

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT ACT,
1981, No. 45**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 45, 1981.

An Act to amend the Totalizator (Off-course Betting) Act, 1964, in respect of the constitution of the Totalizator Agency Board, the distribution of surplus commission and income and the advertisement by that Board of its services and in certain other respects. [Assented to, 15th May, 1981.]

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, 1981".

Commencement.

2. (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which the provision commences.

(3) Schedule 1 (1), (5), (9) (b), (9) (c), (10), (11) and (12) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) Schedule 1 (2) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Totalizator (Off-course Betting) Act, 1964, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

SCHEDULE 3.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 1, 1964.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Savings and transitional provisions.

6. Schedule 3 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2, definition of "Rules"—

Omit the definition.

(2) (a) Section 3 (2) (d)—

Omit the paragraph, insert instead:—

(d) one shall be a member of the Trotting Authority of New South Wales nominated by that Authority;

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 3 (2) (f)—

Omit “, the Wollongong Racing and Trotting Club”.

(c) Section 3 (2) (h)—

Omit “the Southern Tablelands and South Coast Racing Association”, insert instead “the South East Racing Association”.

(d) Section 3 (2) (j)—

Omit “, other than the New South Wales Trotting Club Limited,”.

(e) Section 3 (3) (c)—

Omit “paragraph (b), (c) or (d) of subsection (2) or paragraph (b) or if no recommendation is made under paragraph (i) or (j) of subsection (2)”, insert instead “subsection (2) (b) or (c) or paragraph (b) or if no recommendation is made under subsection (2) (i) or (j)”.

(f) Section 3 (6) (h)—

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

(g) Section 3 (6) (i), (j)—

After section 3 (6) (h), insert:—

- (i) being the member referred to in subsection (2) (d), ceases to be a member of the Trotting Authority of New South Wales; or
- (j) being the member referred to in subsection (2) (e), ceases to be a member of the Greyhound Racing Control Board.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 11—

Omit the section, insert instead:—

Borrowing by Board.

11. The Board may, from time to time, borrow by way of overdraft such amount as the Treasurer may approve for the purpose of giving effect to section 10.

(4) (a) Section 12 (1)—

Omit “within the State or outside the State but within the Commonwealth or, with the approval of the Minister given in a particular case, on any race-course outside the Commonwealth”, insert instead “within or outside the Commonwealth”.

(b) Section 12 (2) (a)—

After “State”, insert “(except bets referred to in paragraph (c))”.

(c) Section 12 (2) (b) (ii)—

Omit “made.”, insert instead “made; and”.

(d) Section 12 (2) (c)—

After section 12 (2) (b), insert:—

- (c) bets made with the Board in respect of an event or contingency scheduled to be held on a race-course within the State, being an event or contingency approved by the Minister for the purposes of this paragraph, shall be received by the Board on behalf of an authority conducting off-course totalizator betting in another State or in a Territory of the Commonwealth in respect of that event or contingency to be held upon such terms and conditions as the Minister deems fit.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 13A (1) (a)—

Omit “and the rules”.

(6) Section 14 (3) (c)—

Omit the paragraph, insert instead:—

- (c) thirdly in annual or other periodical payments to the Greyhound Racing Control Board, the Trotting Authority of New South Wales, racing clubs approved by the Board and the Racecourse Development Fund in accordance with the financial scheme submitted to, and approved by, the Minister pursuant to section 14B and for the time being in force.

(7) Section 14B—

After section 14A, insert:—

Financial scheme for distribution of surplus commission.

14B. (1) As soon as practicable after the commencement of this section, the Board shall submit to the Minister a financial scheme in writing with respect to the manner of distribution of that part of the residue of commission which under section 14 (3) (c) is payable by the Board to the Greyhound Racing Control Board, the Trotting Authority of New South Wales, approved racing clubs and the Racecourse Development Fund.

(2) A financial scheme referred to in subsection (1)—

- (a) has no force or effect until approved by the Minister; and
(b) may from time to time with the approval of the Minister be varied or amended by the Board.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8) Section 16—

Omit the section, insert instead:—

Board to hold residue in trust.

16. Money held by the Board pending payment pursuant to section 14 (3) (c) to the Greyhound Racing Control Board, the Trotting Authority of New South Wales or approved racing clubs shall be so held in trust for that Board or Authority or for those clubs, as the case may be.

(9) (a) Section 17 (1A) (a)—

Omit “situated beyond 64 kilometres from the General Post Office, Sydney,”.

(b) Section 17 (2) (a)—

Omit “, the regulations and the rules of the Board”, insert instead “and the regulations”.

(c) Section 17 (2) (b), (2) (c), (3)—

Omit “rules of the Board” wherever occurring, insert instead “regulations”.

(d) Section 17 (4) (b)—

Omit the paragraph, insert instead:—

(b) Notwithstanding anything contained in any other Act, the Board may, subject to such restrictions as the Minister may impose by instrument in writing given to the Board, publish or cause to be published any advertisement relating to the transaction of betting operations with the Board, including advertisements promoting the transaction of those betting operations among members of the public.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) Section 18 (b)—

Omit “or rules made thereunder”.

(11) Section 20—

Omit the section.

(12) Section 21 (1)—

Omit the subsection, insert instead:—

(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the regulation, management and operation of offices, branches and agencies of the Board;
 - (b) the closing times for making bets with the Board, the identification of persons offering to make any such bets and the acceptance, acknowledgment and recording of any such bets;
 - (c) the regulation of bets made with the Board by letter, telegram or telephone and the establishment, maintenance and operation of credit accounts with the Board in relation to bets so made;
 - (d) the transmission of bets made with the Board to totalizators on race-courses; and
 - (e) the payment of refunds or dividends in respect of bets made with the Board.
-

Totalizator (Off-course Betting) Amendment.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION.

(1) Long title—

Omit “to amend the Totalizator Act, 1916–1963, and certain other Acts in certain respects;”.

(2) Section 1 (3)—

Omit the subsection.

(3) (a) Section 3 (5)—

Omit “Public Service Act, 1902, as amended by subsequent Acts,” insert instead “Public Service Act, 1979,”.

(b) Section 3 (5)—

Omit “the provisions of such Act, as so amended,” insert instead “those provisions”.

(c) Section 3 (6) (b)—

Omit the paragraph, insert instead:—

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration, allowances or estate for their benefit;

(d) Section 3 (6) (d)—

Omit the paragraph, insert instead:—

(d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

Totalizator (Off-course Betting) Amendment.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE
LAW REVISION—*continued.*

(4) (a) Section 12 (2)—

Omit “All bets received by the Board as agent for a club under paragraph (a) or subparagraph (ii) of paragraph (b)”, insert instead “(2A) All bets received by the Board as agent for a club under subsection (2) (a) or (2) (b) (ii)”.

(b) Section 12 (6) (a)—

Omit “Treasurer”, insert instead “Minister”.

(5) Section 13A (2) (a), (3) (a), (3) (b), (4) (a), (4) (b)—

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

(6) (a) Section 14A (4)—

Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”.

(b) Section 14A (5)—

Omit “Treasury”, insert instead “Minister”.

SCHEDULE 3.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. In this Schedule, except where otherwise expressly provided—

“appointed day” means the day appointed and notified under section 2 (4);

“Board” means Totalizator Agency Board constituted under the Principal Act.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 3—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***First appointment of member of Trotting Authority of N.S.W.**

2. For the purpose of enabling the Board to be constituted as provided by the Principal Act, as amended by this Act, and for any incidental purpose—

- (a) section 5, in its application to Schedule 1 (2), and Schedule 1 (2) shall be deemed to commence on the date of assent to this Act; and
- (b) the person first appointed pursuant to section 3 (2) (d) of that Act, as so amended, shall (subject to that Act, as so amended) assume office on the appointed day.

Term of office.

3. If, immediately before the appointed day, a person holds office as a member of the Board under section 3 (2) (d) of the Principal Act—

- (a) that person shall cease to hold office as such on the appointed day; and
- (b) the person first appointed pursuant to section 3 (2) (d) of that Act, as amended by this Act, shall, subject to that Act as so amended, hold office for the remainder of the term of office of the person so ceasing to hold office.

Tenure of office of members not affected.

4. Subject to clause 3, nothing in this Act affects the tenure of office of the members of the Board holding office immediately before the appointed day.

Continuation of body corporate.

5. The body corporate in existence under the Principal Act, as amended by this Act, on the appointed day is a continuation of, and the same legal entity as, the body corporate in existence under the Principal Act immediately before the appointed day.

Financial scheme for distribution of surplus commission.

6. Notwithstanding the amendments made by section 5 and Schedule 1 (3), (6) and (8), sections 11, 14 and 16 of the Principal Act, as in force immediately before the date of assent to this Act, shall continue to apply until a financial scheme is submitted to, and approved by, the Minister pursuant to section 14B of the Principal Act, as amended by this Act.

Totalizator (Off-course Betting) Amendment.

SCHEDULE 3—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

Continuation of credit accounts.

7. (1) In this clause, "appointed day" means the day appointed and notified under section 2 (3).

(2) For the purposes of section 17 (2) (b) of the Principal Act, as amended by this Act, a credit account established with the Board before the appointed day in accordance with the rules made by the Board shall, on and after the appointed day, be deemed to have been established in accordance with the regulations made under the Principal Act, as so amended.
