TOTALIZATOR (AMENDMENT) ACT 1990 No. 3

NEW SOUTH WALES

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TOTALIZATOR (AMENDMENT) ACT 1990 No. 3

NEW SOUTH WALES

Act No. 3, 1990

An Act to amend the Totalizator Act 1916 with respect to superfecta totalizators, and for other purposes. [Assented to 22 May 1990]

See also Totalizator (Off-course Betting) Amendment Act 1990.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Totalizator (Amendment) Act 1990.

Commencement

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

Amendment of Totalizator Act 1916 No. 75

3. The Totalizator Act 1916 is amended as set out in Schedules l and 2.

SCHEDULE 1- AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS

(Sec. 3)

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

(a) At the end of the definition of "Multiple selection totalizator", insert:

; or

(c) a superfecta totalizator.

(b) After the definition of "Race-meeting", insert

"**Racing Assistance Fund**" means the fund established under section 19B.

(c) After the definition of "60-20-20 Totalizator", insert:

"Superfecta totalizator" means a superfecta totalizator as defined in the rules.

(2) Section 8 **(Distribution of money invested on totalizators other than those to which section 8A or 10 applies):**

(a) From section 8 (2) (b), omit "or (5)", insert instead ", (5) or (6)".

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS - *continued*

(b) From section 8 (3), omit "or a multiple selection totalizator", insert instead ", a multiple selection totalizator or a superfecta totalizator".

(c) After section 8 (5), insert

(6) Where the totalizator referred to in subsection (2) is a superfecta totalizator:

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets referred to in paragraph (b) or (c):

(i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and

(ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and

(iii) 10 per cent is to be retained as commission by the club;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board:

(i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and

(ii) 6 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and

(iii) 8.5 per cent is to be paid as commission to the Board;

(c) of that part (if any) of that balance which is derived from bets made under section 3B with another racing club

(i) 5.5 per cent is to be paid as commission to the Minister to be credited to the Consolidated Fund; and

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS - *continued*

(ii) 4.5 per cent is to be paid as commission to the Minister to be credited to the Racing Assistance Fund; and

(iii) 10 per cent is to be paid as commission to that other club; and

(d) the remainder of that balance is to be paid as dividends.

(3) Section 8A **(Distribution of money invested on totalizators to which this section applies):**

In section 8A (l), after "except", insert “a superfecta totalizator or”.

(4) Section 10 **(Power of Minister to assume control of totalizator):**

(a) From section 10 (2) (b), omit “or (4A)”, insert instead “, (4A) or (4B)".

(b) From section 10 (3), omit “or a multiple selection totalizator", insert instead “, a multiple selection totalizator or a superfecta totalizator".

(c) After section 10 (4A), insert:

(4B) Where the totalizator referred to in subsection (2) is a superfecta totalizator:

(a) of the balance referred to in subsection (2) (b), excluding any part of that balance which is derived from bets referred to in paragraph (b) or (c):

(i) 15.5 per cent (less the necessary expenses incurred in using the totalizator) is to be retained as commission by the Minister to be credited to the Consolidated Fund; and

(ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund;

(b) of that part (if any) of that balance which is derived from bets made through the agency of the Totalizator Agency Board

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS - *continued*

(i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and

(ii) 6 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and

(iii) 8.5 per cent is to be paid as commission to the Board;

(c) of that part (if any) of the balance which is derived from bets made under section 3B with a racing club

(i) 5.5 per cent is to be retained as commission by the Minister to be credited to the Consolidated Fund; and

(ii) 4.5 per cent is to be retained as commission by the Minister to be credited to the Racing Assistance Fund; and

(iii) 10 per cent is to be paid as commission to the club; and

(d) the remainder of that balance is to be paid as dividends.

(5) Part 6, heading:

Omit the heading, insert instead:

PART 6 - RACECOURSE DEVELOPMENT FUND AND RACING ASSISTANCE FUND

(6) Section 19B:

After section 19A, insert:

Racing Assistance Fund

19B. (1) There is to be established in the Special Deposits Account at the Treasury a Racing Assistance Fund.

(2) There is to be paid into the Racing Assistance Fund such amounts as are directed by sections 8 (6) and 10 (4B)

SCHEDULE 1 - AMENDMENTS RELATING TO SUPERFECTA TOTALIZATORS - *continued*

of this Act and section 13A (5) of the Totalizator (Off-course Betting) Act 1964 to be credited to the Fund.

(3) The Minister may, from time to time, apply any amount standing to the credit of the Racing Assistance fund:

(a) firstly, in the payment of rebates referred to in subsection (4) to a club conducting a totalizator at a race-meeting at the Harold Park racecourse or the Wentworth Park racecourse; and

(b) secondly, in the payment of contributions to or on behalf of racing clubs (in accordance with a formula determined by the Minister) towards the costs of controlling race-meetings; and

(c) thirdly, in the payment of contributions to research organisations towards the costs of conducting research into racing animals.

(4) A rebate to a club under subsection (3) (a) is to be equivalent to the difference between the amount of commission credited to the Consolidated Fund under section 8 from the money invested in the club's totalizator in respect of a race-meeting held by the club and the amount that would have been payable to the Consolidated Fund had the racecourse been one to which the provisions of section 8A applied.

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 4B

After section 4A, insert:

Use of totalizator facilities of other clubs

4B. (1) A racing club holding a race-meeting may, by hire or other arrangement, make use of totalizator facilities

SCHEDULE 2 - MISCELLANEOUS AMENDMENTS - *continued*

established by another racing club on the racecourse of that other club.

(2) When totalizator facilities are used under such an arrangement:

(a) the club holding the race-meeting is to be taken to be using a totalizator on its racecourse in relation to that race-meeting, and

(b) the club providing the totalizator facilities is not to be taken to be using a totalizator on its racecourse in relation to that use of the totalizator.

(3) The totalizator facilities of a racing club may be used on a day on which a race-meeting is not being held on the racecourse of that club despite section 4A.

(2) Section 12 **(Penalty on persons under 18 years of age wagering by means of totalizator):**

At the end of the section, insert:

(2) A person under the age of 16 years may not be imprisoned, or detained in a detention centre, as a consequence of a failure to pay a penalty under this section.

[Minister's second reading speech made in -
Legislative Assembly on 2 May 1990
Legislative Council on 8 May 1990]