

**TOTALIZATOR LEGISLATION (AMENDMENT) ACT
1994 No. 76**

NEW SOUTH WALES



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**TOTALIZATOR LEGISLATION (AMENDMENT) ACT
1994 No. 76**

NEW SOUTH WALES



Act No. 76, 1994

An Act to amend the Totalizator Act 1916 and the Totalizator (Off-course Betting) Act 1964 to alter the distribution of totalizator commissions; and for other purposes. [Assented to 2 December 1994]

Totalizer Legislation (Amendment) Act 1994 No. 76

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

1. This Act may be cited as the Totalizer Legislation (Amendment) Act 1994.

Commencement

2. (1) This Act commences on 1 January 1995, except as provided by subsection (2).

(2) Part 2 of Schedule 1 and Part 2 of Schedule 2 commence on 1 January 1996.

Amendment of Totalizer Act 1916 No. 45

3. The Totalizer Act 1916 is amended as set out in Schedule 1.

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

4. The Totalizer (Off-course Betting) Act 1964 is amended as set out in Schedule 2.

Application of this Act

5. (1) The amendments made by Part 1 of Schedule 1 and Part 1 of Schedule 2 do not apply to an event or contingency or a combination of events or contingencies if the event or contingency or the first event or contingency of the combination occurs on a day before 1 January 1995.

(2) The amendments made by Part 2 of Schedule 1 and Part 2 of Schedule 2 do not apply to an event or contingency or a combination of events or contingencies if the event or contingency or the first event or contingency of the combination occurs on a day before 1 January 1996.

SCHEDULE 1—AMENDMENT OF TOTALIZER ACT 1916

(Sec. 3)

PART 1—AMENDMENTS COMMENCING ON 1 JANUARY 1995**(1) Section 8B (Doubles totalizers):**

(a) From section 8B (1) (a) (i), omit “10.5”, insert instead “9”.

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*continued***

- (b) From section 8B (1) (a) (iii), omit “6”, insert instead “7.5”.
- (c) From section 8B (1) (d) (i), omit “10.5”, insert instead “9”.
- (d) From section 8B (1) (d) (iii), omit “6”, insert instead “7.5”.

(2) Section 8C (Exacta totalizators):

- (a) From section 8C (a) (i), omit “11”, insert instead “9.5”.
- (b) From section 8C (a) (ii), omit “6”, insert instead “7.5”.
- (c) From section 8C (d) (i), omit “11”, insert instead “9.5”.
- (d) From section 8C (d) (ii), omit “6”, insert instead “7.5”.

(3) Section 8D (Quinella totalizators):

- (a) From section 8D (a) (i), omit “9”, insert instead “7.5”.
- (b) From section 8D (a) (ii), omit “6”, insert instead “7.5”.
- (c) From section 8D (d) (i), omit “9”, insert instead “7.5”.
- (d) From section 8D (d) (ii), omit “6”, insert instead “7.5”.

(4) Section 8E (Superfecta totalizators):

- (a) From section 8E (1) (a) (i), omit “5.5”, insert instead “7”.
- (b) From section 8E (1) (a) (ii), omit “4.5”, insert instead “3”.
- (c) From section 8E (1) (b) (i), omit “5.5”, insert instead “7.5”.
- (d) From section 8E (1) (b) (ii), omit “6”, insert instead “4”.
- (e) From section 8E (1) (c) (i), omit “5.5”, insert instead “7”.
- (f) From section 8E (1) (c) (ii), omit “4.5”, insert instead “3”.

(5) Section 8F (Multiple selection totalizators):

- (a) From section 8F (1) (a) (i), omit “9.5”, insert instead “8”.
- (b) From section 8F (1) (a) (iii), omit “7”, insert instead “8.5”.

**SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
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- (c) From section 8F (1) (d) (i), omit “9.5”, insert instead “8”.
- (d) From section 8F (1) (d) (iii), omit “7”, insert instead “8.5”.

(6) Section 8G (Win and place and other totalizators):

- (a) From section 8G (a) (i), omit “8.25”, insert instead “6.75”.
- (b) From section 8G (a) (ii), omit “6”, insert instead “7.5”.
- (c) From section 8G (d) (i), omit “8.25”, insert instead “6.75”.
- (d) From section 8G (d) (ii), omit “6”, insert instead “7.5”.

(7) Section 9B (Doubles totalizators):

- (a) From section 9B (1) (c) (i), omit “10.5”, insert instead “9”.
- (b) From section 9B (1) (c) (iii), omit “6”, insert instead “7.5”.
- (c) From section 9B (1) (e) (iii), omit “3”, insert instead “4.5”.
- (d) From section 9B (1) (e) (iv), omit “6”, insert instead “4.5”.
- (e) From section 9B (1) (f) (i), omit “10.5”, insert instead “9”.
- (f) From section 9B (1) (f) (iii), omit “6”, insert instead “7.5”.

(8) Section 9C (Exacta totalizators):

- (a) From section 9C (c) (i), omit “11”, insert instead “9.5”.
- (b) From section 9C (c) (ii), omit “6”, insert instead “7.5”.
- (c) From section 9C (e) (ii), omit “3”, insert instead “4.5”.
- (d) From section 9C (e) (iii), omit “6”, insert instead “4.5”.
- (e) From section 9C (f) (i), omit “11”, insert instead “9.5”.
- (f) From section 9C (f) (ii), omit “6”, insert instead “7.5”.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued(9) Section 9D (**Quinella totalizators**):

- (a) From section 9D (c) (i), omit “9”, insert instead “7.5”.
- (b) From section 9D (c) (ii), omit “6”, insert instead “7.5”.
- (c) From section 9D (e) (ii), omit “3”, insert instead “4.5”.
- (d) From section 9D (e) (iii), omit “6”, insert instead “4.5”.
- (e) From section 9D (f) (i), omit “9”, insert instead “7.5”.
- (f) From section 9D (f) (ii), omit “6”, insert instead “7.5”.

(10) Section 9E (**Superfecta totalizators**):

- (a) From section 9E (1) (a) (i), omit “5.5”, insert instead “7”.
- (b) From section 9E (1) (a) (ii), omit “4.5”, insert instead “3”.
- (c) From section 9E (1) (b) (i), omit “5.5”, insert instead “3”.
- (d) From section 9E (1) (b) (ii), omit “6”, insert instead “4”.
- (e) From section 9E (1) (c) (i), omit “5.5”, insert instead “7”.
- (f) From section 9E (1) (c) (ii), omit “4.5”, insert instead “3”.

(11) Section 9F (**Multiple selection totalizators**):

- (a) From section 9F (1) (c) (i), omit “9.5”, insert instead “8”.
- (b) From section 9F (1) (c) (iii), omit “7”, insert instead “8.5”.
- (c) From section 9F (1) (e) (iii), omit “3”, insert instead “4.5”.
- (d) From section 9F (1) (e) (iv), omit “7”, insert instead “5.5”.
- (e) From section 9F (1) (f) (i), omit “9.5”, insert instead “8”.
- (f) From section 9F (1) (f) (iii), omit “7”, insert instead “8.5”.

(12) Section 9G (**Win and place and other totalizators**):

- (a) From section 9G (c) (i), omit “8.25”, insert instead “6.75”.
- (b) From section 9G (c) (ii), omit “6”, insert instead “7.5”.

**SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
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- (c) From section 9G (e) (ii), omit “3”, insert instead “4.5”.
- (d) From section 9G (e) (iii), omit “6”, insert instead “4.5”.
- (e) From section 9G (f) (i), omit “8.25”, insert instead “6.75”.
- (f) From section 9G (f) (ii), omit “6”, insert instead “7.5”.

**PART 2—AMENDMENTS COMMENCING ON 1 JANUARY
1996****(13) Section 2 (Definitions):**

Omit the definitions of “Country racecourse” and “Metropolitan racecourse”.

(14) Section 3B (Common-pool totalizator betting):

From section 3B (5), omit “Divisions 1 and 2”, insert instead “Division 1”.

(15) Division 1 of Part 3:

Omit the heading.

(16) Section 8 (Application of Division):

Omit the section.

(17) Sections 8A–8G:

Omit the sections, insert instead:

**Division 1—Distribution of investments on
racecourse totalizators****Distribution of investments generally**

8A. A racing club that, under this Act, uses a totalizator:

- (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.

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

8B. (1) In the case of a doubles totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance that is derived from bets referred to in paragraph (b) or (c) of this subsection:
 - (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 separately credited to the Consolidated Fund; and
 - (iii) 9 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance that 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 separately credited to the Consolidated 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 that is derived from bets made under section 3B with another racing club:
 - (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 separately credited to the Consolidated Fund; and

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

- (iii) 9 per cent must be paid as commission to that other club; and
- (d) the remainder of that balance must be paid as dividends.

(2) There is to be paid into the Racecourse Development Fund out of the Consolidated Fund (which is appropriated accordingly) in the year commencing 1 July 1997 and in each succeeding year, an amount equal to the amounts of the commission credited to the Consolidated Fund under subsection (1) (a) (ii), (b) (ii) and (c) (ii) in respect of events or contingencies occurring on or after 1 July 1997.

Exacta totalizators

8C. In the case of an exacta totalizer:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance that is derived from bets referred to in paragraph (b) or (c) of this section:
 - (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 that 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 that is derived from bets made under section 3B with another racing club:
 - (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

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (ii) 9 per cent must be paid as commission to that other club; and
- (d) 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 that is derived from bets referred to in paragraph (b) or (c) of this section:
 - (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 that 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 that is derived from bets made under section 3B with another racing club:
 - (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
- (d) the remainder of that balance must be paid as dividends.

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

Superfecta totalizators

8E. (1) In the case of a superfecta totalizator:

- (a) of the balance referred to in section 8A (b), excluding any part of that balance that is derived from bets referred to in paragraph (b) or (c) of this subsection:
 - (i) 8.5 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 1.5 per cent must be paid as commission to the Minister to be separately credited to the Consolidated Fund; and
 - (iii) 10 per cent may be retained as commission by the club; and
- (b) of that part (if any) of that balance that is derived from bets made through the agency of the Totalizator Agency Board:
 - (i) 10 per cent must be paid as commission to the Minister to be credited to the Consolidated Fund; and
 - (ii) 1.5 per cent must be paid as commission to the Minister to be separately credited to the Consolidated 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 that is derived from bets made under section 3B with another racing club:
 - (i) 8.5 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) 1.5 per cent must be paid to that other club to be paid as commission by that other club to the Minister to be separately credited to the Consolidated Fund; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

(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.

(2) There is to be paid into the Racing Assistance Fund out of the Consolidated Fund (which is appropriated accordingly) an amount equal to the amounts of the commission credited to the Consolidated Fund under subsection (1) (a) (ii), (b) (ii) and (c) (ii).

Multiple selection totalizators

8F. (1) In the case of a multiple selection totalizator:

(a) of the balance referred to in section 8A (b), excluding any part of that balance that is derived from bets referred to in paragraph (b) or (c) of this subsection:

(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 separately credited to the Consolidated Fund; and

(iii) 10 per cent may be retained as commission by the club; and

(b) of that part (if any) of that balance that 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 separately credited to the Consolidated Fund; and

SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—
continued

- (iii) 8.5 per cent must be paid as commission to the Board; and
- (c) of that part (if any) of that balance that is derived from bets made under section 3B with another racing club:
 - (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 separately credited to the Consolidated 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.

(2) There is to be paid into the Racecourse Development Fund out of the Consolidated Fund (which is appropriated accordingly) in the year commencing 1 July 1997 and in each succeeding year, an amount equal to the amounts of the commission credited to the Consolidated Fund under subsection (1) (a) (ii), (b) (ii) and (c) (ii) in respect of events or contingencies occurring on or after 1 July 1997.

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 that is derived from bets referred to in paragraph (b) or (c) of this section:
 - (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

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—

continued

- (b) of that part (if any) of that balance that 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 that is derived from bets made under section 3B with another racing club:
 - (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
- (d) the remainder of that balance must be paid as dividends.

(18) Division 2 (**Distribution of investments on country racecourse totalizators**) of Part 3:

Omit the Division.

(19) Section 10A (**Rebate**):

From the definition of “commission” in section 10A (5), omit “or 2”.

(20) Section 10B (**Payments to the Minister**):

From section 10B (1), omit “or 2”.

(21) Section 10D (**Payment to another club**):

From section 10D (1), omit “or 2”.

(22) Section 10F (**Dividends Adjustment Fund**):

From section 10F (5), omit “Divisions 1 and 2”, insert instead “Division 1”.

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR ACT 1916—*continued***(23) Section 19A (Racecourse Development Fund):**

From section 19A (3) (a), omit “, 8F (2), 9B (2) and 9F (2)”, insert instead “and 8F (2)”.

(24) Section 19B (Racing Assistance Fund):

(a) From section 19B (2), omit “sections 8E (2) and 9E (2)”, insert instead “section 8E (2)”.

(b) Omit section 19B (3) and (4), insert instead:

(3) The Minister may, from time to time, apply any amount standing to the credit of the Racing Assistance Fund:

(a) firstly, in the payment of contributions to or on behalf of racing clubs (in accordance with a formula determined by the Minister) towards the costs of controlling race-meetings; and

(b) secondly, in the payment of contributions to research organisations towards the costs of conducting research into racing animals.

(25) Schedule 1 (Savings, transitional and other provisions):

After Part 2, insert:

Part 3—Provisions consequent on the enactment of the Totalizator Legislation (Amendment) Act 1994**Payments and appropriations**

5. (1) The amendments made by Part 2 of Schedule 1 to the Totalizator Legislation (Amendment) Act 1994 do not affect any appropriation made under this Act before the commencement of those amendments.

(2) Amounts paid to the Racing Assistance Fund under sections 8E and 9E (as in force immediately before the commencement of Part 2 of Schedule 1 to the Totalizator Legislation (Amendment) Act 1994) are taken to be amounts paid into that Fund under section 8E as substituted by that Act.

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

(Sec. 4)

PART 1—AMENDMENTS COMMENCING ON 1 JANUARY 1995

Section 13E (**Superfecta totalizators**):

- (a) From section 13E (1) (a), omit “5.5”, insert instead “7.5”.
- (b) From section 13E (1) (b), omit “6”, insert instead “4”.

PART 2—AMENDMENT COMMENCING ON 1 JANUARY 1996

Section 13E (**Superfecta totalizators**):

- (a) From section 13E (1) (a), omit “7.5”, insert instead ‘‘10’’.
- (b) From section 13E (1) (b), omit “4”, insert instead “1.5”.
- (c) From section 13E (2), omit “in the year commencing 1 July 1993 and in each succeeding year”.

*[Minister's second reading speech made in—
Legislative Assembly on 17 November 1994
Legislative Council on 30 November 1994]*