

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT
ACT, 1982, No. 169**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 169, 1982.

An Act to amend the Totalizator (Off-course Betting) Act, 1964, to enable the Totalizator Agency Board, in certain circumstances, to establish an office or agency within certain premises on which the sale of liquor is authorised; to authorise that Board to conduct a totalizator on an event or contingency scheduled to take place otherwise than at a race-meeting on a race-course; and for other purposes. [Assented to, 24th December, 1982.]

See also Totalizator (Amendment) Act, 1982; Soccer Football Pools (Sport and Recreation Fund) Amendment Act, 1982; Tourist Industry Development (Amendment) Act, 1982.

Totalizator (Off-course Betting) 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:—

Short title.

1. This Act may be cited as the "Totalizator (Off-course Betting) Amendment Act, 1982".

Amendment of Act No. 1, 1964.

2. The Totalizator (Off-course Betting) Act, 1964, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING) ACT, 1964.

(1) (a) Section 2, definition of "Club premises"—

After the definition of "Board", insert:—

"Club premises" means the premises within the meaning of the Registered Clubs Act, 1976, of a club (whether or not it is a racing club) in respect of which a certificate of registration is in force under that Act.

(b) Section 2, definition of "Licensed premises"—

After the definition of "Doubles totalizator", insert:—

"Licensed premises" means premises to which a license in force under the Liquor Act, 1912, relates.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING)
ACT, 1964—*continued.*

(2) Section 3 (1A)—

After section 3 (1), insert:—

(1A) In the exercise and discharge of its powers, authorities, duties and functions, the Board is, except where it is authorised or required to make a recommendation, subject to the direction and control of the Minister.

(3) Section 9 (1A)—

After section 9 (1), insert:—

(1A) The Commissioner of Police shall, if the Board so requests—
(a) cause to be made such inquiries with respect to an application by a person for appointment as an agent of the Board as are specified in the request; and
(b) as soon as practicable after receiving the request, submit to the Board a report on the result of those inquiries.

(4) (a) Section 10—

After “premises” where firstly and secondly occurring, insert “or part thereof”.

(b) Section 10—

Omit “, and premises licensed under the Liquor Act, 1912, and”, insert instead “and to”.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—continued.**AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING)
ACT, 1964—continued.****(5) Section 12A—**

After section 12, insert:—

Events other than race-meetings.

12A. (1) With the approval of the Minister, the Board may, subject to this Act, conduct totalizator betting upon any event or contingency scheduled for decision within or outside the Commonwealth otherwise than at a race-meeting on a race-course.

(2) All bets made with the Board in respect of an event or contingency referred to in subsection (1) shall—

- (a) be held and accounted for separately from other money coming into the custody or under the control of the Board;
- (b) be placed in a totalizator conducted by the Board in respect of that event or contingency; and
- (c) be available for distribution by the Board in accordance with this Act.

(3) The Board may, with the approval of the Minister, make rules for and with respect to the conduct of totalizator betting pursuant to this section.

(6) (a) Section 13—

Omit “off-course” wherever occurring.

(b) Section 13 (3)—

After section 13 (2), insert:—

(3) In this section, a reference to an Act (other than this Act) includes a reference to an Act enacted on or after the date of assent to the Totalizator (Off-course Betting) Amendment Act, 1982.

Totalizer (Off-course Betting) Amendment.

SCHEDULE 1—continued.**AMENDMENTS TO THE TOTALIZER (OFF-COURSE BETTING)
ACT, 1964—continued.****(7) Section 13B—**

After section 13A, insert:—

Distribution of investments under section 12A.

13B. (1) Where any money is placed in a totalizer conducted by the Board in respect of any event or contingency in accordance with section 12A (2), the Board shall—

- (a) deduct from that money any amount refundable to investors; and
- (b) on the happening of the event or contingency, distribute the balance in accordance with subsection (2).

(2) Of the balance referred to in subsection (1) (b)—

- (a) 75 per centum shall be paid as dividends;
- (b) 15 per centum, or such lower proportion as may be prescribed instead, shall be retained by the Board as commission; and
- (c) the balance shall be paid to the Minister as commission to be credited to an account to be established in the Special Deposits Account at the Treasury and to be called the “Leisure, Sport and Tourism Fund”.

(3) The Minister may, from time to time, make such payments as he thinks fit from the Fund established under subsection (2) (c) to—

- (a) the Sport and Recreation Fund established under the Soccer Football Pools Act, 1975; and
- (b) the Tourist Industry Development Fund established under the Tourist Industry Development Act, 1976.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING)
ACT, 1964—*continued.*

(8) (a) Section 14 (1)—

After “Board” where secondly occurring, insert “under section 12”.

(b) Section 14 (2)—

After section 14 (1), insert:—

(2) Subject to references therein to regulations and rules being construed as references to regulations and rules under this Act, sections 8B, 9, 9B, 9C (subsections (4) (a) and (10) (c), (d), (g) and (h) excepted) and 11 of the Totalizator Act, 1916, apply to and in respect of the Board and money placed in a totalizator conducted by the Board under section 12A in the same way as they apply to and in respect of the Board and money placed in a totalizator conducted by the Board under section 12.

(c) Section 14 (3)—

After “13A”, insert “or 13B”.

(9) (a) Section 17 (1) (a)—

Omit “subsection (1A)”, insert instead “subsections (1A), (1AA) and (1AB)”.

(b) Section 17 (1AA), (1AB)—

After section 17 (1A), insert:—

(1AA) Where the Board is satisfied that it is desirable to establish an office or agency of the Board in any area, having regard to—

(a) the extent of any demand for the establishment of an office or agency in the area; and

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING) ACT, 1964—*continued.*

- (b) the Board's estimate of the probable volume of its business in the area,

it may, with the approval of the Minister in writing, establish an office or agency on licensed premises or club premises and subsection (1) (a) shall not apply in respect of that office or agency.

(*AB) Subsection (1AA) has effect subject to sections 40 (2) and 64 (4) of the Liquor Act, 1912, and section 20 of the Registered Clubs Act, 1976, but otherwise has effect notwithstanding anything in this or any other Act.

(c) Section 17 (2) (b) (i)—

Omit “, before the beginning of the race-meeting at which the event or contingency is held.”.

(d) Section 17 (2) (d)—

After “contingency”, insert “in respect of which the Board conducts totalizator betting under section 12”.

(e) Section 17 (2) (e)—

After section 17 (2) (d), insert:—

- (e) an amount of \$1 or any multiple of that amount shall be accepted by the Board as a bet upon an event or contingency in respect of which the Board conducts totalizator betting under section 12A and the dividend payable by the Board in respect of the bet shall bear the same proportion to the dividend declared in respect of the unit of investment as the amount invested bears to the unit of investment.

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SCHEDULE 1—continued.**AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING)
ACT, 1964—continued.****(10) Section 17B—**

After section 17A, insert:—

Overdrawn accounts.

17B. (1) Where an amount has been incorrectly credited to an account referred to in section 17 (2) (b) (i) or an incorrect amount has been credited to such an account, the Board—

- (a) may adjust the account to the extent necessary to rectify the incorrect credit; and
- (b) if, as a result of such an adjustment, the account is in debit, may recover as a debt the amount of the deficiency in the account.

(2) Subsection (1) has effect notwithstanding—

- (a) any law;
- (b) anything in this or any other Act; or
- (c) any representation by or on behalf of the Board or its agents as to the state of an account.

(11) (a) Section 18 (d)—

Omit “or” where secondly occurring.

(b) Section 18 (e)—

Omit “contingency,”, insert instead “contingency;”.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TOTALIZATOR (OFF-COURSE BETTING)
ACT, 1964—*continued.*

(c) Section 18 (f), (g)—

After section 18 (e), insert:—

- (f) being an agent of the Board required to account to the Board for his operations in respect of an event or contingency, fails so to account to the Board; or
 - (g) not being a person lawfully managing or controlling, or not being employed in, any office, branch or agency of the Board, or not being a duly appointed agent of the Board, on licensed premises or club premises habitually represents (whether personally or by employees or agents) to other persons that he is willing to make bets with the Board and to account to those other persons for any proceeds of those bets,
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