

TOTALIZATOR (AMENDMENT) ACT.

Act No. 16, 1920.

George V, No. 16. An Act to amend the Totalizator Act, 1916, and the Totalizator (Amendment) Act, 1919; and for purposes connected therewith. [Assented to, 2nd December, 1920.]

BE it enacted by the King'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
and construc-
tion.

1. This Act may be cited as the "Totalizator (Amendment) Act, 1920," and shall be read with the Totalizator Act, 1916 (hereinafter called the Principal Act) as amended by the Totalizator (Amendment) Act, 1919.

Amendments
of Principal
Act.
Sec. 2.

2. The Principal Act is amended as follows:—

(1) Section two: Omit the words "Colonial Secretary" as inserted by subsection one of section two of the Totalizator (Amendment) Act, 1919, and insert in lieu thereof the words "Colonial Treasurer."

Sec. 3.

(2) Section three: In paragraph one omit the word "Governor" and insert in lieu thereof the word "Minister," and add at the end of such paragraph the words "or may exempt any club from the use of the totalizator for such period or periods as he may deem necessary."

(3)

(3) Section eight :—

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Sec. 8.

- (a) In subsection one omit the words “ten per centum” and insert in lieu thereof the words “twelve and one-half per centum.”

- (b) Omit subsection two, as inserted by subsection four of section two of the Totalizator (Amendment) Act, 1919, and insert in lieu thereof the following new subsection :—

(2) Every such club shall within fourteen days after the holding of any race meeting, if a club specified in Part I of the Schedule hereto, pay nine per centum, and if a club specified in Part II of such Schedule five and one-half per centum of the amount so paid into the totalizator to the Colonial Treasurer, or some person appointed by him, to be paid by him into the Treasury and carried to the Consolidated Revenue Fund. Any such amount may be recovered from such club as a Crown debt in any court of competent jurisdiction.

- (c) Omit subsection three as amended by paragraph (c) of subsection four of section two of the Totalizator (Amendment) Act, 1919, and the proviso to such subsection as amended by paragraph (d) of subsection four of section two of the same Act.

(4) Section nine :—

ec. 9.

- (a) In subsection one omit the second proviso as amended by paragraph (a) of subsection five of section two of the Totalizator (Amendment) Act, 1919, and the third proviso as inserted by paragraph (b) of the same subsection.

- (b) After subsection one insert the following new subsection :—

(1A) All unpaid fractions of a shilling and all dividends declared payable in respect of any race and unclaimed for a period of one month shall be the property of such club.

(5)

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New section
after s. 9.
Dividends
Adjustment
Fund.

- (5) After section nine insert the following new section :—

9A. (1) Every club using the totalizator shall establish a fund to be known as the "Dividends Adjustment Fund."

(2) Where through error in calculation the amount of the dividend declared payable in respect of any race is—

(a) less than ; or

(b) greater than

the amount which should have been so declared, the difference shall in the first case be credited to, and in the second case debited against, such fund :

Provided that if in the opinion of the Auditor-General such error was occasioned by the negligence of an agent or servant of the club (and the onus of proving to the satisfaction of the Auditor-General that it was not so occasioned shall lie upon the club), any loss caused or contributed to by such error shall be borne by the club.

(3) At the end of the first six months after the passing of the Totalizator (Amendment) Act, 1920, and at the end of each succeeding six months thereafter the balance (if any) to the credit of such fund shall be paid into the Consolidated Revenue Fund.

ec. 10

- (6) Section ten :—

Subsection one as inserted by subsection six of section two of the Totalizator (Amendment) Act, 1919, is amended by inserting after the word "misused" the words "or he may recover a penalty not exceeding fifty pounds in respect of each day of a race meeting at which the totalizator is mismanaged or misused and which penalty is hereby prescribed."

In subsection two omit the words "ten per centum" and insert in lieu thereof the words "twelve and one-half per centum."

Sec. 17.

- (7) Section seventeen : Omit the words "for the starting of such race."

(8)

- (8) The Schedule, as added by paragraph (a) of **George V,**
subsection four of section two of the Totalizator **No. 16.**
(Amendment) Act, 1919 :— Schedule.

- (a) In Part I omit the words “and all clubs racing for the sake of profit to their shareholders.”
 - (b) In Part II omit the words “not racing for the sake of profit to their shareholders.”
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