

1994—No. 447

**TOTALIZATOR (OFF-COURSE BETTING) ACT 1964—
REGULATION**

(Totalizator (Off-course Betting) Regulation 1994)

NEW SOUTH WALES



[Published in Gazette No. 108 of 26 August 1994]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Totalizator (Off-course Betting) Act 1964, has been pleased to make the Regulation set forth hereunder.

CHRISTOPHER DOWNY, M.P.,
Minister for Sport Recreation and Racing.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Totalizator (Off-course Betting) Regulation 1994.

Commencement

2. This Regulation commences on 1st September, 1994.

Application of Regulation

3. This Regulation does not apply to or in respect of the conduct of totalizator betting by the Board under section 12A of the Act or the conduct of sweepstakes under section 12B of the Act.

Definitions

4. In this Regulation:

“**betting account**” means a credit account established with the Board in accordance with clause 19;

“betting ticket” means a ticket issued under Part 2 in relation to a cash bet;

“betting voucher” means a betting voucher referred to in clause 37;

“branch” means an office, branch or agency of the Board at which totalizator bets are received directly from the public under the Act;

“cash bet” means a bet made, whether by means of cash or a betting voucher, by a person who attends at a branch;

“close of betting”, in relation to a race, means:

- (a) the start of the race (being, in the case of a greyhound race, the start of the lure); or
- (b) such other time as the Minister may direct in relation to a particular race or class of races or in relation to any particular circumstance or class of circumstances;

“manager” of a branch means:

- (a) if the branch forms part of licensed premises, the licensee of the premises within the meaning of the Liquor Act 1982; or
- (b) if the branch forms part of club premises, the secretary of the club within the meaning of the Registered Clubs Act 1976; or
- (c) in any other case, the person for the time being having the control or management of the branch;

“postal bet” means a bet that is made by letter, lettergram or facsimile;

“telephone bet” means a bet that is made by telephone or electronic data transfer;

“the Act” means the Totalizator (Off-course Betting) Act 1964.

PART 2—CASH BETS

Division 1—General

Acceptance of cash bets

5. (1) A person who makes a cash bet must give the following details in a manner approved by the Board:

- (a) the race meeting at which the race or races to which the bet relates will take place;
- (b) the number or numbers of the race or races to which the bet relates;

- (c) the contestant number or contestant numbers to which the bet relates;
- (d) the amount of the bet;
- (e) the type of the bet;
- (f) such other information as is necessary to identify the particular bet being made;
- (g) such additional information in relation to the bet as may be required by a person whose function it is to accept the bet at the branch.

(2) In this clause, “**contestant number**” means the number allocated by the Board to a horse or greyhound in respect of a race and displayed on a notice board at the branch.

Betting tickets to be issued

6. (1) A person who accepts a cash bet at a branch must, while the person is at the betting window, issue a ticket to the person who made the bet.

(2) The ticket must show complete details of the bet in such form as the Board may from time to time determine.

(3) The ticket acknowledges receipt by the Board of the bet in relation to which the ticket is issued.

(4) The ticket may be cancelled if the amount of the bet is not paid at or before the time the ticket is issued.

Details on betting tickets

7. (1) The details recorded on a betting ticket by the Board are taken to be the details of the bet for which the ticket is issued, even if those details differ in any respect from the details given by the person making the bet.

(2) This clause does not apply to a cash bet to which Division 2 applies.

Errors on betting tickets as to the bettor’s intentions

8. (1) A person who is issued with a betting ticket that the person claims is incorrect because it does not correctly reflect the details given by the person when the bet was made is entitled:

- (a) to have the ticket re-issued in accordance with the details so given; or

(b) to have the ticket cancelled and the amount of the bet refunded, but only if the person who issued the ticket is satisfied that it is incorrect on the grounds so claimed.

(2) The entitlement under subclause (1) may be exercised:

- (a) up to 60 minutes before the scheduled start of the race to which the bet relates; or
- (b) after that time, within 5 minutes after the betting ticket is issued and before the close of betting for the race; or
- (c) at any other time determined by the Board.

(3) If a betting ticket for a cash bet is issued otherwise than by means of a machine and:

- (a) the ticket shows details that do not correctly reflect the details given when the bet was made as to the race meeting to which the bet is intended to relate; or
- (b) details as to the race meeting to which the bet is intended to relate are omitted from the ticket,

the manager of the branch at which the ticket was issued may, at any time before the close of betting, amend the branch records so as to alter or add to those details, but only if the manager is satisfied that the recording or omission of those details was an error and that the bet was intended to relate to that race meeting.

(4) A betting ticket that is re-issued, altered or added to under this clause is taken, for the purposes of clause 7, to be the betting ticket for the bet for which the original betting ticket was issued.

(5) This clause does not apply to a cash bet to which Division 2 applies.

Other errors on betting tickets

9. (1) A person who is issued with a betting ticket that the person claims is incorrect because:

- (a) the bet is other than one which is contemplated by notices displayed at the branch; or
- (b) the ticket does not show the details required to be shown on the ticket or the details shown on the ticket are ambiguous or incapable of interpretation,

is entitled to have the ticket cancelled and the amount of the bet refunded, but only if the person who issued the ticket is satisfied that it is incorrect on the grounds so claimed.

- (2) The entitlement under subclause (1) may be exercised:
- (a) up to 60 minutes before the scheduled start of the race to which the bet relates; or
 - (b) after that time, within 5 minutes after the betting ticket is issued and before the close of betting for the race; or
 - (c) at any other time determined by the Board.

Cancellation of betting tickets

10. (1) A betting ticket may not be cancelled otherwise than in accordance with this Division or in circumstances approved by the Minister.

(2) A person whose ticket is cancelled is not entitled to a refund under this Division unless the person surrenders the ticket to the Board.

(3) A person whose ticket is cancelled has no entitlements in relation to the ticket other than the entitlement to have the ticket re-issued or the entitlement to a refund, as referred to in clauses 8 and 9.

Division 2—Emergency selling procedures

Application of Division

11. (1) This Division applies to cash bets made in accordance with emergency selling procedures approved by the Board.

(2) The Board may approve of the making of cash bets in accordance with emergency selling procedures:

- (a) if, by reason of the failure of equipment, the ordinary system for accepting and recording bets cannot be used; or
- (b) in such other circumstances as the Minister may approve.

Details on betting tickets

12. (1) If a person makes a cash bet to which this Division applies:

- (a) the details of the bet are taken to be the details contained in the record for the bet made by the Board for the purpose of recording details of such bets; and
- (b) the betting ticket for the bet is taken to have those details recorded on it.

(2) This clause applies even if those details differ in any respect from:

- (a) the details given when the bet was made; or

- (b) the details of the bet sent to the Board from the branch where the bet was made; or
- (c) the details actually recorded on the ticket.

Unrecorded bets

13. (1) In this clause, “**unrecorded bet**” means a cash bet to which this Division applies for which details have not been entered in a record referred to in clause 12 (1) (a) before the start of the event or contingency to which the bet relates.

(2) An unrecorded bet is taken not to have been accepted at the branch at which it was made, and is taken not to have been accepted by the Board.

(3) The betting ticket for an unrecorded bet is taken not to be a betting ticket.

(4) The person who made an unrecorded bet is entitled to have a refund of the amount of the bet, but has no other entitlement in respect of the bet.

(5) If the Board becomes aware that a bet is an unrecorded bet, it must cause notice of that fact to be displayed at the branch at which the bet was made.

PART 3—TELEPHONE AND POSTAL BETS

Division 1—Telephone bets

Acceptance of telephone bets

- 14.** A telephone bet must not be accepted at a branch unless:
- (a) the branch is one that the Board has determined may accept telephone bets; and
 - (b) the bet is made in accordance with clause 15 (1).

Method of making telephone bets

15. (1) A telephone bet may be made at a branch (to a telephone number approved by the branch for the purpose of receiving telephone bets) in which the person making the bet clearly states:

- (a) the betting account number against which the bet is to be charged and (if required by the person accepting the bet) the code allocated to that account; and
- (b) the details specified in clause 5 (1) in respect of the bet.

(2) The manager of a branch:

- (a) may direct that a telephone bet not be accepted; or
- (b) may direct that a telephone bet (if accepted) be cancelled and the amount of the bet be refunded; or
- (c) may direct that a person's betting account be closed and any money standing to the credit of the account be refunded to the person,

if the person making the bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information.

Records of telephone bets

16. (1) An officer at a branch who proposes to accept a telephone bet:

- (a) must make a record, in such manner as the Board may require, of such details as are necessary to identify the person making the bet and to describe the particular bet made; and
- (b) must repeat the details of the bet to the person, unless the person indicates that he or she does not wish to have them repeated.

(2) If, before the close of betting and while the person is still on the telephone, the person objects that the details are not as specified by the person, the officer accepting the bet:

- (a) must correct the record in accordance with the objection; or
- (b) if it is not practicable for that to be done before the close of betting, must reject and cancel the bet.

(3) A telephone bet is taken not to have been accepted at a branch unless a record of the bet has been made in accordance with this clause.

(4) The details of a telephone bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.

(5) A record of each telephone bet made to a branch must be sent to the Board.

(6) In addition to the other requirements of this clause, the manager of a branch must ensure that all telephone bets are tape recorded and the tape recording sent to the Board.

(7) The Board must retain the tape recording for a period of at least 28 days from the date of the event or contingency to which the bet relates or, if a claim with respect to the bet is made during that period, until the claim is finally determined.

Division 2—Postal bets**Acceptance of postal bets**

- 17.** A postal bet must not be accepted at a branch unless:
- (a) the branch is one that the Board has determined may accept postal bets; and
 - (b) the bet is recorded before the close of betting; and
 - (c) the bet is made in accordance with clause 18 (1).

Method of making postal bets

- 18. (1)** A postal bet may be made to a branch by means of a letter, lettergram or facsimile in which the person making the bet clearly states:
- (a) the name and postal address of the person making the bet; and
 - (b) if more than one bet is made, the total of the amount of the bets made; and
 - (c) the manner in which payment for the bet is to be made including, if applicable, the betting account number against which the bet is to be charged and the code allocated to that account; and
 - (d) the details specified in clause 5 (1) in respect of the bet; and
 - (e) the person's instructions as to how any dividends arising from the bet are to be dealt with.
- (2)** The manager of a branch at which a postal bet is received may reject the bet if of the opinion that the person's instructions are incomplete or unclear.
- (3)** A postal bet may be accepted at a branch even if any other bet to which the letter, lettergram or facsimile relates is not accepted.
- (4)** A postal bet that is accompanied by a cheque in payment of the bet must not be accepted until the manager of the branch is satisfied that the cheque has been cleared.

Division 3—Betting accounts for telephone and postal bets**Establishment of betting accounts**

- 19. (1)** A person may apply to the Board for the establishment of a credit account for betting purposes ("**a betting account**").
- (2)** The application:
- (a) must be in writing, in the form approved by the Board; and
 - (b) must specify such particulars, and be completed in such manner, as the Board may require; and

(c) must be accompanied by a deposit, or by a bank guarantee acceptable to the Board, to be credited to the account.

(3) A deposit to a betting account made by way of cheque must not be credited to the account until the Board is satisfied that the cheque has been cleared.

(4) A person who establishes a betting account must be notified by the Board of the code allocated to the account.

(5) A person who receives a deposit for payment into a betting account must cause a receipt for the deposit to be issued to the person by whom the deposit is made.

Instructions to the Board in relation to betting accounts

20. (1) A person who has established a betting account with the Board may give instructions to the Board, in such manner as the Board may approve, relating to the application or disposal of any amount standing to the credit of the account.

(2) The Board must comply with any reasonable instruction given to it by a person under this clause.

Betting account statements

21. (1) On receipt by it of a request from a person, and at such other times as it thinks fit, the Board must send to the person a statement relating to a betting account established by the person with the Board.

(2) A statement relating to a betting account is to be in such form, and is to specify such particulars, as the Board considers appropriate.

Payment of betting account bank guarantees

22. (1) Within 14 days after the Board sends a statement relating to a betting account to the person who has lodged a bank guarantee with the Board in respect of the account, the person must pay to the Board any money due to the Board by the person from the operation of the account.

(2) The Board may take such action in terms of the bank guarantee as is necessary to recover any money that remains due after the expiration of the 14 day period.

Non-operation of betting accounts

23. (1) The Board may close any betting account that is not operated on for a period of 3 months and, in that event, must transfer any amount standing to the credit of the account to a dormant account operated by the Board.

(2) The Board must hold any amount so transferred for the benefit of the person in whose name the betting account was established.

(3) The Board may re-open a betting account that has been closed under this clause and re-credit to the account any amount credited to a dormant account as a result of the closure of the account.

PART 4—ALL-UP BETTING**Definitions**

24. In this Part:

“**all-up bet**” means a bet:

- (a) which is made on the chance of winning a series of bets made on a series of win and place totalizators; and
- (b) in which the amount of the bet in respect of the second or any subsequent totalizator is the amount of the dividend or refund (if any) on the previous totalizator;

“**all-up betting account**” means an all-up telephone betting account or an all-up cash betting account established under this Part;

“**win and place totalizator**” has the same meaning as it has in the Totalizator Rule 1993.

Establishment of all-up betting accounts

25. On the request of a person, the Board may establish:

- (a) an all-up cash betting account to enable the person to make all-up cash bets; or
- (b) an all-up telephone betting account to enable the person to make all-up telephone bets.

Method of making all-up bets

26. Part 2 applies to all-up cash bets and Part 3 applies to all-up telephone bets.

Races to which all-up bets relate

27. (1) An all-up bet may be made only in respect of races on which a win and place totalizator is operating.

(2) The maximum number of races in respect of which any one all-up bet may be made is to be as determined by the Board.

(3) The Board may limit the races in respect of which any one all-up bet may be made to races at the same race meeting or in such other manner as the Board may determine.

Dividends and refunds on all-up bets

28. (1) Money to the credit of an all-up betting account must be transmitted to the win and place totalizator for the next race to which the all-up bet relates.

(2) Any dividend or refund for an all-up bet must be collected by the Board and credited to the all-up betting account for the bet.

(3) After a dividend is paid in accordance with the Totalizator Act 1916 on the second or any subsequent race to which an all-up bet relates, the amount to be credited to the all-up betting account for the bet is to be calculated as follows:

$$A = C \times \left(\frac{D}{U} \right)$$

where:

“**A**” represents the amount to be credited;

“**C**” represents the amount credited to the all-up betting account in respect of the previous race to which the all-up bet relates;

“**D**” represents the dividend declared in respect of the second or subsequent race;

“**U**” represents the minimum bet for that race.

(4) The provisions of section 10H (7) of the Totalizator Act 1916 apply to the calculation of the amount to be credited in the same way as they apply to the calculated amount referred to in those provisions.

(5) The balance standing to the credit of an all-up betting account after the last race to which the all-up bet relates:

(a) in the case of an all-up cash betting account, must be paid to the person concerned as if the bet were a cash bet; or

(b) in the case of an all-up telephone betting account, must be paid into the telephone betting account of the person concerned.

(6) Any money that is paid as a dividend or refund in accordance with the Totalizator Act 1916, and that remains unallocated after the calculation of the amounts payable to all-up betting accounts under this clause, is to be retained by the Board.

Races postponed or run out of sequence

29. In the event that a race to which an all-up bet relates is postponed or is run out of the sequence advertised by the Board, the Board must treat the race for the purposes of the all-up bet as an abandoned race.

PART 5—DIVIDENDS, REFUNDS AND COMPLAINTS

Payment of dividends, refunds and betting account balances

30. (1) An amount to which a person is entitled:

- (a) as a dividend or refund for a cash bet made at a branch; or
- (b) as the balance of a betting account established by the person with the Board for the purpose of making telephone bets or postal bets at a branch,

must, on application made by the person, be paid to the person.

(2) The amount may be paid at the branch, at the office of the Secretary of the Board or at such other place as may be designated by the Board for that purpose, and may be paid at such times as the Board may approve for the purpose.

(3) A dividend or refund to which a person is entitled in respect of a telephone bet or a postal bet that has been charged against a betting account must be paid to the person:

- (a) in accordance with any reasonable written instructions received from the person; or
- (b) in the absence of any such instructions, by payment into the person's betting account.

(4) If a person is entitled to be paid a dividend or refund and the person does not collect the amount within 14 days after the entitlement arises, the manager of the branch concerned may remit the amount to the address of the person last known to the manager.

(5) If the Board is in doubt as to the identity of the person to whom an amount is due (whether as a dividend, refund or balance of a betting account), the Board may retain the amount and pay it to any person who establishes to the Board's satisfaction that he or she is the person to whom the amount is due.

(6) The Board is relieved from all further liability in respect of an amount paid by it to a person under subclause (5).

Complaints concerning dividends or refunds

31. (1) Within 14 days after a person becomes entitled to a dividend or refund for a bet or within such further time as the Board may allow, the person may lodge a written complaint with the Board to the effect that the amount of the entitlement (as calculated by the Board) is less than the actual amount to which the person is entitled.

(2) After investigating the complaint, the Board:

- (a) must notify the complainant of the Board's decision; and
- (b) may pay such dividend or refund to the complainant as to the Board appears just and reasonable.

Complaints concerning records of telephone bets and postal bets

32. (1) Within 14 days after making a telephone bet or postal bet or within such further time as the Board may allow, a person may lodge a written complaint with the Board to the effect:

- (a) that the details of the bet given by the person when making the bet are incorrectly recorded; and
- (b) that the person has suffered loss as a result of the error.

(2) If, after investigating the complaint, the Board is satisfied:

- (a) that the complaint is justified; and
- (b) that the error complained of was due to the negligence or wilful default of any officer, employee or agent of the Board,

the Board must make any appropriate alteration to the record and must refund such amount or pay such dividend to the complainant as to the Board appears just and reasonable.

(3) Any election by the complainant not to have the details of a bet repeated, as referred to in clause 16 (1) (b), may be taken into account in the Board's investigation of the complaint.

Complaints concerning betting account statements

33. (1) Within 14 days after the Board sends a person a statement relating to a betting account or within such further time as the Board may allow, the person may lodge a written complaint with the Board to the effect that the statement contains an error.

(2) If, after investigating the complaint, the Board is satisfied that the complaint is justified, the Board must make any appropriate alteration to its records and must forward a corrected statement to the complainant.

(3) A person is not entitled to make a complaint under this clause if the basis of the complaint is that the error complained of is attributable to an error referred to in clause 32 (1).

Information to accompany complaints

34. A complaint under this Part need not be investigated unless the complainant gives to the Board such information, and such tickets or other documents as are in the complainant's possession, as may be necessary to facilitate investigation of the complaint.

Review of decisions on complaint

35. (1) A person who is dissatisfied with the Board's decision on a complaint under this Part may request the Board to review its decision.

(2) The Board must deal with such a request in the same way as if it were a complaint, except that the person by whom the request is dealt with must not be:

- (a) the person by whom the original complaint was dealt with; or
- (b) a person who is under the supervision of the person by whom the original complaint was dealt with.

(3) This clause does not authorise more than one request to be made in relation to any one complaint.

Certificate as to records

36. (1) The Board may issue a certificate in relation to a bet stating:

- (a) that the details of the bet as contained in a record kept or held by the Board are as specified in the certificate; or
- (b) that the bet is an unrecorded bet, within the meaning of clause 13.

(2) In any proceedings, a certificate under this clause is evidence as to the matters stated in the certificate.

PART 6—MISCELLANEOUS

Betting vouchers

37. (1) The Board may issue betting vouchers and may authorise any other person or body to issue betting vouchers.

(2) A betting voucher:

- (a) is to be in such form as the Board determines; and
- (b) is valid for such period as is specified on the betting voucher.

(3) Betting vouchers may be accepted at any branch:

- (a) for the making of bets; or
- (b) for the making of deposits to a betting account maintained with the Board.

Hours of business

38. A branch must be open to members of the public for the purpose of accepting bets, paying dividends and refunds and carrying out such other business as may be authorised by the Act or this Regulation on such days and during such hours as the Board may direct.

Duties of manager of branch

39. The manager of a branch must comply with such directions as may be given to the manager by the Board for the purpose of carrying out the provisions of the Act or this Regulation.

Removal of certain persons from branches

40. (1) The manager of a branch may direct a person to leave the branch if of the opinion that the person is creating a public annoyance.

(2) Such a direction has effect for such time (not extending beyond the day on which it is given) as the manager may specify in the direction.

(3) A person must not fail to comply with a direction under this clause.

Maximum penalty: 10 penalty units.

Repeal

41. (1) The Totalizator (Off-course Betting) Regulation 1983 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Totalizator (Off-course Betting) Regulation 1983, had effect under that Regulation is taken to have effect under this Regulation.

NOTES

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Application of Regulation
4. Definitions

PART 2—CASH BETS

Division 1—General

5. Acceptance of cash bets
6. Betting tickets to be issued
7. Details on betting tickets
8. Errors on betting tickets as to the bettor's intentions
9. Other errors on betting tickets
10. Cancellation of betting tickets

Division 2—Emergency selling procedures

11. Application of Division
12. Details on betting tickets
13. Unrecorded bets

PART 3—TELEPHONE AND POSTAL BETS

Division 1—Telephone bets

14. Acceptance of telephone bets
15. Method of making telephone bets
16. Records of telephone bets

Division 2—Postal bets

17. Acceptance of postal bets
18. Method of making postal bets

Division 3—Betting accounts for telephone and postal bets

19. Establishment of betting accounts
20. Instructions to the Board in relation to betting accounts
21. Betting account statements
22. Payment of betting account bank guarantees
23. Non-operation of betting accounts

1994—No. 447

PART 4—ALL-UP BETTING

24. Definitions
25. Establishment of all-up betting accounts
26. Method of making all-up bets
27. Races to which all-up bets relate
28. Dividends and refunds on all-up bets
29. Races postponed or run out of sequence

PART 5—DIVIDENDS, REFUNDS AND COMPLAINTS

30. Payment of dividends, refunds and betting account balances
31. Complaints concerning dividends or refunds
32. Complaints concerning records of telephone bets and postal bets
33. Complaints concerning betting account statements
34. Information to accompany complaints
35. Review of decisions on complaint
36. Certificate as to records

PART 6—MISCELLANEOUS

37. Betting vouchers
38. Hours of business
39. Duties of manager of branch
40. Removal of certain persons from branches
41. Repeal

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any substantive changes, the provisions of the Totalizator (Off-course Betting) Regulation 1983. The new Regulation deals with the following matters:

- (a) the making of cash bets generally (Division 1 of Part 2);
- (b) the making of cash bets under emergency procedures (such as where there is a breakdown in the computer equipment that normally processes betting) (Division 2 of Part 2);
- (c) the procedure for making bets by telephone or electronic data transfer (Division 1 of Part 3);
- (d) the procedures for making bets by letter, lettergram or facsimile (Division 2 of Part 3);
- (e) the establishment of betting accounts (Division 3 of Part 3);
- (f) all-up betting (Part 4);
- (g) the payment of dividends and refunds and the making of complaints (Part 5);
- (h) other matters of a formal nature (Parts 1 and 6).

1994—No. 447

This Regulation is made under the Totalizator (Off-course Betting) Act 1964, including section 21 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
