

Act No. 3 of 1990

TOTALIZATOR (AMENDMENT) BILL 1990

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Totalizator (Off-course Betting) Amendment Bill 1990 is cognate with this Bill.

The object of this Bill is to amend the Totalizator Act 1916 so as:

- (a) to increase the rate of commission that is deducted from superfecta totalizators from 17% to 20%; and
- (b) to vary the disbursement of the commission that is deducted from superfecta totalizators and, in particular, to increase the commission payable to the club conducting the totalizator, to reduce the commission payable to the Consolidated Fund and to provide for the payment of commission into a Racing Assistance Fund; and
- (c) to provide financial assistance from the proposed Racing Assistance Fund for a club conducting a totalizator at Harold Park or Wentworth Park racecourse, for all clubs in connection with the costs incurred in controlling raw-meetings, and for scientific research into racing animals; and
- (d) to enable racing clubs holding race-meetings to make use of the totalizator facilities of other racing clubs; and
- (c) to prevent imprisonment or detention of persons under the age of 16 years who fail to pay a monetary penalty imposed for under-age totalizator betting.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Totalizator Act 1916.

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SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS

The amendments contained in Schedule 1 remove superfecta totalizators from the general category of multiple selection totalizators and insert specific provisions relating to superfecta totalizators. Superfecta totalizators are defined in the rules under the Principal Act. Generally speaking, persons betting on such a totalizator are required to select the first 6 placegetters in a race in the correct finishing order.

Schedule 1 (1) inserts new definitions of "Racing Assistance Fund" and "Superfecta totalizator".

Schedule 1 (2) and **(4)** provide for changes in the rate of commission deducted from superfecta totalizators and in the disbursement of that commission. Schedule 1 (2) amends section 8 of the Principal Act (which is the general provision) and Schedule 1 (4) amends section 10 (which relates to totalizators under the control of the Minister because of prior mismanagement). The effect of the amendments is as follows:

Commission in respect of off-course superfecta totalizators

- * 5.5% credited to the Consolidated Fund [instead of 8%]
- * 6% credited to the Racing Assistance Fund [instead of 0.5% to the Racecourse Development Fund]
- * 8.5% retained by the Totalizator Agency Board [no change]
- * Total 20% [instead of 17%]

Commission in respect of on-course superfecta totalizators

- * 5.5% credited to the Consolidated Fund [instead of 9.5%]
- * 4.5% credited to the Racing Assistance Fund [instead of 0.5% to the Racecourse Development Fund]
- * 10% retained by the club conducting the totalizator [instead of 4%]
- * Total 20% [instead of 17%]

Schedule 1 (3) exempts superfecta totalizators from section 8A of the Principal Act. Under that section the rate of commission for totalizator betting at racecourses outside the metropolitan area is varied so as to reduce the commission payable to the Consolidated Fund and to increase the commission payable to the club concerned. As a result of the amendment made by Schedule 1 (3) the rate of commission is to be the same irrespective of the location of the racecourse at which the superfecta totalizator betting is conducted.

Schedule 1 (5) and **(6)** provide for the establishment of the Racing Assistance Fund and for the credit to that Fund of the commissions as directed in the proposed amendments to sections 8 and 10 of the Principal Act and section 13A of the Totalizator (Off-course Betting) Act 1964 (which relates to totalizator betting operated separately by the Totalizator Agency Board instead of as agent for the club concerned). Payments may be made from the Fund:

- (a) firstly, as rebates to clubs conducting totalizators at race-meetings at Harold Park or Wentworth Park racecourse (the rebates are to be equal to the additional commission that would be payable to those clubs for totalizator

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- betting generally if the racecourses were situated outside the metropolitan area and section 8A of the Principal Act applied to them);
- (b) secondly, as contributions to, or on behalf of, racing clubs towards the costs of controlling race-meetings; and
 - (c) thirdly, as contributions to organisations conducting scientific research into racing animals.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

Schedule 2 (1) enables a racing club holding a race-meeting to make use of the totalizator facilities of another racing club. In such circumstances, the club holding the race-meeting is taken to be using the totalizator in relation to that race-meeting. The totalizator facilities may be used even if a race-meeting is not being held on that day on the other club's race-course.

Schedule 2 (2) prevents the imprisonment or detention of persons under the age of 16 years who fail to pay a monetary penalty imposed for under-age totalizator betting. The amendment is in line with section 10A of the Gaming and Betting Act 1912 which applies a similar provision to under-age betting with bookmakers. On conviction, the court will have available the sentencing options under section 33 of the Children (Criminal Proceedings) Act 1987 which include a caution, a recognizance, release on probation and community service work.
