

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 89, 1976.

An Act to amend the Totalizator Act, 1916, with respect to
the distribution of money paid into totalizators.
[Assented to, 2nd December, 1976.]

BE

Totalizer (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:—

1. This Act may be cited as the "Totalizer **Short title.** (Amendment) Act, 1976".

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

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE TOTALIZER ACT, 1916.

(1) (a) Section 2, definition of "Doubles totalizer"—

Before the definition of "Horse race", insert :—

"Doubles totalizer" means a doubles totalizer as defined in the rules.

(b) Section 2, definition of "Multiple selection totalizer"—

Before the definition of "Racecourse", insert :—

"Multiple selection totalizer" means a totalizer that provides for an investor to select a combination of two or more contestants in an event or a combination of events, but does not include—

(a) a doubles totalizer; or

SCHEDULE

*Totalizator (Amendment).***SCHEDULE 1—continued.****AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.**

(b) a quinella totalizator, a forecast totalizator or a reinvestment totalizator as defined in the rules.

(c) Section 2, definition of “Racecourse Development Fund”—

After the definition of “Racecourse”, insert :—

“Racecourse Development Fund” means the fund established under section 19A.

(d) Section 2, definition of “The rules”—

After the definition of “The regulations”, insert :—

“The rules” means the rules made under this Act.

(2) Sections 8, 8A, 8B, 8C and the short heading before section 8—

Omit sections 8 and 8A and the short heading before section 8, insert instead :—

Distribution and Payment of Money Invested.

Distribu-
tion of
money by
clubs other
than those
to which
section 8A
applies.

8. (1) This section applies to every racing club except one to which section 8A applies.

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

(a) deduct from the total money paid into the totalizator in respect of any event or contingency any sums refundable to investors,

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

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 made through the agency of the Totalizator Agency Board—

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

(ii) 6 per centum 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 Board—

(i) 6½ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) 7½ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

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

(c) 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 made through the agency of the Totalizator Agency Board—

(i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 6 per centum 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 Board—

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

SCHEDELE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) 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 made through the agency of the Totalizator Agency Board—

(i) $9\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 7 per centum shall be retained as commission by the club;

SCHEDULE

*Totalizator (Amendment).*SCHEDELE 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 Board—

- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and

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

Distribu-
tion of
money by
clubs to
which this
section
applies.

8A. (1) This section applies to every racing club which conducts race-meetings—

- (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.

SCHEDELE

Totalizator (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE TOTALIZATOR ACT, 1916—continued.

(2) A racing club to which this section applies and which uses a totalizator under this Act 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 made through the agency of the Totalizator Agency Board—

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

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

SCHEDULE

*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 Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

(c) 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 made through the agency of the Totalizator Agency Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 9 per centum shall be retained as commission by the club;

SCHEDULE

Totalizer (Amendment).

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

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

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

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

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

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

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets made through the agency of the Totalizer Agency Board—

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;

SCHEDULE

*Totalizator (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR ACT, 1916—*continued.*

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) 10 per centum 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 Board—

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

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

(iii) $8\frac{1}{2}$ per centum shall be paid as commission to the Board; and

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

Payments
to the
Treasury.

8B. (1) If any racing club fails to pay to the Treasury any amount required to be paid by it under section 8 or 8A within 14 days after the happening of the event or contingency in relation to which the amount is payable, an additional amount equal to 10 per centum of that amount shall,

SCHEDULE

Totalizator (Amendment).

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

subject to subsection (2), forthwith become payable by that club to the Treasury and, on being paid, shall be credited to the Consolidated Revenue Fund.

(2) The Treasurer may, if in any particular case he thinks fit to do so, waive the payment of the whole or any part of an additional amount payable under subsection (1) or give time for its payment.

(3) Any amount required to be paid by a racing club to the Treasury under this Act may be recovered in a court of competent jurisdiction as a debt due to the Crown.

8C. (1) Any amount required to be paid by a racing club to the Totalizator Agency Board under this Act may be recovered in a court of competent jurisdiction as a debt due to the Board. Payment to Totalizator Agency Board.

(2) A dividend payable by a racing club in respect of any bet which was made through the agency of the Totalizator Agency Board shall be paid or credited by the club to the Board, and shall, subject to the Totalizator (Off-course Betting) Act, 1964, be paid or credited by the Board as agent for the club to the person entitled to receive it.

(3) (a) Section 9 (1)—

Omit the subsection.

(b) Section 9 (3)—

Omit “Treasurer”, insert instead “Treasury”.

SCHEDELE

Totalizator (Amendment).

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

(4) (a) Section 9A—

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

(b) Section 9A (5)—

After “8”, insert “, 8A”.

(5) Section 9B (1)—

Omit “Treasurer”, insert instead “Treasury”.

(6) (a) Section 9C (9) (a)—

Omit “Treasurer”, insert instead “Treasury”.

(b) Section 9C (10) (b)—

Omit “retained by”, insert instead “payable to”.

(7) Section 10 (2), (3), (4), (4A)—

Omit section 10 (2), (2A) and (3), insert instead :—

(2) Where a totalizator is used pursuant to subsection (1), the Minister 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

SCHEDULE

Totalizator (Amendment).

SCHEDULE 1—*continued.*

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

(b) on the happening of that event or contingency, distribute the balance in accordance with subsection (3), (4) or (4A), 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 made through the agency of the Totalizator Agency Board, 14 per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

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

(i) $6\frac{1}{2}$ per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

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

SCHEDULE

Totalizator (Amendment).

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

(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 made through the agency of the Totalizator Agency Board—

- (i) $15\frac{1}{2}$ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and
- (ii) one-half of 1 per centum shall be paid to the Treasury as commission 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 Board—

- (i) 8 per centum shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund;
- (ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and
- (iii) $7\frac{1}{2}$ per centum shall be paid as commission to the Board; and

SCHEDULE

Totalizator (Amendment).

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

(c) 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 made through the agency of the Totalizator Agency Board—

(i) $16\frac{1}{2}$ per centum (less the necessary expenses incurred in using the totalizator) shall be paid as commission to the Treasury to be credited to the Consolidated Revenue Fund; and

(ii) one-half of 1 per centum shall be paid as commission to the Treasury 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 Board—

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

(ii) one-half of 1 per centum shall be paid as commission to the Treasury to be credited to the Racecourse Development Fund; and

SCHEDULE

Totalizator (Amendment).

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

(iii) 8½ per centum shall be paid as commission to the Board; and

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

(8) Section 16 (2)—

At the end of section 16, insert :—

(2) Subsection (1) does not apply to investments made by the Totalizator Agency Board when acting as the agent of a racing club.

(9) Section 20 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of the regulations and the rules as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
