

1991—No. 470

TOTALIZATOR ACT 1916—RULE

(Totalizator (60–20–20) Rule 1991)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Totalizator Act 1916, has been pleased to make the Rule set forth hereunder.

GEORGE SOURIS

Minister for Sport, Recreation and Racing.

PART 1—PRELIMINARY

Citation

1. This Rule may be cited as the Totalizator (60–20–20) Rule 1991.

Commencement

2. This Rule commences on

Definitions

3. (1) In this Rule:

“**amount available for dividend**”, in relation to a race, means such part of the total money paid into the totalizator in respect of the race as is required by section 8, 8A or 10 of the Act, as the case may be, to be paid as dividends;

“**commission**”, in relation to a race, means such part of the total money paid into the totalizator in respect of the race as is required by section 8, 8A or 10, as the case may be, to be paid or retained as commission;

“**Committee**” means the Committee of the racing club holding a race meeting;

“**investor**” means a person paying for and acquiring a ticket on a totalizator;

“**placegetter**”, in relation to a race, means a horse or greyhound declared by the Stewards to be the second horse or greyhound or third horse or greyhound in the race, as the case may be;

“**Rules of Racing**” means the Rules of Racing and Rules of Betting of the Australian Jockey Club, the Rules of the Harness Racing Authority of New South Wales or the Rules of the Greyhound Racing Control Board, as the case requires;

“**starter**” means:

- (a) in relation to a horse race, a horse whose rider, jockey or driver has been ordered by the person starting the race to line up at or behind the starting point; and
- (b) in relation to a greyhound race, a greyhound that has been placed in the starting boxes,

but does not include a horse or greyhound that has been subsequently declared a non-starter by the Stewards in accordance with the Rules of Racing;

“**Steward**”, in relation to a race meeting, means:

- (a) the stewards appointed by:
 - (i) the racing club holding the race meeting; or
 - (ii) the district racing association; or
 - (iii) the Australian Jockey Club; or
 - (iv) the Harness Racing Authority of New South Wales; or
 - (v) the Greyhound Racing Control Board, or
- (b) the committee of the racing club holding the race meeting; or
- (c) in the case of a greyhound race meeting—such member, officer or employee of the Greyhound Racing Control Board as is authorised by that Board to act in the place of a steward at the race meeting;

“**ticket**” means a certificate issued by a racing club denoting by words or numbers the particular race, and the particular horse or greyhound, on which an investment has been made on a totalizator used by the club, or denoting such particulars as the Minister otherwise approves:

“unit of investment” means the minimum amount that may be received in payment for a ticket on the totalizator, being 50 cents or, if the Minister approves in any particular case, such multiple of 50 cents as may be so approved;

“winner” in relation to a race, means the horse or greyhound declared by the Stewards to be the winning horse or greyhound in the race.

(2) In this Rule, a reference to the winning, second or third horse or greyhound, in relation to a race, is a reference to the horse or greyhound declared by the Stewards to be the winner, second horse or greyhound or third horse or greyhound, respectively, in the race.

PART 2—INVESTMENTS

Matter to be exhibited on totalizator building

4 (1) A horse or greyhound starting in a race must be denoted on the totalizator building by a number corresponding to the number of the horse or greyhound in the official race book of the racing club conducting the race.

(2) Figures must be exhibited to the public on the front of the totalizator building representing the units invested on each horse or greyhound, and the grand total of those units, in as close an approximation as possible to the actual progress of ticket selling.

(3) It is not necessary to comply with subclause (2) if the odds or dividends for the time being payable in respect of each horse or greyhound are exhibited to the public on the front of the totalizator building.

Acceptance of investments

5. A racing club is not bound to accept an investment from an investor.

Checking of tickets by investor

6. (1) An investor should satisfy himself or herself before leaving a totalizator window that he or she has received the tickets applied for.

(2) No claim in respect of the issue of tickets may be entertained after an investor has left a totalizator window.

(3) In this clause, **“totalizator window”** includes my place at which tickets are issued.

Rights of investor

7. When money paid for a ticket has been invested and a ticket has been issued to an investor, the investor has no rights other than those conferred by this Rule on the holder of a ticket issued under this Rule.

Racing club etc. agent of investor, not stakeholder

8. (1) An investor acquiring a ticket in respect of a race is considered to have irrevocably appointed the racing club holding the race meeting, and each of its officers, employees and agents, as his or her agents to invest, subject to this Rule, the money paid for the ticket on the horse or greyhound, and for the race, denoted on the ticket.

(2) Neither the racing club holding the race meeting, its officers, employees or agents nor the Stewards are stakeholders of any money paid as the price of a ticket.

PART 3—DIVIDENDS AND REFUNDS**Division 1—General****Declaration of dividend**

9. (1) A dividend is not to be declared or paid except on the order of the Stewards.

(2) If the Stewards have ordered a dividend to be declared or paid on a horse or horses or greyhound or greyhounds in a race, an investor on any other horse or greyhound in the race is not entitled to receive a dividend on the race:

- (a) even though (whether by a subsequent order of the Stewards, by a decision of the Committee or of a Court or otherwise) another horse or greyhound is declared to be the winner or a placegetter in the race in place of the horse or greyhound first declared by the Stewards to be the winner or placegetter; or
- (b) whatever else may afterwards result, regardless of any rule of law or rule of racing to the contrary.

Notice of dividends

10. Immediately after the declaration of a dividend, notice of the amount of the dividend must be exhibited in a place appointed by the Committee for that purpose.

Payment of dividends and refunds

11. An investor is entitled to receive payment of a dividend or refund in respect of an investment on a race:

- (a) on presentation of the ticket entitling payment at the pay window on the day on which the dividend or refund becomes payable, but not later than 30 minutes after the last race on that day; or
- (b) if it is impracticable for the investor to present the ticket within that time—on presentation of the ticket at the office of the Secretary of the racing club which issued the ticket, or at some other place appointed by that racing club, at any reasonable time within 2 months after the day on which the dividend or refund becomes payable; or
- (c) if it is impracticable for the investor to present the ticket within that time—on presentation of the ticket at the head office of the Department of Sport, Recreation and Racing at any reasonable time after the expiration of that 2 month period.

Ticket required for payment

12. (1) A dividend or refund must not be paid except on presentation of a ticket.

(2) If the ticket has been mutilated or defaced, payment may be made only on the order of the Committee or Stewards.

Checking of dividends and refunds by investor

13. (1) An investor should satisfy himself or herself before leaving a totalizator window that he or she has received the correct amount of dividend or refund payable.

(2) No claim in respect of the short payment of a dividend or refund may be entertained after an investor has left a totalizator window.

(3) In this clause, “totalizator window” includes any place at which dividends or refunds are paid.

Calculations of dividends

14. A dividend, whether on a winning horse or greyhound or on a placed horse or greyhound, must be calculated on the unit of investment.

Division 2—One-dividend races**General**

15. If there are not more than 4 starters in a race (other than starters that are subsequently disqualified), the whole of the amount available for dividend must (except to the extent otherwise provided by this Division) be divided among the investors on the winning horse or greyhound.

Dead-heat for first place

16. (1) If there is a dead-heat for first place (whether it is run off or not) in the race, the amount available for dividend must be divided into as many equal parts as there are backed horses or greyhounds running in the dead-heat.

(2) Each part must be treated as a separate total and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the amount available for dividend must be divided among the investors on that horse or greyhound.

Unbacked winners

17. (1) If the winner of the race has not been backed, the amount available for dividend must be divided among the investors on the second horse or greyhound.

(2) If neither the winner nor the second horse or greyhound has been backed, the amount available for dividend must be divided among the investors on the third horse or greyhound.

Division 3—Two-dividend races**General**

18. (1) If there are more than 4 but not more than 7 starters in a race (other than starters that are subsequently disqualified), the whole of the amount available for dividend must (except to the extent otherwise provided by this Division) be divided:

- (a) as to 75 per cent, among the investors on the winning horse or greyhound; and
- (b) as to the remaining 25 per cent, among the investors on the second horse or greyhound.

(2) This Division is to be read subject to Division 5.

Dead-heat for first place

19. (1) If there is a dead-heat for first place (whether it is run off or not) in the race, the amount available for dividend must be divided into as many equal parts as there are backed horses or greyhounds running in the dead-heat.

(2) Each part must be treated as a separate total and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the amount available for dividend must be divided among the investors on that horse or greyhound.

Dead-heat for second place

20. (1) If there is a dead-heat for second place in the race, the 25 per cent referred to in clause 18 (1) (b) must be divided into as many equal parts as there are backed horses or greyhounds running in the dead-heat.

(2) Each part must be treated as a separate total and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the whole of the 25 per cent must be divided among the investors on that horse or greyhound.

Unbacked winners

21. (1) If the winner of the race has not been backed, the horses or greyhounds placed second and third (or the horses or greyhounds running a dead-heat for second place) are to be treated as having been placed first and second respectively (or as having run a dead-heat for first place) as the case may be.

(2) If neither the winner nor the second horse or greyhound has been backed, the whole of the amount available for dividend must be divided among the investors on the third horse or greyhound.

Unbacked placegetters

22. If the second horse or greyhound in the race has not been backed, the whole of the amount available for dividend must be divided among the investors on the winning horse or greyhound.

Division 4—Three-dividend races**General**

23. (1) If there are more than 7 starters in a race (other than starters that are subsequently disqualified), the amount available for dividend must (except to the extent otherwise provided by this Division) be divided:

- (a) as to 60 per cent, among the investors on the winning horse or greyhound; and
 - (b) as to 20 per cent, among the investors on the second horse or greyhound; and
 - (c) as to the remaining 20 per cent, among the investors on the third horse or greyhound.
- (2)** This Division is to be read subject to Division 5.

Dead-heat for first place: 2 horses or greyhounds

24. (1) If there is a dead-heat between 2 horses or greyhounds for first place (whether it is run off or not) in the race, 80 per cent of the amount available for dividend (being the sum of the percentages referred to in clause 23 (1) (a) and (b)) must be divided into 2 equal parts.

(2) Each part must be treated as a separate total and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the whole of the 80 per cent must be divided among the investors on that horse or greyhound.

(4) If neither of the horses or greyhounds has been backed, the whole of the 80 per cent must be added to the amount to be divided among the investors on the third horse or greyhound.

Dead-heat for first place: 3 or more horse or greyhounds

25. (1) If there is a dead-heat between 3 or more horses or greyhounds for first place (whether it is run off or not) in the race, the amount available for dividend must be divided into as many equal parts as there are backed horses or greyhounds running in the dead-heat.

(2) Each part must be treated as a separate total, and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the amount available for dividend must be divided among the investors on the backed horse or greyhound.

Dead-heat for second place

26. (1) If there is a dead-heat between 2 or more horses or greyhounds for second place in the race, 40 per cent of the amount available for dividend (being the sum of the percentages referred to in clause 23 (1) (b) and (c)) must be divided into as many equal parts as there are horses or greyhounds (backed or unbacked) running in the dead-heat.

(2) Each part relating to a backed horse or greyhound must be treated as a separate total and be divided among the investors on that horse or greyhound.

(3) Each part relating to an unbacked horse or greyhound must be added to the amount to be divided among the investors on the winning horse or greyhound.

(4) If none of the horses or greyhounds has been backed, the whole of the 40 per cent is to be added to the amount to be divided among the investors on the winning horse or greyhound.

Dead-heat for third place

27. (1) If there is a dead-heat between 2 or more horses or greyhounds for third place in the race, the 20 per cent referred to in clause 23 (1) (c) must be divided into as many equal parts as there are backed horses or greyhounds running in the dead-heat.

(2) Each part must be treated as a separate total and be divided among the investors on each backed horse or greyhound running in the dead-heat.

(3) If 1 only of the horses or greyhounds has been backed, the whole of the 20 per cent must be divided among the investors on the backed horse or greyhound.

(4) If none of the horses or greyhounds has been backed, the whole of the 20 per cent is to be added to the amount to be divided among the investors on the winning horse or greyhound.

Unbacked winners

28. (1) If the winner of the race has not been backed, the whole of the amount available for dividend must be divided into 2 equal parts.

(2) One of the parts is to be divided among the investors on the second horse or greyhound, and the other is to be divided among the investors on the third horse or greyhound.

(3) If neither the winner nor the third horse or greyhound in the race has been backed, the whole of the amount available for dividend must be divided among the investors on the second horse or greyhound.

(4) If neither the winner nor the second horse or greyhound in the race has been backed, the whole of the amount available for dividend must be divided among the investors on the third horse or greyhound.

Unbacked placegetters

29. (1) If the second horse or greyhound in the race has not been backed, the 20 per cent referred to in clause 23 (1) (b) must be added to the amount to be divided among the investors on the winning horse or greyhound.

(2) If the third horse or greyhound in the race has not been backed, the 20 per cent referred to in clause 23 (1) (c) must be added to the amount to be divided among the investors on the winning horse or greyhound.

Division 5—Deficiency in dividend pool

Dividend where deficiency in one part of divided pool

30. (1) This clause applies if:

- (a) the amount available for dividend has been divided in accordance with Division 3 or 4; and
- (b) in not more than 1 part (in this clause referred to as the “deficient part”) of the amount available for dividend there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
- (c) the whole of the deficiency in that part would, but for this clause, be required by section 9 (2) of the Totalizator Act 1916 to be paid from the Consolidated Fund; and
- (d) the amount of the deficiency is greater than fourteen eighty-sixths of the amount available for dividend.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient part; or
- (b) if there are 2 or more parts which are not deficient parts, from those parts in proportion to the amounts standing in those parts

an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less fourteen eighty-sixths of the amount available for dividend.

(3) The amount so deducted is to be added to the deficient part.

Dividend where deficiency in 2 or more parts of dividend pool

31. (1) This clause applies if:

- (a) the amount available for dividend has been divided in accordance with Division 4; and
- (b) in each of 2 or more parts (in this clause referred to as the “**deficient parts**”) of the amount available for dividend there is insufficient money to enable dividends equal to the unit of investment to be declared in respect of those parts; and
- (c) the whole of the deficiencies in those parts would, but for this clause, be required by section 9 (2) of the Totalizator Act 1916 to be paid from the Consolidated Fund; and
- (d) the aggregate of the amounts of those deficiencies is greater than fourteen eighty-sixths of the amount available for dividend.

(2) If this clause applies, there must, before any dividend is declared, be deducted:

- (a) from the part, other than the deficient parts; or
- (b) if there are 2 or more parts which are not deficient parts, from those parts in proportion to the amounts standing in those parts,

an amount equal to the aggregate of the amounts of the deficiencies in the deficient parts, less fourteen eighty-sixths of the amount available for dividend.

(3) The amount so deducted is to be added to the deficient parts so that, if fourteen eighty-sixths of the amount available for dividend were also added to the deficient parts, there would be produced in each of the deficient parts an amount not greater than the amount required in each of those parts to declare a dividend equal to the unit of investment.

Division 6—Refunds

Non-starters

32. (1) If a horse or greyhound which money has been invested does not become a starter, the money invested on the horse or greyhound must, on production and delivery of the ticket or tickets issued in respect of the horse or greyhound, be refunded to the investors.

(2) The amount available for deductions and dividend is to be reduced accordingly.

Walk-overs etc.

33. If there is a walk-over in a race, or if none of the winners or placegetters in a race has been backed, the whole amount invested on the race must, on production and delivery of the ticket or tickets issued in respect of the race, be refunded to the investors.

Abandoned or postponed races

34. (1) If a race is abandoned or postponed to another date, the whole amount invested on the race must, on production and delivery of the ticket or tickets issued in respect of the race, be refunded to the investors.

(2) A ticket held in respect of a race which has been postponed to another date is invalid except for the purpose of claiming a refund.

PART 4—MISCELLANEOUS

Dead-heats run-off

35. If a dead-heat is run off, the Committee may open the totalizator for the run-off as if the run-off were a distinct race.

Re-run of race

36. (1) If a race is run over again by order of the Stewards, the amount originally invested on the race must be dealt with in accordance with the ultimate result of the race.

(2) If a horse or greyhound on which money has been invested does not become a starter in a re-run race, the money invested on the horse or greyhound must, on production and delivery of the ticket or tickets issued in respect of the horse or greyhound, be refunded to the investors.

(3) The amount available for dividends is to be reduced accordingly.

(4) The Committee may in its discretion open the totalizator for the re-run race as if the re-run race were a distinct race.

Protests

31. (1) If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in any race, any money invested

on a totalizator for that race must be retained until the protest has been decided by the Stewards.

(2) The money is to be paid out in accordance with the Stewards' decision at such time and place as the Stewards appoint.

(3) Before making a decision on a protest, the Stewards may (at any time after the riders have been weighed for the purposes of a declaration of correct weight) order to be declared and paid such dividends as they are satisfied will not be affected by the result of the protest.

(4) If no protest is lodged in accordance with the rules of racing before the declaration of correct weight, the Stewards must order the dividends to be declared and paid in accordance with the decision of the judge as to the result of the race.

(5) In this clause, a reference to a declaration of correct weight includes a reference to:

- (a) the all clear signal in respect of a harness racing race; and
- (b) the payout signal in respect of a greyhound race.

Powers of Committee and Stewards

38. (1) If any event should happen or circumstance arise which is not provided for by this Rule, the matter is to be dealt with in such manner as the Committee or Stewards may determine.

(2) The decision of the Committee on:

- (a) a question or dispute as to the amount available for dividend on a horse or horses or greyhound or greyhounds in a race; or
- (b) a question as to the genuineness of a ticket or as to any forgery or alteration of a ticket or tampering with a ticket,

is final and conclusive.

Publication of Rule etc.

39. (1) A racing club conducting a totalizator must keep a copy of this Rule in each totalizator building for perusal by investors on request.

(2) An investor or holder of a ticket is considered to have made himself or herself acquainted with this Rule and to have agreed to be bound by this Rule.

Notice to investors

40. A racing club conducting a totalizator must affix and keep affixed in a prominent position on the outside of the totalizator building, while

the totalizator is in use, a clearly printed notice in the form set out in Schedule 1.

Repeal of 60–20–20 Totalizator Rules 1927

41. The 60–20–20 Totalizator Rules 1927 are repealed.

SCHEDULE 1

(C1. 40)

Investors should satisfy themselves before leaving the window that the information on the ticket is correct or that the correct amount of dividend or refund has been paid, as the case may be. No claim in respect of the issue of a ticket or in respect of short payment of a dividend or refund will be entertained after the investor has left the window.

Copies of the Totalizator Rule may be perused by investors on request.

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EXPLANATORY NOTE

The object of this Rule is to repeal and remake, without any major changes, the provisions of the 60–20–20 Totalizator Rules 1927. The provisions of the new rule deal with the making of investments on, and the payment of dividends from, totalizators operated at horse or greyhound races.

The provisions include:

- (a) specification of the information required to be exhibited at totalizators during race meetings; and
- (b) provisions relating to the rights of investors and the powers of race club committees and stewards; and
- (c) provisions relating to the calculation and declaration of dividends and the payment of dividends and refunds on races.

This Rule is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
