

**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT  
ACT 1991, No. 33**

**NEW SOUTH WALES**



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ACT 1964

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**TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT  
ACT 1991 No. 33**

NEW SOUTH WALES



**Act No. 33, 1991**

An Act to amend the Totalizator (Off-course Betting) Act 1964 for the purpose of enabling the Totalizator Agency Board to conduct sweepstakes on the Melbourne Cup and other events and for related purposes; and to amend consequentially the Tourism Commission Act 1984. [Assented to 8 October 1991]

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

**Short title**

1. This Act may be cited as the Totalizator (Off-course Betting) Amendment Act 1991.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

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

3. The Totalizator (Off-course Betting) Act 1964 is amended as set out in Schedule 1.

**Consequential amendment of Tourism Commission Act 1984 No. 46**

4. The Tourism Commission Act 1984 is amended by omitting from section 23 (2) the words “(including money paid into the Fund pursuant to section 13B (3) (b) of the Totalizator (Off-course Betting) Act 1964)”.

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**SCHEDULE 1—AMENDMENT OF TOTALIZATOR  
(OFF-COURSE BETTING) ACT 1964**

(Sec. 3)

(1) Long title:

After “totalizator system;”, insert “to provide for the conduct of sweepstakes in respect of certain events;”.

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

After the definition of “Bank”, insert:

**“Bet”** includes the purchase of a chance to win prize money in a sweepstake conducted by the Board under this Act.

(3) Section 12B:

After section 12A, insert:

**Sweepstakes in respect of the Melbourne Cup and other events**

12B. (1) In this section:

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

**“authorised event”** means:

- (a) the horse race conducted by the Victoria Racing Club on the first Tuesday in November each year and known as the Melbourne Cup; or
- (b) any event, or any event of a class, approved by the Minister for the purposes of this section;

**“sweepstake”** means a game in which:

- (a) each player pays a sum of money for a chance to win by lot a right in respect of a participant in an authorised event; and
- (b) the prize pool (less any deductions by way of commission permitted under this section) is distributed as prize money in accordance with rules made under this section to the holders of the rights in respect of participants in the event.

(2) The Board may, with the approval of the Minister and subject to this Act, conduct a sweepstake in respect of an authorised event.

(3) The Board must ensure that all sums paid to it for the purchase of rights to participate in a sweepstake conducted under this section are:

- (a) held and accounted for separately from other money coming into the custody or under the control of the Board; and
- (b) placed in a pool to enable the Board to conduct the sweepstake; and
- (c) available for distribution by the Board in accordance with section 13B.

(4) The Board may, with the approval of the Minister, make rules for the conduct of a particular sweepstake or any specified class of sweepstakes.

(5) Section 13 applies to the conduct of a sweepstake in the same way as it applies to the conduct of totalizator betting.

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

(4) Section 13B (**Distribution of investments under sections 12A and 12B**):

(a) After section 13B (1), insert:

(1A) Where any money is placed in a pool established for the purposes of a sweepstake conducted under section 12B, the Board must, when the event to which the sweepstake relates has finished, distribute the pool in accordance with subsection (2).

(b) In section 13B (2), after “subsection (1) (b)”, insert “or the pool referred to in subsection (1A)”.

(c) In section 13B, (2) (a), after “dividends”, insert “or prize money”.

(d) Omit section 13B (3) (b).

(e) From section 13B (4), omit “and the Tourism Development Fund”.

(5) Section 14 (**Provisions relating to payments by and to the Board**):

After section 14 (2), insert:

(2A) Sections 8B, 9,9B and 11 of the Totalizator Act 1916 apply to and in respect of money placed in a pool established for the purposes of a sweepstake conducted by the Board under section 12B in the same way as they apply to and in respect of money paid into a totalizator used by a racing club within the meaning of that Act and so apply as if:

(a) a reference in those sections to a racing club or to the committee or executive body of such a club were a reference to the Board; and

(b) a reference in those sections to a totalizator were a reference to such a sweepstake; and

(c) a reference in those sections to an amount required to be paid to the Minister were a reference to an amount required to be paid to the Minister under section 13B in relation to such a sweepstake; and

(d) a reference in those sections to dividends were a reference to prize money; and

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SCHEDULE 1—AMENDMENT OF TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—*continued*

- (e) a reference in those sections to a race-meeting or an event or contingency were a reference to an authorised event (as defined in section 12B); and
  - (f) a reference in those sections to regulations and rules were a reference to regulations and rules made under this Act.
- (6) Section 17 (**Provisions relating to the betting operations of the Board**):
- (a) From section 17 (2) (a) (ii), omit “by telegram or telephone message”, insert instead “by telephone or other electronically transmitted message”.
  - (b) From section 17 (2) (b), omit “by telegram or telephone message”, insert instead “by telephone or other electronically transmitted message”.
  - (c) From section 17 (2) (b) (ii), omit “by letter or telegram”, insert instead “otherwise than by telephone”.
  - (d) From section 17 (2) (b) (ii), omit “thereof is arranged by telegram”, insert instead “of the bet as arranged”.
  - (e) In section 17 (2) (c), after “dividend”, insert “or prize money”.
  - (f) After section 17 (2) (e), insert:
    - (f) the Board is required to accept an amount of \$1 for the right to participate in a sweepstake conducted by the Board in accordance with section 12B.
  - (g) From section 17 (4) (a), omit “and dividends payable in respect of”, insert instead “, and dividends or prize money payable in respect of,”.
- (7) Section 21 (**Regulations**):
- From section 21 (1) (c), omit “, telegram or telephone”, insert instead “or by telephone or other electronically transmitted message”.

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*[Minister's second wading speech made in—  
Legislative Assembly on 22 August 1991  
Legislative Council on 25 September 1991]*