

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT ACT
1990 No. 4**

NEW SOUTH WALES



TABLE OF PROVISIONS

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3. Amendment of Totalizator (Off-course Betting) Act 1964 No. 1

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TOTALIZATORS

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT ACT
1990 No. 4

NEW SOUTH WALES



Act No. 4, 1990

An Act to amend the Totalizator (Off-course Betting) Act 1964 with respect to superfecta totalizators, and totalizator betting outside New South Wales and for other purposes. [Assented to 22 May 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Totalizator (Off-course Betting) Amendment Act 1990.

Commencement

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

Amendment of Totalizator (Off-course Betting) Act 1964 No. 1

3. The Totalizator (Off-course Betting) Act 1964 is amended as set out in Schedules 1 and 2.

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

(Sec. 3)

- (1) Section 2 (**Definitions**):
- (a) After the definition of "Racecourse Development Fund", insert:
"**Racing Assistance Fund**" means the Racing Assistance Fund established under section 19B of the Totalizator Act 1916.
- (b) After the definition of "Regulations", insert:
"**Superfacta totalizator**" has the meaning given to that expression by section 2 of the Totalizator Act 1916.
- (2) Section 13A (**Distribution of money invested in totalizators conducted by the Board**):
- (a) From section 13A(1)(b), omit "or (4)", insert instead ", (4) or (5)".
- (b) From section 13A(2), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfacta totalizator".

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

(c) After section 13A (4), insert:

(5) Where the totalizator referred to in subsection (1) is a superfecta totalizator, of the balance referred to in subsection (1) (b):

- (a) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (b) 6 per cent is to be credited to the Racing Assistance Fund; and
- (c) 8.5 per cent is to be retained as commission by the Board; and
- (d) the remainder is to be paid as dividends.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 10A:

After section 10, insert:

Offices, branches and agencies outside New South Wales

10A. (1) The Board may, with the approval of the Minister, establish offices, branches or agencies under section 10 at a place outside New South Wales (including any place outside Australia).

(2) This section does not authorise the Board to conduct a separate totalizator in connection with totalizator betting at the place at which any such office, branch or agency is established.

(3) The Minister may enter into an agreement with the government of the place at which any such office, branch or agency is established concerning:

- (a) the distribution of that part of the money invested in a totalizator through the office, branch or agency that is paid as commission (including the payment of commission to the government of the place concerned); and

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

(b) any other matter relating to the conduct of off-course totalizator betting at the office, branch or agency.

(4) An agreement under this section is to be carried into effect despite anything contained in this Act or the Totalizator Act 1916.

(2) Section 12 (**Conduct of off-course totalizators**):

(a) Omit section 12 (1)-(2A), insert instead:

(1) The Board may conduct off-course totalizator betting on any event or contingency scheduled to be held on any race-course within or outside Australia.

(2) All bets made with the Board in respect of any such event or contingency:

(a) are to be received by the Board as agent for the relevant racing club within the State using a totalizator in respect of that event or contingency; and

(b) are to be paid by the Board into that totalizator and are to form part of the money invested in that totalizator on that event or contingency.

(2A) The relevant racing club is:

(a) if the race-course on which the event or contingency concerned is scheduled to be held is within the State - the racing club using a totalizator on that race-course in respect of that event or contingency; or

(b) in any other case - a racing club within the State using a totalizator in respect of that event or contingency or, if there are 2 or more such clubs, such one of them as the Board determines.

(2B) In the case of an event or contingency approved by the Minister for the purposes of this subsection, all bets made with the Board in respect of that event or contingency (instead of being dealt with in accordance with subsection (2)):

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

- (a) are to be received by the Board on behalf of an authority conducting off-course totalizator betting in another State or a Territory of the Commonwealth in respect of that event or contingency; and
 - (b) are to be dealt with by the Board in such manner as the Minister determines from time to time.
 - (b) Omit section 12 (3A).
 - (c) Omit section 12 (4).
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*[Minister's second reading speech made in -
Legislative Assembly on 2 May 1990
Legislative Council on 8 May 1990]*

MEMORANDUM FOR THE RECORD

On 10/10/54, the following information was received from the [redacted] regarding the [redacted] of the [redacted] in the [redacted] area. The [redacted] is [redacted] and is [redacted] by [redacted]. The [redacted] is [redacted] and is [redacted] by [redacted].

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The [redacted] is [redacted] and is [redacted] by [redacted]. The [redacted] is [redacted] and is [redacted] by [redacted]. The [redacted] is [redacted] and is [redacted] by [redacted].

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FIRST PRINT

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL
1990**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Totalizator (Amendment) Bill 1990.

The object of this Bill is to amend the Totalizator (Off-course Betting) Act 1964 so as:

- (a) to make similar amendments to the rate of commission, and the disbursement of commission, deducted from superfecta totalizator betting operated separately by the Totalizator Agency Board in special circumstances as are proposed to be made under the Totalizator (Amendment) Act 1990 in respect of on-course superfecta totalizator betting and ordinary off-course superfecta totalizator betting; and
- (b) to authorise the Totalizator Agency Board to establish offices, branches or agencies at places outside New South Wales; and
- (c) to amend the provisions that apply to the transmission to the appropriate club conducting a totalizator of off-course investments received by the Totalizator Agency Board in respect of ordinary off-course totalizator betting (being betting in which the Board receives investments as the agent of the club conducting the race-meeting to which the totalizator betting applies).

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 (Off-course Betting) Act 1964.

Totalizator (Off-course Betting) Amendment 1990

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

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

Schedule 1 (2) makes the amendments referred to in paragraph (a) above.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

Schedule 2 (1) inserts proposed section 10A which authorises the Totalizator Agency Board to establish offices, branches or agencies at a place outside New South Wales (including any place outside Australia). The Board is not authorised to conduct a separate totalizator for totalizator betting at any such office, branch or agency. The Minister may enter into an agreement with the government of the place at which the office, branch or agency is established to regulate the distribution of the amounts paid as commission from totalizator betting at any such office, branch or agency and other matters relating to the conduct of off-course totalizator betting.

Schedule 2 (2) (a) and (b) amend section 12 of the Principal Act. The amended section contains the provisions that apply to off-course investments received by the Board in respect of events held either within or outside Australia. For events within New South Wales, the Board is an agent for the club using a totalizator for that event. In relation to events outside the State the Board is an agent for a club within the State using a totalizator for that event. The amendments make it clear that if 2 or more clubs are using such a totalizator the Board is to determine for which club it is the agent. As an alternative, the Board may, in respect of particular events, receive bets as an agent for an authority conducting off-course totalizator betting in another State or a Commonwealth Territory. The amendments make it clear that this alternative is not discretionary but requires Ministerial approval. The amendments do not affect the power of the Board, in special circumstances approved by the Minister, to conduct its own totalizator for any event instead of as agent for a club.

Schedule 2 (2) (c) omits spent provisions in section 12 relating to the conduct of off-course betting by the Board on behalf of the Australian Capital Territory.

FIRST PRINT

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL
1990**

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SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL
1990**

NEW SOUTH WALES



No. , 1990

A BILL FOR

An Act to amend the Totalizator (Off-course Betting) Act 1964 with respect to superfecta totalizators, and totalizator betting outside New South Wales and for other purposes.

Totalizator (Off-course Betting) Amendment 1990

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3. The Totalizator (Off-course Betting) Act 1964 is amended as set out in Schedules 1 and 2.

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RELATING TO SUPERFECTA TOTALIZATORS**

(Sec. 3)

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

(a) After the definition of "Racecourse Development Fund", insert:

"Racing Assistance Fund" means the Racing Assistance Fund established under section 19B of the Totalizator Act 1916.

(b) After the definition of "Regulations", insert:

"Superfecta totalizator" has the meaning given to that expression by section 2 of the Totalizator Act 1916.

(2) Section 13A (**Distribution of money invested in totalizators conducted by the Board**):

(a) From section 13A (1) (b), omit "or (4)", insert instead ", (4) or (5)".

(b) From section 13A (2), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".

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

- (c) After section 13A (4), insert:
- (5) Where the totalizator referred to in subsection (1) is a superfecta totalizator, of the balance referred to in subsection (1) (b):
- (a) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (b) 6 per cent is to be credited to the Racing Assistance Fund; and
 - (c) 8.5 per cent is to be retained as commission by the Board; and
 - (d) the remainder is to be paid as dividends.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

(Sec. 3)

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After section 10, insert:

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(2) This section does not authorise the Board to conduct a separate totalizator in connection with totalizator betting at the place at which any such office, branch or agency is established.

(3) The Minister may enter into an agreement with the government of the place at which any such office, branch or agency is established concerning:

- (a) the distribution of that part of the money invested in a totalizator through the office, branch or agency that is paid as commission (including the payment of commission to the government of the place concerned); and

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

(b) any other matter relating to the conduct of off-course totalizator betting at the office, branch or agency.

(4) An agreement under this section is to be carried into effect despite anything contained in this Act or the Totalizator Act 1916.

(2) Section 12 (Conduct of off-course totalizators):

(a) Omit section 12 (1)-(2A), insert instead:

(1) The Board may conduct off-course totalizator betting on any event or contingency scheduled to be held on any race-course within or outside Australia.

(2) All bets made with the Board in respect of any such event or contingency:

(a) are to be received by the Board as agent for the relevant racing club within the State using a totalizator in respect of that event or contingency; and

(b) are to be paid by the Board into that totalizator and are to form part of the money invested in that totalizator on that event or contingency.

(2A) The relevant racing club is:

(a) if the race-course on which the event or contingency concerned is scheduled to be held is within the State - the racing club using a totalizator on that race-course in respect of that event or contingency; or

(b) in any other case - a racing club within the State using a totalizator in respect of that event or contingency or, if there are 2 or more such clubs, such one of them as the Board determines.

(2B) In the case of an event or contingency approved by the Minister for the purposes of this subsection, all bets made with the Board in respect of that event or contingency (instead of being dealt with in accordance with subsection (2)):

Totalizator (Offcourse Betting) Amendment 1990

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

- (a) are to be received by the Board on behalf of an authority conducting off-course totalizator betting in another State or a Territory of the Commonwealth in respect of that event or contingency; and
 - (b) are to be dealt with by the Board in such manner as the Minister determines from time to time.
- (b) Omit section 12 (3A).
 - (c) Omit section 12 (4).
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