

TOTALIZATOR ACT.

Act No. 75, 1916.

George V, An Act to prescribe and regulate the use of the
No. 75. totalizator on racecourses, and for that purpose to amend certain Acts relating to gaming, betting, and wagering; to prohibit the making of bets or wagers on a race dependent on the result of the working of the totalizator on such race; and for purposes consequent thereon or incidental thereto. [Assented to, 20th December, 1916.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

- Short title.** **1.** This Act may be cited as the "Totalizator Act, 1916."
- Definitions.** **2.** In this Act, unless the context otherwise requires,—
"Horse race" includes trotting race or pony race.
"Inspector" means inspector appointed under this Act.

"Racecourse"

- “Racecourse” means racecourse licensed under the provisions of the Gaming and Betting Act, 1912. George V,
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- “Race-meeting” means meeting for the purpose of horse-racing, trotting racing, or pony-racing.
- “Racing club” means club, association, or other body of persons (whether incorporated or unincorporated, proprietary, syndicate, company, or individual ownership) established for the purpose of promoting, conducting, or controlling the sport of horse-racing, trotting-racing, or pony-racing.
- “The regulations” means the regulations made under this Act.
- “The totalizator” means the instrument or contrivance known as “the totalizator,” and includes any other machine or instrument of a like nature, and conducted on the like principles.

Use of the totalizator.

3. Notwithstanding anything contained in any Act relating to gaming, betting, or wagering, the Governor, by notification in the Gazette, may direct that any racing club therein mentioned shall establish a totalizator on all or any racecourse at which it holds race meetings, and shall on and after any day therein named use the totalizator so established on every day on which a race meeting is held on such racecourses, and may amend or revoke any such notification. Power of
Governor to
direct use of
totalizator.

If any racing club fails to use the totalizator when so directed as aforesaid it shall be liable to a penalty not exceeding one hundred pounds for every day on which such failure has occurred.

4. Before any totalizator is used by any racing club the totalizator shall be approved by the Governor. Approval.

5. The use of the totalizator on a racecourse pursuant to the provisions of this Act shall be lawful to all intents and purposes, and a totalizator when used in accordance with the provisions of this Act, and every person engaged or concerned in the use of such instrument, and every house, office, room, or place upon such racecourse used for the purposes of such instrument, Use of
totalizator
to be lawful.

and

George V, No. 75. and every placard or advertisement referring thereto, shall be exempt from the provisions of any Act prohibiting gaming, betting, or wagering.

Penalty on person unlawfully conducting totalizator.

6. Any person conducting or assisting in the conduct or working of a totalizator unless it is used pursuant to the provisions of this Act, shall, upon conviction for the first offence, be liable to a penalty of not less than one hundred and not more than five hundred pounds, and for any subsequent offence to imprisonment for a term not exceeding six months.

Management of totalizator.

7. Every totalizator used by a club under the provisions of this Act shall, subject to the inspection hereinafter provided for, be under the care and management of some competent person appointed by the club, and under the direct supervision of the stewards or committee of the club.

Commission.

Commissioner.

8. (1) Every club using the totalizator under the provisions of this Act shall deduct as commission out of the moneys paid into the totalizator in respect of any race ten per centum of the money so paid into the totalizator.

Payment of portion of commission to Colonial Treasurer.

(2) Every such club shall, within fourteen days after the holding of any race-meeting, pay seven-tenths of the amount deducted by such club as aforesaid to the Colonial Treasurer, or some person appointed by him, to be paid by him into the Treasury and carried to the Consolidated Revenue Fund. Any such amount may be recovered from such club as a Crown debt in any courts of competent jurisdiction.

The residue of three-tenths may be retained by the club, and shall be expended by it in prizes for horse-racing, trotting racing, or pony-racing, and in the upkeep of the totalizator to the satisfaction of the Minister, and the sums not so expended shall be paid to the Colonial Treasurer in accordance with this section.

Deduction for sinking fund.

(3) Every such club may, in addition, deduct out of the moneys paid into the totalizator in respect of any race one per centum of the money so paid into the totalizator, as a sinking fund to pay off the cost of the installation of the totalizator, and of the construction of the necessary buildings to be used in relation thereto by the club :

Provided

Provided that the amount of such cost shall be determined as prescribed by the regulations, and that such deduction shall cease to be made when the cost of the installation and construction as aforesaid has been repaid out of the sinking fund.

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9. (1) Every club using the totalizator shall pay (after making deductions as aforesaid) by way of dividends all moneys received from investments on the totalizator: Provided that it shall not be necessary to pay any fraction of a shilling unless such fraction amounts to or exceeds sixpence, in which case sixpence shall be paid :

Distribution
of dividends.

Provided further that the amount so retained, together with dividends unclaimed for a period of one month, shall, in the case of clubs which carry on racing for the sake of profit to their shareholders, be paid to the Colonial Treasurer in accordance with the preceding section.

(2) If any member, officer, agent, or servant of any such club makes, authorises, or permits the payment to any person of any dividend which is not calculated in accordance with the provisions of this Act and the regulations thereunder, he shall be liable to a penalty not exceeding twenty pounds; and any club by which any such dividend is paid in contravention of this section shall be liable to a penalty not exceeding one hundred pounds for each offence.

Penalty.

(3) It shall be lawful for any club or licensed racecourse to apply to the Minister for permission to establish or use the totalizator under the provisions of this Act.

Application
for permission
to establish
totalizator.

And further, it shall be lawful for any two or more clubs or licensed racecourses to apply to the Minister for permission to amalgamate and use only one licensed racecourse for the meetings which they each have the right to hold, and upon such permission being given all the rights and privileges of the clubs or racecourses so amalgamating shall apply to the racecourse and club approved in the said permit.

Amalga-
mation of
clubs or
racecourses.

And the provisions of this Act in respect of the totalizator relating to each such club or licensed racecourse shall apply to such last-mentioned club or racecourse.

General

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General provisions.

Power of
Governor to
establish
and use
totalizator.

10. (1) The Governor may, on the recommendation of the Colonial Treasurer, assume control of and use any totalizator established under this Act and which, in the opinion of the Colonial Treasurer, is being mismanaged or misused, on such terms as the Governor thinks just.

Deductions.

(2) Where a totalizator is used by the Governor in pursuance of this section he may deduct from the moneys paid into the totalizator in respect of any race a sum of money not exceeding ten per centum of the money so paid into the totalizator, and shall pay the amount so deducted, less all necessary expenses, into the Treasury, to be carried to the Consolidated Revenue Fund.

Distribution
of dividends.

(3) Where the Governor uses a totalizator under this section he shall (after making deduction as aforesaid) pay by way of dividends all moneys received from investments on the totalizator: Provided that it shall not be necessary so to pay any fraction of a shilling unless such fraction amounts to or exceeds sixpence, in which case sixpence shall be paid.

Return of
money
received
through
totalizator.

11. Within fourteen days after the holding of any race-meeting whereat any totalizator is used by a club, the committee or executive body of the club shall deposit with the Colonial Treasurer a full and true account, under the hand of the secretary of the club, or the hands of two members of such committee or executive body, of the sums received by such club through the totalizator on the occasion of the use thereof, with such details as may be prescribed by regulation, and of the commission retained as aforesaid, and of the details of the expenses of conducting such totalizator. If such committee or executive body fails to comply with the provisions of this section each member thereof shall be liable to a penalty of not more than fifty pounds.

Penalty on
persons under
21 years of
age wagering
by means of
totalizator.

12. If any person under the age of twenty-one years wagers, by means of the totalizator, he shall be liable to a penalty of not less than one pound nor more than twenty pounds for the first offence, and not less than five pounds nor more than fifty pounds for each subsequent offence: Provided that a clearly printed
copy

copy of this section of the Act shall be affixed over each door or opening in every totalizator machine at which money is paid or received. **George V, No. 75.**

If any person or club uses any totalizator without having a copy of this section so affixed as aforesaid, he or it shall be liable to a penalty not exceeding twenty pounds for each offence.

13. Any person having the management or control of any totalizator under the provisions of this Act, or any person employed or acting in any capacity in connection with any such totalizator who sells or delivers to any person whom he knows to be an infant, or to any person to his knowledge acting for such infant, any ticket, card, or thing entitling, or purporting to entitle any person to any interest in any dividend, division, or distribution of any money by means of or in connection with the operation of such totalizator in the result of any operation thereof, and any person who applies for, purchases, or receives any such ticket, card, or thing on behalf of any person whom he knows to be an infant, shall be liable, on conviction, to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine. Selling totalizator tickets to or purchasing for an infant to be an offence.

14. Any person who makes or enters into a bet upon the result of a horse-race, whereby he agrees to pay to the other party to the said bet, if the latter should win the same, a sum of money the amount of which is dependent upon the result of the working of the totalizator on the said horse-race, and any person (not being a person lawfully conducting or employed in the working of a totalizator) who sells or offers for sale, and any person who purchases from him, any ticket, card, or thing entitling or purporting to entitle the purchaser or holder thereof to any interest in the result of the working of the totalizator on any horse-race, or makes any contract or bargain of any kind to pay or receive money upon an event determined or to be determined by the result of the working of the totalizator on any horse-race, is guilty of an offence, and is liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both fine and imprisonment. Laying totalizator odds or dealing in totalizator tickets an offence.

15.

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Penalty on
persons acting
as totalizator
agents.

15. No person shall, for fee, commission, reward, share, or interest of any kind whatever, or upon any understanding or agreement, either express or implied, for such fee, commission, reward, share, or interest, receive from any other person any money for the purpose of placing, investing, or depositing the same, or any part thereof, in any totalizator. Any person acting in contravention of this section shall upon conviction for the first offence be liable to a penalty of not more than one hundred pounds, and upon conviction for any subsequent offence be liable to imprisonment for a term not exceeding six months.

Officers of
racing clubs
not to accept
telegraphic
or telephonic
instructions
as to invest-
ments on
totalizator.

16. An officer, agent, or servant of a racing club shall not accept or act on any telegraphic or telephonic request, instructions, or directions relating to investments on a totalizator, whether such request, instructions, or directions are received on a racecourse or elsewhere.

Any person committing a breach of the provisions of this section shall be liable on conviction to a penalty of not less than twenty and not more than fifty pounds.

No invest-
ment on
totalizator
after notified
time for start-
ing race.

17. A member, officer, agent, or servant of any racing club shall not receive, or permit to be received, any investment on the totalizator in respect of any race after the time notified by such club for the starting of such race.

Any person committing a breach of the provisions of this section shall be liable on conviction to a penalty not exceeding fifty pounds.

Inspectors.

Inspectors.

18. The Governor may appoint inspectors, who shall at all times during a race-meeting at which a totalizator is used, have the right of entry without charge to the racecourse where such meeting is being held.

Any inspector may, during such meeting, enter, for the purpose of inspection, any building containing a totalizator.

He may, during such inspection, examine any part of the machinery or working of the totalizator, but so that he in no way interferes with the working thereof.

He

He may demand any information he deems necessary for the purposes of the inspection from the person or persons appointed by the stewards or committee of the club to have the care and management of the totalizator. George V, No. 75.

He shall have such further powers and shall perform such duties as may be prescribed by the regulations.

19. Any person who hinders or attempts to hinder an inspector entering any racecourse or building containing a totalizator in execution of his duty, or who refuses to give any information which he may demand under the powers conferred on him by this Act or the regulations, or who hinders or attempts to hinder him in the execution of any power or duty prescribed by this Act or the regulations, shall be liable to a penalty not exceeding fifty pounds. Persons hindering inspectors in execution of their duty.

Regulations.

20. The Governor may make regulations prescribing— Regulations.

- (a) the powers and duties of inspectors;
- (b) and generally all things necessary to carry this Act into effect;

and may in those regulations impose penalties not exceeding twenty pounds for any breach thereof.

Recovery of penalties.

21. All offences under this Act or the regulations may be prosecuted, and all penalties for such offences may be recovered, before a stipendiary or police magistrate or before any two justices of the peace in petty sessions. Recovery of penalties.