minister) towards the costs of controlling race-meetings; and
- (c) thirdly, in the payment of contributions to research organisations towards the costs of conducting research into racing animals.

(4) A rebate to a club under subsection (3) (a) is to be equivalent to the difference between the amount of commission credited to the Consolidated Fund under section 8 from the money invested in the club's totalizator in respect of a race-meeting held by the club and the amount that would have been payable to the Consolidated Fund had the racecourse been one to which the provisions of section 8A applied.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 4B:

After section 4A, insert:

Use of totalizator facilities of other clubs

4B. (1) A racing club holding a race-meeting may, by hire or other arrangement, make use of totalizator facilities

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

established by another racing club on the racecourse of that other club.

(2) When totalizator facilities are used under such an arrangement:

- (a) the club holding the race-meeting is to be taken to be using a totalizator on its racecourse in relation to that race-meeting; and
- (b) the club providing the totalizator facilities is not to be taken to be using a totalizator on its racecourse in relation to that use of the totalizator.

(3) The totalizator facilities of a racing club may be used on a day on which a race-meeting is not being held on the racecourse of that club despite section 4A.

(2) Section 12 (**Penalty on persons under 18 years of age wagering by means of totalizator**):

At the end of the section, insert:

(2) A person under the age of 16 years may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.
