

TOTALIZATOR LEGISLATION (AMENDMENT) ACT 1992
No. 60

NEW SOUTH WALES



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TOTALIZATOR LEGISLATION (AMENDMENT) ACT 1992
No. 60

NEW SOUTH WALES



Act No. 60, 1992

An Act to amend the Totalizator Act 1916 and the Totalizator (Off-course Betting) Act 1964 with respect to the payment of commission under those Acts; and for other purposes. [Assented to 20 October 1992]

Totalizator Legislation (Amendment) Act 1992 No. 60

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Totalizator Legislation (Amendment) Act 1992.

Commencement

2. This Act commences on the date of assent.

Amendment of Totalizator Act 1916 No. 75

3. The Totalizator Act 1916 is amended in the manner set out in Schedule 1.

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

4. The Totalizator (Off-course Betting) Act 1964 is amended in the manner set out in Schedule 2.

Amendment of Win and Place Totalizator Rules 1964

5. (1) The Win and Place Totalizator Rules 1964 are amended by omitting from Rules 16A and 16B the words “fifteen eighty-fifths” wherever occurring and by inserting instead the words “fifty-seven three hundred and forty-thirds”.

(2) The amendments made by this Act to the Win and Place Totalizator Rules 1964 do not affect the future amendment or repeal of those Rules.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916

(Sec. 3)

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

Omit the definition of “Multiple selection totalizator”, insert, in alphabetical order, the following definitions:

“**Country racecourse**” means a racecourse that is not a metropolitan racecourse.

“**Exacta totalizator**” means an exacta totalizator as defined in the rules.

“**Metropolitan racecourse**” means a racecourse referred to in section 8.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916
continued

“Multiple selection totalizator” means a totalizator that provides for an investor to select a combination of 2 or more contestants in an event or a combination of events, but does not include:

- (a) a doubles totalizator; or
- (b) an exacta totalizator; or
- (c) a quinella totalizator; or
- (d) a superfecta totalizator.

“Quinella totalizator” means a quinella totalizator as defined in the rules.

(2) Section 3B (**Common-pool totalizator betting**):

From section 3B (5), omit “sections 8, 8A, 9C (10), 10 and 11”, insert instead “Divisions 1 and 2 of Part 3 and sections 10H (10) and 11”.

(3) Part 3, Division 1, heading:

After the heading to Part 3, insert:

Division 1—Distribution of investments on metropolitan racecourse totalizators

(4) Section 8:

Omit the section, insert instead:

Application of Division

8. This Division 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 Division applies.

Distribution of investments generally

8A. A racing club which, under this Act, uses a totalizator to which this Division applies;

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (a) must 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, must distribute the balance in accordance with the provisions of this Division.

Doubles totalizators

8B. In the case of a doubles totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e):
 - (i) 10.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 9 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a country racecourse:
 - (i) 7.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse:
 - (i) 10.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 7.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent must be paid as commission to that other club; and
- (f) the remainder of that balance must be paid as dividends.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

Exacta totalizators

8C. In the case of an exacta totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e):
 - (i) 11 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 9.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a country racecourse:
 - (i) 8 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse:
 - (i) 11 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to that other club; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 8 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent must be paid as commission to that other club; and
- (f) the remainder of that balance must be paid as dividends.

Quinella totalizators

8D. In the case of a quinella totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e):
 - (i) 9 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 7.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a country racecourse:
 - (i) 6 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse:
 - (i) 9 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 6 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent must be paid as commission to that other club; and
- (f) the remainder of that balance must be paid as dividends.

Superfecta totalizators

8E. In the case of a superfecta totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b) or (c):
 - (i) 5.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent must be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (i) 5.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (ii) 6 per cent must be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
- (iii) 8.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan or country racecourse:
 - (i) 5.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent must be paid as commission to that other club; and
- (d) the remainder of that balance must be paid as dividends.

Multiple selection totalizators

- 8F. In the case of a multiple selection totalizator:
- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e):
 - (i) 9.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iG) 7 per cent may be retained as commission by the club; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 8 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 8.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a country racecourse:
 - (i) 6.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 10 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse:
 - (i) 9.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7 per cent must be paid as commission to that other club; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 6.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 10 per cent must be paid as commission to that other club; and
- (f) the remainder of that balance must be paid as dividends.

Win and place and other totalizators

8G. In the case of any other totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d) or (e):
 - (i) 8.25 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 6.75 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a country racecourse:

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- (i) 5.25 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and
 - (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse:
 - (i) 8.25 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to that other club; and
 - (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 5.25 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent must be paid as commission to that other club; and
 - (f) the remainder of that balance must be paid as dividends.
- (5) Part 3, Division 2, heading:
After section 8G (as inserted by item (4)), insert:
Division 2—Distribution of investments on country racecourse totalizators
- (6) Section 8A:
Omit the section, insert instead:
Application of Division
9. This Division applies to every totalizator established and used under this Act at a country racecourse.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
*continued***Distribution of investments generally**

9A. A racing club which, under this Act, uses a totalizator to which this Division applies:

- (a) must 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, must distribute the balance in accordance with the provisions of this Division.

Doubles totalizators

9B. In the case of a doubles totalizator:

- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d), (e) or (f):
 - (i) 7.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 9 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7.5 per cent must be paid as commission to the Board; and

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- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a metropolitan racecourse:
 - (i) 10.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 7.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 9 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (a):
 - (i) 7.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 3 per cent must be paid as commission to that other club for its own use; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (iv) 6 per cent may be retained as commission by the club on whose totalizator the bets were placed; and
- (f) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (b) or (c):
 - (i) 10.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 6 per cent must be paid as commission to that other club for its own use; and
- (g) the remainder of that balance must be paid as dividends.

Exacta totalizators

9C. In the case of an exacta totalizator:

- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d), (e) or (f):
 - (i) 8 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 9.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
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- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a metropolitan racecourse:
 - (i) 11 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 8 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (a):
 - (i) 8 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 3 per cent must be paid as commission to that other club for its own use; and
 - (iii) 6 per cent may be retained as commission by the club on whose totalizator the bets were placed; and
- (f) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (b) or (c):
 - (i) 11 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
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- (ii) 6 per cent must be paid as commission to that other club for its own use; and
- (g) the remainder of that balance must be paid as dividends.

Quinella totalizators

9D. In the case of a quinella totalizator:

- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d), (e) or (f):
 - (i) 6 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 7.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a metropolitan racecourse:
 - (i) 9 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 6 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (ii) 9 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (a):
 - (i) 6 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 3 per cent must be paid as commission to that other club for its own use; and
 - (iii) 6 per cent may be retained as commission by the club on whose totalizator the bets were placed; and
- (f) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (b) or (c):
 - (i) 9 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to that other club for its own use; and
- (g) the remainder of that balance must be paid as dividends.

Superfecta totalizators

9E. In the case of a superfecta totalizator:

- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b) or (c):
 - (i) 5.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent must be paid as commission to the Minister to be credited to the Racing Assistance Fund; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
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- (iii) 10 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 5.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 8.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan or country racecourse:
 - (i) 5.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 4.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racing Assistance Fund; and
 - (iii) 10 per cent must be paid as commission to that other club; and
- (d) the remainder of that balance must be paid as dividends.

Multiple selection totalizators

- 9E In the case of a multiple selection totalizator:
- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (c), (d), (e) or (f):
 - (i) 6.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and

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- (ii) 0.5 per cent must be paid as commission to the Minister. to be credited to the Racecourse Development Fund; and
 - (iii) 10 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 8 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 8.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a metropolitan racecourse:
 - (i) 9.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 6.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid by that other club as commission to the Minister to be credited to the Racecourse Development Fund; and

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- (iii) 10 per cent must be paid as commission to that other club; and
- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (a):
 - (i) 6.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 3 per cent must be paid as commission to that other club for its own use; and
 - (iv) 7 per cent may be retained as commission by the club on whose totalizator the bets were placed; and
- (f) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (b) or (c):
 - (i) 9.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 0.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Racecourse Development Fund; and
 - (iii) 7 per cent must be paid as commission to that other club for its own use; and
- (g) the remainder of that balance must be paid as dividends.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
*continued***Win and place and other totalizators**

9G. In the case of any other totalizator:

- (a) of the balance referred to in section 9A (b), excluding any part of that balance which is derived from bets referred to in paragraph (b), (C), (d), (e) or (f):
 - (i) 5.25 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 6.75 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 7.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance which is derived from bets made under section 3B with the club at a metropolitan racecourse:
 - (i) 8.25 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent may be retained as commission by the club; and
- (d) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a country racecourse:
 - (i) 5.25 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 9 per cent must be paid as commission to that other club; and

**SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
*continued***

- (e) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (a):
 - (i) 5.25 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 3 per cent must be paid as commission to that other club for its own use; and
 - (iii) 6 per cent may be retained as commission by the club on whose totalizator the bets were placed; and
 - (f) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club at a metropolitan racecourse referred to in section 8 (b) or (c):
 - (i) 8.25 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be credited to the Consolidated Fund; and
 - (ii) 6 per cent must be paid as commission to that other club for its own use; and
 - (g) the remainder of that balance must be paid as dividends.
- (7) Part 3, heading:
After section 9G (as inserted by item (6)), insert:
- Division 3—Miscellaneous**
- (8) Renumber sections 8AA, 8B, ~~8C~~ 8D, 9, 9A, 9B and 9C as sections 10A, 10B, 10C, 10D, 10E, 10F, 10G and 10H, respectively.
- (9) Section 8AA (**Rebate**):
- (a) From section 8AA (4), omit “section 8B”, insert instead “section 10B”.
 - (b) From the definition of “commission” in section 8AA (5), omit “section 8 or 8A”, insert instead “Division 1 or 2”.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (10) Section 8B (**Payments to the Minister**):
From section 8B (1), omit “section 8 or 8A”, insert instead “Division 1 or 2”.
- (11) Section 8D (**Payment to another club**):
From section 8D (1), omit “under section 8, 8A or 9C (10)”, insert instead “under Division 1 or 2 or under section 10H (10)”.
- (12) Section 9A (**Dividends Adjustment Fund**):
From section 9A (5), omit “sections 8, 8A and 9C”, insert instead “Divisions 1 and 2 and section 10H”.
- (13) Section 10A (**Entitlements to unclaimed dividends and refunds**):
From existing section 10A (1) and (2), omit “section 9 (3) or 10 (5)” wherever occurring, insert instead “section 10E (3)”.
- (14) Renumber existing section 10A as section 10I and relocate it after section 10H (as renumbered by item (8)).
- (15) Section 11 (**Returns**):
From section 11 (2A), omit “section 8AA”, insert instead “section 10A”.
- (16) Section 19B (**Racing Assistance Fund**):
- (a) From section 19B (2), omit “sections 8 (6) and 10 (4B)”, insert instead “sections 8E and 9E”.
 - (b) From section 19B (2), omit “section 13A (5)”, insert instead “section 13E”.
 - (c) From section 19B (4), omit “section 8”, insert instead “Division 1 of Part 3”.
 - (d) From section 19B (4), omit “section 8A”, insert instead “Division 2 of Part 3”.
- (17) Section 22:
After section 21, insert:
Savings, transitional and other provisions
22. Schedule 1 has effect.

Totalizator Legislation (Amendment) Act 1992 No. 60

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

(18) Schedule 1:

At the end of the Act, insert:

**SCHEDULE 1—SAVINGS, TRANSITIONAL AND OTHER
PROVISIONS**

(Sec. 22)

Part 1—Preliminary

Regulations

1. **(1)** The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Totalizator Legislation (Amendment) Act 1992

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted before the date of its publication.

**Part 2—Provisions consequent on the enactment of the Totalizator
Legislation (Amendment) Act 1992**

Payments to the Consolidated Fund

2. Any money:

- (a) that is paid into a totalizator in respect of an event or contingency occurring on or after 1 July 1992 and before 1 July 1997; and
- (b) that, but for this clause, would be required by this Act to be paid as commission to the Minister to be credited to the Racecourse Development Fund,

is instead to be paid as commission to the Minister to be credited to the Consolidated Fund and any adjustments to those Funds that are required to be made as a consequence of this clause are to be made accordingly. Operation of certain amendments (win and place totalizators) from 1 September 1992

3. **(1)** Section 5 of the Totalizator Legislation (Amendment) Act 1992 is taken to have commenced on 1 September 1992.

Totalizator Legislation (Amendment) Act 1992 No. 60

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

(2) The provisions of Schedule 1 (4) and (6) to the Totalizator Legislation (Amendment) Act 1992 are taken to have commenced on 1 September 1992 to the extent to which they omit sections 8 (3) and 8A (3) of the Totalizator Act 1916 (with respect only to win and place totalizators) and insert sections 8G and 9G into that Act.

(3) The reference in clause 4 to the date of assent to the Totalizator Legislation (Amendment) Act 1992 is taken to be a reference to 1 September 1992 for the purposes of this clause.

Construction of certain references

4. A reference in any Act or instrument to a provision of this Act (as in force immediately before the date of assent to the Totalizator Legislation (Amendment) Act 1992 extends to the corresponding provision of this Act, as amended by that Act.

**SCHEDULE 2—AMENDMENT OF TOTALIZATOR
(OFF-COURSE BETTING) ACT 1964**

(Sec. 4)

(1) Part 1, heading:

Before section 1., insert:

PART 1—PRELIMINARY

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

Omit the definition of “Multiple selection totalizator”, insert, in alphabetical order, the following definitions:

“**Exacta totalizator**” has the meaning given to that expression by section 2 of the Totalizator Act 1916.

“**Multiple selection totalizator**” has the meaning given to that expression by section 2 of the Totalizator Act 1916.

“**Quinella totalizator**” has the meaning given to that expression by section 2 of the Totalizator Act 1916.

(3) Part 2, heading:

After section 2, insert:

PART 2—THE TOTALIZATOR AGENCY BOARD

SCHEDULE 2—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

- (4) Part 3, headings:

After section 11, insert:

PART 3—OFF-COURSE BETTING

Division 1—Conduct of off-course totalizators

- (5) Section 12B (**Sweepstakes on the Melbourne Cup and other events**):

From section 12B (3) (c), omit “section 13B”, insert instead “section 13H”.

- (6) Part 3, Division 2, heading:

After section 13, insert:

Division 2—Distribution of investments

- (7) Section 13A:

Omit the section, insert instead:

Distribution of money invested in totalizators conducted by the Board

13A. If any money is placed in a totalizator conducted by the Board in respect of any event or contingency in accordance with section 12 (3), the Board:

- (a) must deduct from that money any sums refundable to investors, or transferable to another type of totalizator, in accordance with the regulations and with the rules made under the Totalizator Act 1916 so far as they are applicable to the Board; and
- (b) on the happening of that event or contingency, must distribute the balance in accordance with the provisions of this Division.

Doubles totalizators

13B. In the case of a doubles totalizator, of the balance referred to in section 13A (b):

- (a) 9 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (b) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and

SCHEDULE 2—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

- (c) 7.5 per cent may be retained as commission by the Board; and
- (d) the remainder must be paid as dividends.

Exacta totalizators

13C. In the case of an exacta totalizator, of the balance referred to in section 13A (b):

- (a) 9.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (b) 7.5 per cent may be retained as commission by the Board; and
- (c) the remainder must be paid as dividends.

Quinella totalizators

13D. In the case of a quinella totalizator, of the balance referred to in section 13A (b):

- (a) 7.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (b) 7.5 per cent may be retained as commission by the Board; and
- (c) the remainder must be paid as dividends.

Superfecta totalizators

13E. In the case of a superfecta totalizator, of the balance referred to in section 13A (b):

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

Multiple selection totalizators

13F. In the case of a multiple selection totalizator, of the balance referred to in section 13A (b):

- (a) 8 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and

SCHEDULE 2—AMENDMENT OF TOTALIZATOR. (OFF-COURSE BETTING) ACT 1964—*continued*

- (b) 0.5 per cent must be paid as commission to the Minister to be credited to the Racecourse Development Fund; and
- (c) 8.5 per cent may be retained as commission by the Board; and
- (d) the remainder must be paid as dividends.

Win and place and other totalizators

13G. In the case of any other kind of totalizator, of the balance referred to in section 13A (b):

- (a) 6.75 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
- (b) 7.5 per cent may be retained as commission by the Board; and
- (c) the remainder must be paid as dividends.

(8) Section 13B:

Renumber existing section 13B as section 13H.

(9) Part 3, Division 3, heading:

Before section 14, insert:

Division 3—Miscellaneous

(10) Section 14 (**Application of Totalizator Act 1916 to payments by and to the Board**):

- (a) From section 14 (1), omit “Sections 8B, 9, 9B, 9C and 11”, insert instead “Sections 10B, 10E, 10G, 10H and 11”.
- (b) From section 14 (2), omit “sections 8B, 9, 9B, 9C”, insert instead “sections 10B, 10E, 10G, 10H”.
- (c) From section 14 (2A), omit “sections 8B, 9, 9B”, insert instead “sections 10B, 10E, 10G”.
- (d) From section 14 (24 (c)), omit “section 13B”, insert instead “section 13H”.
- (e) From section 14 (3), omit “sections 8 and 8A”, insert instead “Divisions 1 and 2 of Part 3”.
- (f) From section 14 (3), omit “section 13A or 13B”, insert instead “Division 2”.

Totalizator Legislation (Amendment) Act 1992 No. 60

SCHEDULE 2—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

(11) Part 4, heading:

After section 14; insert:

PART 4—GENERAL

(12) Section 23:

After section 22, insert:

Savings, transitional and other provisions

23. Schedule 1 has effect.

(13) Schedule 1:

At the end of the Act, insert:

SCHEDULE 1—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS

(Sec. 23)

Part 1—Preliminary

Regulations

1. (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

Totalizator Legislation (Amendment) Act 1992

(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or from a later date.

(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted before the date of its publication.

Part 2—Provisions consequent on the enactment of the Totalizator Legislation (Amendment) Act 1992

Payments to the Consolidated Fund

2. Any money:

- (a) that is paid into a totalizator in respect of an event or contingency occurring on or after 1 July 1992 and before 1 July 1997; and
- (b) that, but for this clause, would be required by this Act to be paid as commission to the Minister to be credited to the **Racecourse** Development Fund,

Totalizator Legislation (Amendment) Act 1992 No. 60

SCHEDULE 2—AMENDMENT OF TOTALIZATOR (OFF-COURSE
BETTING) ACT 1964—*continued*

is instead to be paid as commission to the Minister to be credited to the Consolidated Fund and any adjustments to those Funds that are required to be made as a consequence of this clause are to be made accordingly.

Operation of certain amendments (win and place totalizators) from 1 September 1992

3. (1) The provisions of Schedule 2 (7) to the Totalizator Legislation (Amendment) Act 1992 are taken to have commenced on 1 September 1992 to the extent to which they omit section 13A (2) of the Totalizator (Off-course Betting) Act 1964 (with respect only to win and place totalizators) and insert section 13G into that Act.

(2) The reference in clause 4 to the date of assent to the Totalizator Legislation (Amendment) Act 1992 is taken to be a reference to 1 September 1992 for the purposes of this clause.

Construction of certain references

4. A reference in any Act or instrument to a provision of this Act (as in force immediately before the date of assent to the Totalizator Legislation (Amendment) Act 1992) extends to the corresponding provision of this Act, as amended by that Act.

*[Minister's second reading speech made in—
Assembly on 3 September 1992
Legislative Council on 13 October 1992]*