

FIRST PRINT

## TOTALIZATOR (AMENDMENT) BILL 1991

NEW SOUTH WALES



### 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 ("the Principal Act") so as:

- (a) to recognise the use of independent contractors by racing clubs in the conduct of totalizator betting at racecourses operated by those clubs; and
- (b) to change the formula for the disbursement of totalizator commission deducted from investments made under section 3B of that Act (Common-pool totalizator betting) where those investments are made at a metropolitan racecourse and transmitted to a racecourse outside the metropolitan area; and
- (c) to make it an offence for a person to make or attempt to make an investment on a totalizator after the end of a race if the person knows that the race has already finished; and
- (d) to increase from 16 years to 18 years the age under which a person may not be detained as a result of a failure to pay a penalty imposed on the person for under age betting; and
- (e) to repeal certain provisions that are obsolete or redundant; and
- (f) to make other changes of a minor or consequential nature.

---

Clause 1 specifies the short title of the proposed Act.

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

Clause 3 provides for the Principal Act to be amended as provided by proposed Schedule 1.

Clause 4 saves existing appointments of inspectors under section 18 of the Principal Act.

*Totalizator (Amendment) 1991*

---

Schedule 1 (1) amends section 2 of the Principal Act (Definitions). Pony racing is to be no longer subject to the Act. References to that kind of racing are therefore being removed from the definitions of "Horse race", "Race-meeting" and "Racing club". A further amendment inserts in the section a definition of "Totalizator".

Schedule 1 (2) repeals section 3 of the Principal Act (Power of Minister to direct use of totalizator). The Minister will continue to have power to approve the establishment of a totalizator under section 3A and to impose terms and conditions with respect to the use of the totalizator.

Schedule 1 (3) and (4) remove from section 3A of the Principal Act (Power of Minister to approve use of totalizator) and section 4A of that Act (Days on which and races for which totalizators may be used) redundant references to an enclosure on a racecourse.

Schedule 1 (5) replaces section 7 of the Principal Act (Management of totalizator). As well as clarifying the words of the existing section, the proposed section will enable a racing club to engage a competent independent contractor to operate a totalizator on its behalf. The Minister will be empowered to require a racing club to terminate the engagement of such a contractor on certain specified grounds, including, for example, the ground that the contractor has been operating the totalizator in a dishonest manner.

Schedule 1 (6) amends section 8 of the Principal Act (Distribution of money invested on totalizators established and used at Sydney metropolitan racecourses) by providing expressly that the section applies to totalizators established and used at the Randwick, Canterbury, Rosehill, Warwick Farm and Wentworth Park Racecourses and the Harold Park Paceway and at any other racecourse specified by the regulations as being a racecourse to which the section applies. The section will also apply to *superfecta* totalizators established and used at all racecourses in New South Wales.

Schedule 1 (7) amends section 8A of the Principal Act (Distribution of money invested on totalizators other than those to which section 8 applies). The amendments change the apportionment of money derived from bets placed at the Randwick, Canterbury, Rosehill and Warwick Farm Racecourses on galloping races held at racecourses to which section 8A of the Principal Act applies (essentially the country racecourses). The racing club at which those races are held will be able to retain a commission of either 6 per cent or 7 per cent depending on the kind of totalizator that is used. The Minister and the racing club at which the bets are placed will have their commissions reduced accordingly.

Schedule 1 (8) amends section 9C of the Principal Act (Determination of dividend) by omitting the reference to the now redundant minimum 25 cent unit of investment.

Schedule 1 (9) repeals section 10 of the Principal Act (Power of Minister to assume control of totalizator). The section is no longer needed because the Minister has sufficient powers under other sections of the Act to control the operation of totalizators.

Schedule 1 (10) amends section 11 of the Principal Act (Returns). At present, a racing club's return to the Minister has to be signed either by the club's secretary or by 2 members of the club's committee or executive body. The amendment will allow such a return to be signed by any other person designated by the club provided that the person is a person, or a person belonging to a class of persons, authorised by the Minister.

*Totalizator (Amendment) 1991*

---

Schedule 1 (11) replaces section 12 of the Principal Act (Offence for persons under 18 years of age to bet by means of totalizator). Because the design of most modern totalizator buildings does not allow for a sign, specifying the contents of the section, to be affixed over the door or opening in each totalizator machine at which money is received, subsection (1) of the existing section is being recast so that in future a person under 18 years of age may be convicted of the offence of making or attempting to make a bet by means of a totalizator if the racing club concerned has exhibited in a conspicuous place on the building at which it conducts totalizator betting a sign to the effect that betting on the totalizator by persons under 18 years of age is prohibited. The proposed section will also increase from 16 to 18 years of age the age under which a person may not be imprisoned or detained for not paying a fine after having been found guilty of engaging in totalizator betting while under 18 years of age.

Schedule 1 (12) repeals section 15 of the Principal Act (Penalty on persons acting as totalizator agents). The section is now redundant.

Schedule 1 (13) replaces section 16 of the Principal Act (Officers of racing clubs not to accept instructions given by telephone etc. as to investments on a totalizator). The proposed section reformulates the offence created by the section and recognises changes in technology for transmitting messages by electronic means.

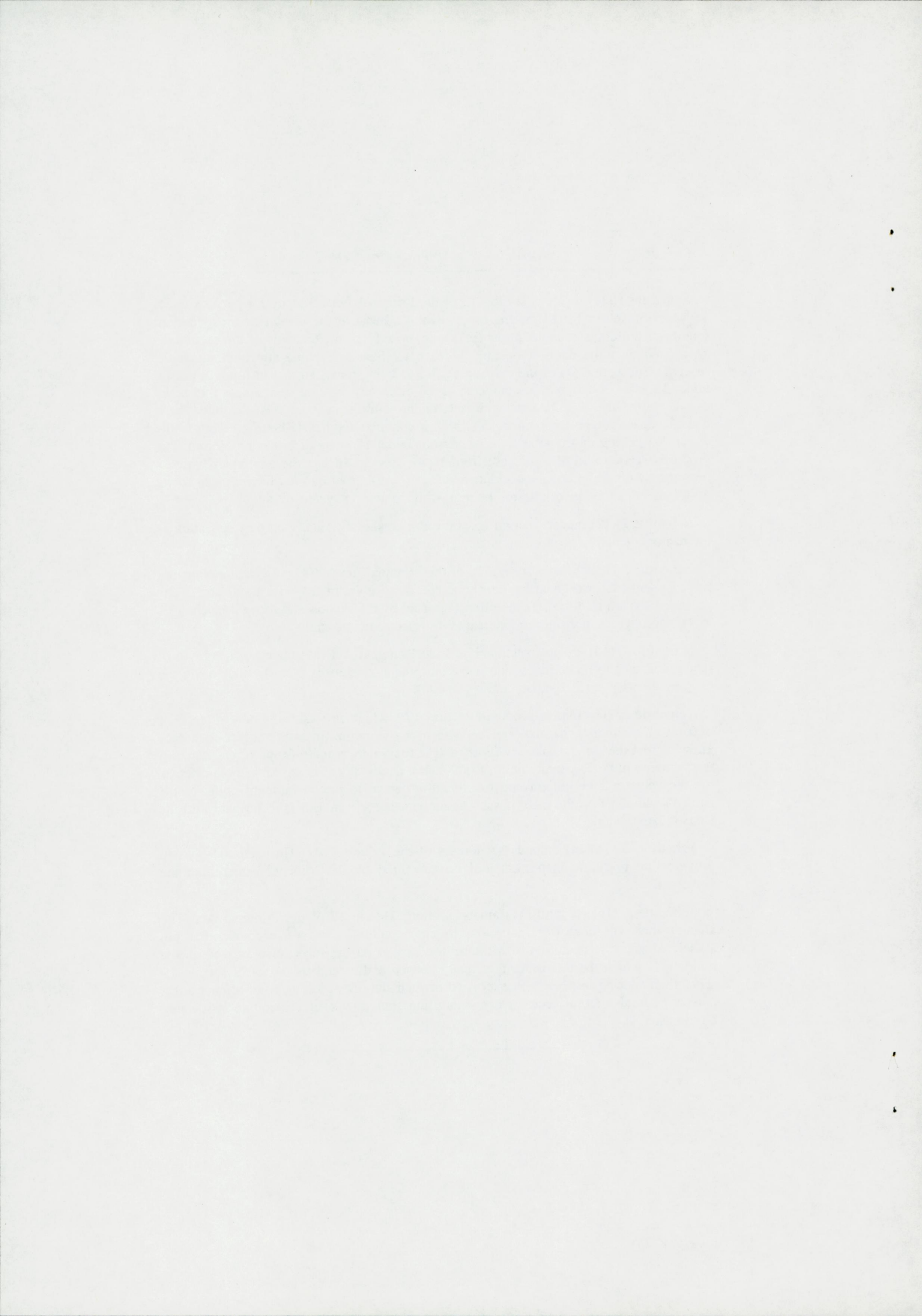
Schedule 1 (14) amends section 17 of the Principal Act (Members, officers etc. of racing club not to make investment on totalizator after start of race) by increasing the existing penalty to 20 penalty units (\$2,000).

Schedule 1 (15) inserts proposed section 17A which introduces a new offence of making or attempting to make an investment on a totalizator with respect to a race knowing that the race has already finished. The maximum penalty for an offence against the section will be 20 penalty units (\$2,000). If a person is convicted of such an offence, the the court will be empowered to order the person to pay an amount equal to the person's winnings on the race. If such an amount is recovered, it is to be paid into the Consolidated Fund.

Schedule 1 (16) (a) amends section 18 of the Principal Act (Inspectors) so as to provide that in future inspectors will be appointed by the Minister rather than the Governor.

Schedule 1 (16) (b) and (17) amend sections 18 and 19 of the Principal Act. The amendments will empower inspectors to enter buildings on a racecourse that are associated with the operation of a totalizator located on the racecourse as well as the building in which the totalizator is actually housed and extend the effect of section 19 (Persons hindering inspectors in execution of their duty) by making it an offence for a person to hinder an inspector when exercising that power in relation to associated buildings.

---



FIRST PRINT

**TOTALIZATOR (AMENDMENT) BILL 1991**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

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

SCHEDULE 1—AMENDMENTS

---



**TOTALIZATOR (AMENDMENT) BILL 1991**

NEW SOUTH WALES



No.       , 1991

---

---

**A BILL FOR**

An Act to amend the Totalizator Act 1916 with respect to the engagement by racing clubs of independent contractors to conduct totalizator betting at race-meetings held by those clubs; the distribution of money invested on totalizators used by racing clubs; offences relating to totalizator betting; and other matters.

---

---

*Totalizator (Amendment) 1991*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Totalizator (Amendment) Act 1991.

**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 Schedule 1.

**Saving**

4. An inspector appointed by the Governor under section 18 of the Totalizator Act 1916 (as in force immediately before the commencement of Schedule 1 (16)) is taken to have been appointed as an inspector by the Minister under that section (as in force after that commencement).

---

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

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

- (a) From the definition of "Horse race", omit "or pony race".
- (b) From the definitions of "Race-meeting" and "Racing club", omit ", greyhound-racing, or pony-racing" wherever occurring, insert instead "or greyhound-racing".
- (c) After the definition of "The rules", insert:

**"Totalizator"** means:

- (a) a system used to enable persons to invest money on horse races or greyhound races with a view to successfully predicting specified outcomes of those races and to enable the money left after providing for the payment of commission to be divided and distributed among those persons who successfully predict those outcomes; and



*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (b) any instrument, machine or device through or by which the system is operated and, in particular, for showing the number of investments made on those races and the amounts of those investments.
- (2) Section 3 (**Power of Minister to direct use of totalizator**):  
Omit the section.
- (3) Section 3A (**Power of Minister to approve use of totalizator**):  
From section 3A (1), omit “, or on any enclosure in any such racecourse”.
- (4) Section 4A (**Days on which, and races for which, totalizators may be used**):  
Omit “or on any enclosure in any racecourse”.
- (5) Section 7:  
Omit the section, insert instead:  
**Management of totalizator**  
7. (1) A racing club must ensure that every totalizator that it uses under this Act:  
(a) is under the care and management of a competent person employed by the club or an independent contractor engaged under this section; and  
(b) is conducted under the direct supervision of the stewards or committee of the club.  
(2) A racing club may engage a competent independent contractor to operate on its behalf a totalizator that the club uses under this Act.  
(3) For the purposes of this Act, whenever a racing club has engaged an independent contractor under this section, anything done or omitted to be done by the contractor in relation to the use of a totalizator while so engaged is taken to have been done or omitted to be done by the club as its agent or, if the case so requires, by the committee or executive body of the club as agent of that committee or body.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(4) The Minister may, by notice in writing, require a racing club that has engaged an independent contractor to operate a totalizator on its behalf to terminate the engagement on the grounds that:

- (a) the contractor is operating the totalizator or another totalizator established by that or another racing club in a dishonest or corrupt manner or in a manner that is otherwise unlawful; or
- (b) the contractor has failed to comply with a term or condition attached to the Minister's approval for the establishment and use of the totalizator or of another totalizator approved for use under this Act; or
- (c) the contractor is otherwise not a fit and proper person to operate the totalizator on behalf of the club.

(5) The Minister must not make such a requirement unless the racing club concerned has been given an opportunity to make representations to the Minister as to why the requirement should not be made.

(6) A racing club must comply with such a requirement within such period as is specified in the notice to the club notifying it of the requirement.

(7) Without limiting the generality of section 3A (1), failure to comply with such a requirement is a ground for revoking the Minister's approval to the establishment and use of the totalizator concerned.

(8) Neither the Minister nor the racing club concerned is liable to pay damages arising from the termination of the engagement of an independent contractor as a direct consequence of such a requirement.

(9) Any racing club that has, before the commencement of Schedule 1 (5) to the Totalizator (Amendment) Act 1991, engaged an independent contractor to operate a totalizator on behalf of the club is declared to have and always to have had the power to enter into the engagement and the engagement of the contractor is declared to have been as lawful as it would have been if subsection (2) had been in force when the engagement was entered into.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*(6) Section 8 (**Distribution of money invested on totalizators established and used at Sydney metropolitan racecourses**):

Omit section 8 (1), insert instead:

(1) This section applies to every totalizator established and used under this Act:

(a) at the Randwick Racecourse, the Canterbury Racecourse, the Rosehill Racecourse or the Warwick Farm Racecourse; or

(b) at the Wentworth Park Racecourse or the Harold Park Paceway; or

(c) at any other racecourse specified by the regulations as being a racecourse to which this section applies,

and applies to every superfecta totalizator established and used under this Act at any racecourse in New South Wales.

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

(a) Omit section 8A (1), insert instead:

(1) This section applies to every totalizator established and used under this Act other than a totalizator to which section 8 applies.

(b) From section 8A (3) (a), omit “or (e)”, insert instead “, (e) or (e1)”.

(c) From section 8A (3) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.

(d) From section 8A (3) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.

(e) Omit section 8A (3) (e), insert instead:

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

*Totalizator (Amendment) 1991*SCHEDULE 1—AMENDMENTS—*continued*

- (i) 5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 3 per cent shall be paid as commission to that other club for its own use; and
  - (iii) 6 per cent shall be retained as commission by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
- (i) 8 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund; and
  - (ii) 6 per cent shall be paid as commission to that other club for its own use; and
- (f) From section 8A (4) (a), omit “or (e)”, insert instead “, (e) or (e1)”.
- (g) From section 8A (4) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.
- (h) From section 8A (4) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.
- (i) Omit section 8A (4) (e), insert instead:
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (a):
    - (i) 6.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
    - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund;

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (iii) 3 per cent shall be paid as commission to that other club for its own use; and
- (iv) 6 per cent shall be retained by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
  - (i) 9.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund; and
  - (iii) 6 per cent shall be paid as commission to that other club for its own use; and
- (j) From section 8A (5) (a), omit “or (e)”, insert instead “, (e) or (e1)”.
- (k) From section 8A (5) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.
- (l) From section 8A (5) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.
- (m) Omit section 8A (5) (e), insert instead:
  - (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (a):
    - (i) 6.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
    - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund;

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (iii) 3 per cent shall be paid as commission to that other club for its own use; and
- (iv) 7 per cent shall be retained by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
  - (i) 9.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund; and
  - (iii) 7 per cent shall be paid as commission to that other club for its own use; and
- (8) Section 9C (**Determination of dividend**):  
Omit section 9C (3) (b), insert instead:
  - (b) more than that unit but less than the sum of that unit and 5 cents,
- (9) Section 10 (**Power of Minister to assume control of totalizator**):  
Omit the section.
- (10) Section 11 (**Returns**):  
Omit section 11 (3), insert instead:
  - (3) The returns referred to in this section must be signed by:
    - (a) the secretary of the club; or
    - (b) not fewer than 2 members of the committee or executive body of the club; or
    - (c) some other person designated by the club (being a person, or a person of a class of persons, authorised by the Minister to sign returns on behalf of the club or racing clubs generally).

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 12:

Omit the section, insert instead:

**Offence for persons under 18 years of age to bet by means of totalizator**

12. (1) Any person under 18 years of age who makes or attempts to make a bet by means of a totalizator is guilty of an offence.

Maximum penalty: 1 penalty unit.

(2) A person may not be convicted of such an offence unless it is proved that, when the bet or attempt was made, there was affixed to the building at which the betting was conducted, in a conspicuous place, a legible notice to the effect that it is an offence for a person under 18 years of age to make a bet by means of the totalizator.

(3) A racing club is guilty of an offence if it conducts betting by means of a totalizator at a building that does not have such a notice affixed to it in a conspicuous place.

Maximum penalty: 1 penalty unit.

(4) A person under 18 years of age may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.

(12) Section 15 (**Penalty on persons acting as totalizator agents**):

Omit the section.

(13) Section 16:

Omit the section, insert instead:

**Officers of racing clubs not to accept instructions given by telephone etc. as to investments on totalizator**

16. (1) An officer, agent or employee of a racing club must not accept or act on a request, instruction or direction relating to investments on a totalizator, whether received on a racecourse or elsewhere, if the request, instruction or direction is made or given by telephone or by any kind of electronically transmitted message.

Maximum penalty: 1 penalty unit.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(2) This section does not prevent such a request, instruction or direction from being made or given by telephone or by any kind of electronically transmitted message if the request, instruction or direction:

- (a) is made or given for the purpose of conducting totalizator betting in accordance with section 3B; or
- (b) is made or given by the Totalizator Agency Board when acting as the agent of a racing club.

(14) Section 17 (**Member, officer etc. of racing club not to invest on totalizator after start of race**):

Omit “Any person committing a breach of the provisions of this section shall be liable on conviction to a penalty not exceeding one hundred dollars.”, insert instead:

Maximum penalty: 20 penalty units.

(15) Section 17A:

After section 17, insert:

**Person not to invest on totalizator after finish of race**

17A. (1) A person must not make, or attempt to make, an investment on a totalizator with respect to a race knowing that the race has already finished.

Maximum penalty: 20 penalty units.

(2) If a Local Court finds a person guilty of an offence against this section, the Court may, in addition to any penalty imposed for the offence, order the person to pay an amount equal to the amount (if any) derived from the investment concerned.

(3) Any amount recovered under subsection (2) is required to be paid into the Consolidated Fund.

(16) Section 18 (**Inspectors**):

- (a) Omit “Governor”, insert instead “Minister”.
- (b) Omit “containing a totalizator”, insert “that contains a totalizator or is associated with the operation of the totalizator”.



*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (17) Section 19 (**Persons hindering inspectors in execution of their duty**):

Omit “or building containing a totalizator”, insert instead “, or any building that contains or is associated with the operation of a totalizator.”

---



# TOTALIZATOR (AMENDMENT) ACT 1991 No. 32

NEW SOUTH WALES



## TABLE OF PROVISIONS

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

SCHEDULE 1—AMENDMENTS

---

TOTALISATOR (AMENDMENT) ACT 1911 No. 32

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Totalisator Act 1911 No. 32
4. Savings

SCHEDULE 1—AMENDMENTS

---

**TOTALIZATOR (AMENDMENT) ACT 1991 No. 32**

NEW SOUTH WALES



**Act No. 32, 1991**

An Act to amend the Totalizator Act 1916 with respect to the engagement by racing clubs of independent contractors to conduct totalizator betting at race-meetings held by those clubs; the distribution of money invested on totalizators used by racing clubs; offences relating to totalizator betting; and other matters. [Assented to 8 October 1991]

*Totalizator (Amendment) 1991*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Totalizator (Amendment) Act 1991.

**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 Schedule 1.

**Saving**

4. An inspector appointed by the Governor under section 18 of the Totalizator Act 1916 (as in force immediately before the commencement of Schedule 1 (16)) is taken to have been appointed as an inspector by the Minister under that section (as in force after that commencement).

---

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

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

- (a) From the definition of "Horse race", omit "or pony race".
- (b) From the definitions of "Race-meeting" and "Racing club", omit ", greyhound-racing, or pony-racing" wherever occurring, insert instead "or greyhound-racing".
- (c) After the definition of "The rules", insert:

**"Totalizator"** means:

- (a) a system used to enable persons to invest money on horse races or greyhound races with a view to successfully predicting specified outcomes of those races and to enable the money left after providing for the payment of commission to be divided and distributed among those persons who successfully predict those outcomes; and

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (b) any instrument, machine or device through or by which the system is operated and, in particular, for showing the number of investments made on those races and the amounts of those investments.
- (2) Section 3 (**Power of Minister to direct use of totalizator**):  
Omit the section.
- (3) Section 3A (**Power of Minister to approve use of totalizator**):  
From section 3A (1), omit “, or on any enclosure in any such racecourse”.
- (4) Section 4A (**Days on which, and races for which, totalizators may be used**):  
Omit “or on any enclosure in any racecourse”.
- (5) Section 7:  
Omit the section, insert instead:  
**Management of totalizator**
7. (1) A racing club must ensure that every totalizator that it uses under this Act:
- (a) is under the care and management of a competent person employed by the club or an independent contractor engaged under this section; and
  - (b) is conducted under the direct supervision of the stewards or committee of the club.
- (2) A racing club may engage a competent independent contractor to operate on its behalf a totalizator that the club uses under this Act.
- (3) For the purposes of this Act, whenever a racing club has engaged an independent contractor under this section, anything done or omitted to be done by the contractor in relation to the use of a totalizator while so engaged is taken to have been done or omitted to be done by the club as its agent or, if the case so requires, by the committee or executive body of the club as agent of that committee or body.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(4) The Minister may, by notice in writing, require a racing club that has engaged an independent contractor to operate a totalizator on its behalf to terminate the engagement on the grounds that:

- (a) the contractor is operating the totalizator or another totalizator established by that or another racing club in a dishonest or corrupt manner or in a manner that is otherwise unlawful; or
- (b) the contractor has failed to comply with a term or condition attached to the Minister's approval for the establishment and use of the totalizator or of another totalizator approved for use under this Act; or
- (c) the contractor is otherwise not a fit and proper person to operate the totalizator on behalf of the club.

(5) The Minister must not make such a requirement unless the racing club concerned has been given an opportunity to make representations to the Minister as to why the requirement should not be made.

(6) A racing club must comply with such a requirement within such period as is specified in the notice to the club notifying it of the requirement.

(7) Without limiting the generality of section 3A (1), failure to comply with such a requirement is a ground for revoking the Minister's approval to the establishment and use of the totalizator concerned.

(8) Neither the Minister nor the racing club concerned is liable to pay damages arising from the termination of the engagement of an independent contractor as a direct consequence of such a requirement.

(9) Any racing club that has, before the commencement of Schedule 1 (5) to the Totalizator (Amendment) Act 1991, engaged an independent contractor to operate a totalizator on behalf of the club is declared to have and always to have had the power to enter into the engagement and the engagement of the contractor is declared to have been as lawful as it would have been if subsection (2) had been in force when the engagement was entered into.



*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(6) **Section 8 (Distribution of money invested on totalizators established and used at Sydney metropolitan racecourses):**

Omit section 8 (1), insert instead:

(1) This section applies to every totalizator established and used under this Act:

(a) at the Randwick Racecourse, the Canterbury Racecourse, the Rosehill Racecourse or the Warwick Farm Racecourse; or

(b) at the Wentworth Park Racecourse or the Harold Park Paceway; or

(c) at any other racecourse specified by the regulations as being a racecourse to which this section applies,

and applies to every superfecta totalizator established and used under this Act at any racecourse in New South Wales.

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

(a) Omit section 8A (1), insert instead:

(1) This section applies to every totalizator established and used under this Act other than a totalizator to which section 8 applies.

(b) From section 8A (3) (a), omit “or (e)”, insert instead “, (e) or (e1)”.

(c) From section 8A (3) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.

(d) From section 8A (3) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.

(e) Omit section 8A (3) (e), insert instead:

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

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (i) 5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 3 per cent shall be paid as commission to that other club for its own use; and
  - (iii) 6 per cent shall be retained as commission by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
- (i) 8 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund; and
  - (ii) 6 per cent shall be paid as commission to that other club for its own use; and
- (f) From section 8A (4) (a), omit “or (e)”, insert instead “, (e) or (e1)”.
- (g) From section 8A (4) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.
- (h) From section 8A (4) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.
- (i) Omit section 8A (4) (e), insert instead:
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (a):
    - (i) 6.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
    - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund;

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (iii) 3 per cent shall be paid as commission to that other club for its own use; and
- (iv) 6 per cent shall be retained by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
  - (i) 9.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund; and
  - (iii) 6 per cent shall be paid as commission to that other club for its own use; and
- (j) From section 8A (5) (a), omit “or (e)”, insert instead “, (e) or (e1)”.
- (k) From section 8A (5) (c), omit “at a racecourse other than one referred to in subsection (1)”, insert instead “located at a racecourse referred to in section 8 (1) (a), (b) or (c)”.
- (l) From section 8A (5) (d), omit “at a racecourse referred to in subsection (1)”, insert instead “located at a racecourse other than one referred to in section 8 (1) (a), (b) or (c)”.
- (m) Omit section 8A (5) (e), insert instead:
  - (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (a):
    - (i) 6.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
    - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund;

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (iii) 3 per cent shall be paid as commission to that other club for its own use; and
- (iv) 7 per cent shall be retained by the club on whose totalizator the bets were placed;
- (e1) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club located at a racecourse referred to in section 8 (1) (b) or (c):
  - (i) 9.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Consolidated Fund;
  - (ii) 0.5 per cent shall be paid to that other club for payment by that other club as commission to the Minister for crediting to the Racecourse Development Fund; and
  - (iii) 7 per cent shall be paid as commission to that other club for its own use; and
- (8) Section 9C (**Determination of dividend**):
  - Omit section 9C (3) (b), insert instead:
    - (b) more than that unit but less than the sum of that unit and 5 cents,
- (9) Section 10 (**Power of Minister to assume control of totalizator**):
  - Omit the section.
- (10) Section 11 (**Returns**):
  - Omit section 11 (3), insert instead:
    - (3) The returns referred to in this section must be signed by:
      - (a) the secretary of the club; or
      - (b) not fewer than 2 members of the committee or executive body of the club; or
      - (c) some other person designated by the club (being a person, or a person of a class of persons, authorised by the Minister to sign returns on behalf of the club or racing clubs generally).

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 12:

Omit the section, insert instead:

**Offence for persons under 18 years of age to bet by means of totalizator**

12. (1) Any person under 18 years of age who makes or attempts to make a bet by means of a totalizator is guilty of an offence.

Maximum penalty: 1 penalty unit.

(2) A person may not be convicted of such an offence unless it is proved that, when the bet or attempt was made, there was affixed to the building at which the betting was conducted, in a conspicuous place, a legible notice to the effect that it is an offence for a person under 18 years of age to make a bet by means of the totalizator.

(3) A racing club is guilty of an offence if it conducts betting by means of a totalizator at a building that does not have such a notice affixed to it in a conspicuous place.

Maximum penalty: 1 penalty unit.

(4) A person under 18 years of age may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.

(12) Section 15 (**Penalty on persons acting as totalizator agents**):

Omit the section.

(13) Section 16:

Omit the section, insert instead:

**Officers of racing clubs not to accept instructions given by telephone etc. as to investments on totalizator**

16. (1) An officer, agent or employee of a racing club must not accept or act on a request, instruction or direction relating to investments on a totalizator, whether received on a racecourse or elsewhere, if the request, instruction or direction is made or given by telephone or by any kind of electronically transmitted message.

Maximum penalty: 1 penalty unit.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

(2) This section does not prevent such a request, instruction or direction from being made or given by telephone or by any kind of electronically transmitted message if the request, instruction or direction:

- (a) is made or given for the purpose of conducting totalizator betting in accordance with section 3B; or
- (b) is made or given by the Totalizator Agency Board when acting as the agent of a racing club.

(14) Section 17 (**Member, officer etc. of racing club not to invest on totalizator after start of race**):

Omit “Any person committing a breach of the provisions of this section shall be liable on conviction to a penalty not exceeding one hundred dollars.”, insert instead:

Maximum penalty: 20 penalty units.

(15) Section 17A:

After section 17, insert:

**Person not to invest on totalizator after finish of race**

17A. (1) A person must not make, or attempt to make, an investment on a totalizator with respect to a race knowing that the race has already finished.

Maximum penalty: 20 penalty units.

(2) If a Local Court finds a person guilty of an offence against this section, the Court may, in addition to any penalty imposed for the offence, order the person to pay an amount equal to the amount (if any) derived from the investment concerned.

(3) Any amount recovered under subsection (2) is required to be paid into the Consolidated Fund.

(16) Section 18 (**Inspectors**):

- (a) Omit “Governor”, insert instead “Minister”.
- (b) Omit “containing a totalizator”, insert instead “that contains a totalizator or is associated with the operation of the totalizator”.

*Totalizator (Amendment) 1991*

---

SCHEDULE 1—AMENDMENTS—*continued*

- (17) Section 19 (**Persons hindering inspectors in execution of their duty**):

Omit “or building containing a totalizator”, insert instead “, or any building that contains or is associated with the operation of a totalizator,”.

---

[*Minister's second reading speech made in—  
Legislative Assembly on 22 August 1991  
Legislative Council on 25 September 1991*]

Continuation (Attachment) 1991

SCHEDULE 1 - ASSIGNMENT - continued

(1) Person is Person whose inspection is extension of their  
 duty

Contractor's building containing a taxpayer's work papers  
 or any building the contents of is restricted with the  
 exception of a taxpayer

When a person's duty is extended  
 beyond the normal 12 month period  
 of the contract or 12 months 1991





