



New South Wales

Totalizator Legislation Amendment Act 1995 No 5

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Totalizator Act 1916 No 75	2
4 Amendment of Totalizator (Off-course Betting) Act 1964 No 1	2
5 Consequential amendment of Soccer Football Pools Act 1975 No 45, section 17 (Sport and Recreation Fund)	2
6 Repeal of Totalizator Legislation (Amendment) Act 1994 No 76	2

Schedules

1 Amendment of Totalizator Act 1916	3
2 Amendment of Totalizator (Off-course Betting) Act 1964	8



New South Wales

Totalizator Legislation Amendment Act 1995 No 5

Act No 5, 1995

An Act to amend the *Totalizator Act 1916* and the *Totalizator (Off-course Betting) Act 1964* with respect to the rates and distribution of totalizator commissions, to amend the *Soccer Football Pools Act 1975* consequentially and to repeal the *Totalizator Legislation (Amendment) Act 1994*. [Assented to 8 June 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Totalizator Legislation Amendment Act 1995*.

2 Commencement

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

3 Amendment of Totalizator Act 1916 No 75

The *Totalizator Act 1916* is amended as set out in Schedule 1.

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

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

5 Consequential amendment of Soccer Football Pools Act 1975 No 45, section 17 (Sport and Recreation Fund)

Omit “section 13B (3) (a)” from section 17 (4).

Insert instead “sections 13B (5) and 13H (3)”.

6 Repeal of Totalizator Legislation (Amendment) Act 1994 No 76

The *Totalizator Legislation (Amendment) Act 1994* is repealed.

Schedule 1 Amendment of Totalizator Act 1916

(Section 3)

[1] Section 2 Definitions

Omit the definitions of *Country racecourse* and *Metropolitan racecourse*.

[2] Section 3B Common-pool totalizator betting

Omit “Divisions 1 and 2” from section 3B (5).
Insert instead “Division 1”.

[3] Part 3 Division 1

Omit the Division. Insert instead:

Division 1 Distribution of investments on racecourse totalizators

8 Distribution of money paid into totalizators

- (1) 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 as follows:
 - (i) an amount equal to the relevant percentage of the balance must be distributed as commission,
 - (ii) the remainder of the balance must be paid as dividends.

Totalizator Legislation Amendment Act 1995 No 5

Schedule 1 Amendment of Totalizator Act 1916

- (2) The relevant percentage of the balance that must be distributed as commission is:
 - (a) 17% for a doubles totalizator, exacta totalizator or multiple selection totalizator, and
 - (b) 15% for a quinella totalizator, and
 - (c) 20% for a superfecta totalizator, and
 - (d) 14.25% for a win and place totalizator, or any other type of totalizator.
- (3) The relevant percentage of the balance in respect of any one or more types of totalizator may be varied, from time to time, by order under section 8A. However, such an order cannot increase the relevant percentage specified in subsection (2) in respect of any type of totalizator.
- (4) The manner in which the racing club must distribute the relevant percentage of the balance as commission is to be determined from time to time by order under section 8A.
- (5) Such an order is to specify:
 - (a) the proportion of the relevant percentage of the balance that must be paid as commission to the Minister to be credited to the Consolidated Fund (including the proportions referred to in sections 8B and 8C to be separately credited to the Consolidated Fund for the purposes of payment into the Racecourse Development Fund and the Racing Assistance Fund), and
 - (b) the proportion of the relevant percentage of the balance that must be paid as commission to the Totalizator Agency Board, or to another racing club, in the circumstances specified in the order, and
 - (c) the proportion of the relevant percentage of the balance that may be retained as commission by the racing club.

8A Orders relating to commissions

- (1) The Governor may, on the recommendation of the Treasurer, by order published in the Gazette:
 - (a) vary the relevant percentage of the balance referred to in section 8 (1) in respect of any one or more types of totalizators, and
 - (b) make provision for the manner in which that percentage is to be distributed, including specifying the proportions that must be paid, or that may be retained, as commission.
- (2) Before recommending the making of an order under this section, the Treasurer must consult, and have regard to, the advice of the Minister.
- (3) An order under this section may include such provisions as are necessary or convenient for giving effect to the order.
- (4) Such an order may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, and
 - (b) apply differently according to different factors of a specified kind.

8B Payments into Racecourse Development Fund—doubles and multiple selection totalizators

- (1) This section applies in respect of events or contingencies (occurring on or after 1 July 1997) in which doubles totalizators or multiple selection totalizators are used.
- (2) There is to be paid into the Racecourse Development Fund out of the Consolidated Fund (which is appropriated accordingly) in respect of each event or contingency to which this section applies, an amount equal to such proportion of the commission payable in respect of the totalizator concerned as is specified by order under section 8A to be separately credited to the Consolidated Fund.

8C Payments into the Racing Assistance Fund—superfecta totalizators

There is to be paid into the Racing Assistance Fund out of the Consolidated Fund (which is appropriated accordingly) in respect of each event or contingency in which a superfecta totalizator is used, an amount equal to such proportion of the commission payable in respect of the totalizator as is specified by order under section 8A to be separately credited to the Consolidated Fund.

[4] Part 3, Division 2 Distribution of investments on country racecourse totalizators

Omit the Division.

[5] Section 10A Rebate

Omit “or 2” from the definition of *commission* in section 10A (5).

[6] Section 10B Payments to the Minister

Omit “or 2” from section 10B (1).

[7] Section 10D Payment to another club

Omit “or 2” from section 10D (1).

[8] Section 10F Dividends Adjustment Fund

Omit “Divisions 1 and 2” from section 10F (5).
Insert instead “Division 1”.

[9] Section 19A Racecourse Development Fund

Omit “sections 8B (2), 8F (2), 9B (2) and 9F (2) of this Act and by sections 13B (2) and 13F (2)” from section 19A (3) (a).
Insert instead “section 8B of this Act and by section 13D”.

[10] Section 19B Racing Assistance Fund

Omit “sections 8E (2) and 9E (2) of this Act and by section 13E (2)” from section 19B (2).

Insert instead “section 8C of this Act and by section 13E”.

[11] Section 19B (3)

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) in the payment of contributions or rebates 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) in the payment of contributions to research organisations towards the costs of conducting research into racing animals.

[12] Schedule 1 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Totalizator Legislation Amendment Act 1995

[13] Schedule 1, Part 3

Insert after Part 2:

Part 3 Provisions consequent on the enactment of the Totalizator Legislation Amendment Act 1995

5 Application of amendments

This Act applies in respect of an event or contingency occurring before the commencement of Schedule 1 (3) to the *Totalizator Legislation Amendment Act 1995* as if that amending Act had not been enacted.

Schedule 2 Amendment of Totalizator (Off-course Betting) Act 1964

(Section 4)

[1] Sections 13A–13E

Omit sections 13A–13G. Insert instead:

13A Distribution of money invested in totalizators conducted by the Board in respect of race-meetings

- (1) 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 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 as follows:
 - (i) an amount equal to the relevant percentage of the balance must be distributed as commission,
 - (ii) the remainder of the balance must be paid as dividends.
- (2) The relevant percentage of the balance that must be distributed as commission is:
 - (a) 17% for a doubles totalizator, exacta totalizator or multiple selection totalizator, and
 - (b) 15% for a quinella totalizator, and
 - (c) 20% for a superfecta totalizator, and
 - (d) 14.25% for a win and place totalizator, or any other type of totalizator.

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- (3) The relevant percentage of the balance in respect of any one or more types of totalizator may be varied, from time to time, by order under section 13C. However, such an order cannot increase the relevant percentage specified in subsection (2) in respect of any type of totalizator.
 - (4) The manner in which the Board must distribute the relevant percentage of the balance as commission is to be determined from time to time by order under section 13C.
 - (5) Such an order is to specify:
 - (a) the proportion of the relevant percentage of the balance that must be paid as commission to the Minister to be credited to the Consolidated Fund (including the proportions referred to in sections 13D and 13E to be separately credited to the Consolidated Fund for the purposes of payment into the Racecourse Development Fund and the Racing Assistance Fund), and
 - (b) the proportion of the relevant percentage of the balance that may be retained as commission by the Board.

13B Distribution of investments under section 12A (events other than race-meetings)

- (1) If any money is placed in a totalizator conducted by the Board in respect of any event or contingency in accordance with section 12A, the Board must:
 - (a) deduct from that money any amount refundable to investors, and
 - (b) on the happening of that event or contingency, distribute the balance as follows:
 - (i) 75% of the balance must be paid as dividends or prize money,
 - (ii) the remainder of the balance must be distributed as commission.

- (2) The proportion of the balance that must be paid as dividends or prize money may be varied, from time to time, by order under section 13C. However, such an order cannot reduce the percentage specified in subsection (1) (b) (i).
- (3) The manner in which the Board must distribute the remainder of the balance as commission is to be determined from time to time by order under section 13C.
- (4) Such an order is to specify:
 - (a) the proportion of the remainder of the balance that must be paid as commission to the Minister to be credited to the Consolidated Fund, and
 - (b) the proportion of the remainder of the balance that may be retained by the Board as commission.
- (5) There is to be paid into the Sport and Recreation Fund established under the *Soccer Football Pools Act 1975* out of the Consolidated Fund (which is appropriated accordingly) in respect of each event or contingency in which the Board conducts totalizator betting in accordance with section 12A, in such sums (if any) as the Minister determines, an amount equal to the proportion of the commission specified by order under section 13C to be credited to the Consolidated Fund for the purpose of this section.

13C Orders relating to commissions

- (1) The Governor may, on the recommendation of the Treasurer, by order published in the Gazette:
 - (a) vary the relevant percentage of the balance referred to in section 13A (1) in respect of any one or more types of totalizators, and
 - (b) make provision for the manner in which that percentage is to be distributed, including specifying the proportions that must be paid, or that may be retained, as commission.

- (2) The Governor may also, by that order or by a separate order on the recommendation of the Treasurer published in the Gazette:
 - (a) vary the percentage of the balance referred to in section 13B (1), and
 - (b) make provision for the manner in which the remainder of the balance is to be distributed, including specifying the proportions that must be paid, or that may be retained, as commission.
- (3) Before recommending the making of an order under this section, the Treasurer must consult, and have regard to, the advice of the Minister.
- (4) An order under this section may include such provisions as are necessary or convenient for giving effect to the order.
- (5) Such an order may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors, and
 - (b) apply differently according to different factors of a specified kind.

13D Payments into Racecourse Development Fund—doubles and multiple selection totalizators

- (1) This section applies to events or contingencies (occurring on or after 1 July 1997) in respect of which the Board conducts a doubles totalizator or multiple selection totalizator in accordance with section 12 (3).
- (2) There is to be paid into the Racecourse Development Fund out of the Consolidated Fund (which is appropriated accordingly) in respect of each event or contingency to which this section applies, an amount equal to such proportion of the commission payable in respect of the totalizator concerned as is specified by order under section 13C to be separately credited to the Consolidated Fund.

13E Payments into the Racing Assistance Fund—superfecta totalizators

- (1) This section applies to events or contingencies in respect of which the Board conducts a superfecta totalizator in accordance with section 12 (3).
- (2) There is to be paid into the Racing Assistance Fund out of the Consolidated Fund (which is appropriated accordingly) in respect of each event or contingency to which this section applies, an amount equal to such proportion of the commission payable in respect of the totalizator as is specified by order under section 13C to be separately credited to the Consolidated Fund.

[2] Section 13H Distribution of investments under section 12B

Omit section 13H (1).

[3] Section 13H (2)

Omit “the balance referred to in subsection (1) (b) or”.

[4] Section 14 Application of Totalizator Act 1916 to payments by and to the Board

Omit “Divisions 1 and 2” from section 14 (3).

Insert instead “Division 1”.

[5] Schedule 1 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Totalizator Legislation Amendment Act 1995

[6] Schedule 1, Part 3

Insert after Part 2:

**Part 3 Provisions consequent on the enactment of
the Totalizator Legislation Amendment
Act 1995**

5 Application of amendments

This Act applies in respect of an event or contingency occurring before the commencement of Schedule 2 (1) to the *Totalizator Legislation Amendment Act 1995* as if that amending Act had not been enacted.

[Minister's second reading speech made in—
Legislative Assembly on 24 May 1995
Legislative Council on 30 May 1995]