

(iii) Such rules will be exhibited in all totalisator agencies and will also be published in the *New Zealand Gazette* to ensure that all reasonable steps are taken that all persons making investments by any of the methods permitted by clause (3) of this Part have or are deemed to have notice of the rules.

(b) The times when any totalisator agency will be open for business and the latest times up to which investments for any race or at any race meeting will be accepted at any such agency will be decided by the Board or by such executive officer as the Board may direct. The latest times for accepting investments may vary at individual totalisator agencies having regard to the method of investment and the problems of any particular totalisator agency.

(c) The unit of investment shall be 50 cents or such multiple thereof as the Board, from time to time, may determine irrespective of what may be the unit of investment on the course.

(d) It is the aim of the Board to provide a service off course in respect of all race meetings, but this would not be possible at all times or in respect of all methods of investing.

(e) The senior officer on duty, or, as the case may be, the agent at any totalisator agency, unless otherwise directed by the Board or the general manager, shall be entitled to reject at any time and without giving any reason therefor part or all of any investment.

(5) Transmission of Investments Received at Totalisator Agencies

Details of investments at all totalisator agencies for each race meeting and race will be collated at head office and from there transmitted to the totalisator on the course unless special circumstances otherwise require or as provided in clause (10) and clauses (11) and (12) of this Part.

Facilities at present available make the telephone system the most suitable means of communication between totalisator agencies, offices, and the head office, and from there to the course.

It will be the policy of the Board to take all steps reasonably available to ensure simplicity of procedure and accuracy of transmission, and for these purposes changes in present methods may be made from time to time.

While in general the intention will be to have investments off course registered and exhibited on the totalisator on the course when it opens, it is recognised that delays in collation and transmission or any special problems of the club conducting the meeting will make this not always possible.

(6) Dividends

Except as is otherwise provided in clause (10) and clauses (11) and (12) of this Part, dividends shall be payable at the same rates as those paid by the totalisator on the course.

Dividends on cash investments may be paid by cash or by cheque; on telephone or postal investments by cheque, money order, postal note, bank draft or bank transfer.

In respect of payments of dividends by the Board otherwise than by cash the investor may be required to pay any exchange and stamp duty payable on cheques, bank drafts and bank transfers or commission on money orders or postal notes as the Board may decide.

Times for Payment of Dividends

(a) *Cash Investments*: No dividends for cash investments will be paid at any totalisator agency on the same day as the race in respect of which the dividend is due is run. They will be paid on the first convenient working day after such race day. There will be facilities at agencies for payment of late dividends. The period during which dividends in respect of any or all race meetings are payable at totalisator agencies or offices may be limited by the Board as it thinks fit and reasonable.

(b) *Telephone Investments*: Dividends will be credited to the depositor's account. The Board will dispose of the amount standing to the credit of the account of a depositor in accordance with his instructions. In the absence or pending the receipt of such instructions the whole or part of the amount due may be retained or remitted to the depositor at any time at the discretion of the person in charge at the totalisator agency at which the account is held.

(c) *Postal Investments*: Dividends shall be posted to the investor as soon as conveniently possible.

(7) Office Hours of Totalisator Agencies

Totalisator agencies shall open for business at such times and for such periods reasonably convenient to the public as the Board, from time to time, directs.

(8) Refund of Investments

(a) *Scratchings*: Generally where win and place investments on a horse which is scratched or withdrawn from a race are refunded to the Board, or cannot be invested by the Board on account of such scratching or withdrawal, then such investments shall be refunded to the investor except in so far as is otherwise provided in the rules of the Board.

In general the foregoing will apply to investments on the doubles totalisator but subject to the provisions of clause (9) of this Part and to any rules relating specifically to that type of investment.

(b) *Errors*—(i) *Cash Investments*: The off-course investor will be in the same position as if an error was made in the issue of a ticket from the totalisator on course, that is, unless he rectifies the error at once he is deemed to accept the ticket issued to him.

(ii) Telephone Investments—

(a) Where the error results in the incorrect investment being made: *Prima facie* the investment will be deemed to be that which is recorded so that the investor shall suffer the loss or receive the benefit as the case may be.

Where, however, the error results in a loss to the investor who alleges that the error was due to the mistake or other fault of any servant of the Board, or of an agent or of any servant of the agent, the Board will inquire into the circumstances, and if in its sole discretion the Board is satisfied that such error was due either to the wilful default or to the negligence of such servant or agent, the Board will refund the amount invested but shall not be liable for any dividend which would have been payable had the correct investment been made.

Application for a refund must be made promptly after notice of the error is received or deemed to be received by the investor. Further particulars will be the subject of rules of the Board.

Notwithstanding the foregoing the Board shall have a discretion to pay part, or all, of the dividends which would have been due but for the error.

(b) Where the error results in no investment being made: If at the totalisator agency where the deposit lies there is a record, in writing, of an investment having been made the Board will accept it as such even if the investment has not been transmitted to the totalisator.

(iii) *Postal Investments*—In respect of investments by post the investor will be bound by his written instructions but subject to the right of the Board to reject the investment or interpret the intention of the investor where the instructions are incomplete or ambiguous.

(9) Investments at Doubles Totalisator

Primarily off-course investments on the doubles totalisator must be subject to such regulations prescribed for the operation of that totalisator as are made from time to time by the conferences or either of them. While recognising this, it is appreciated that in practice it is not possible to afford the investor off course the same facilities in the nomination of his double or in the replacement of a scratched horse as are available to the investor on course. The off-course investor will be required to nominate his selections in both the first and second race of the double. Having regard to the time available provision will be made in the rules of the Board for the investor to withdraw the investment if a selected horse is scratched or withdrawn from either race of the double.

Where an investment is not withdrawn by the investor in respect of a horse scratched from the first race of the double, the investment will be subject to the provisions of clause (8) governing refunds of investments.

Where an investment is not withdrawn by the investor in respect of a horse scratched from the second race of the double and the horse selected in the first race of the double is the winner of that race, the Board will arrange for the investment to be made in the second race of the double on a substitute horse in such manner as is provided in the rules of the Board.

In order to avoid unnecessary administrative difficulties and to reduce the risk of error at the totalisator, the Board will not transmit to the totalisator details of the investments on the second race of the double at the time the details of the investments on the first race of the double are transmitted. These will be withheld by the Board until after the result of the first race of the double is known, following which only details of those investments which have qualified for the second race will be transmitted.

(10) Transmission or Other Failure Prior to the Closing of the Totalisator

(a) There may be occasions when part or all of the investments received for any race or for a double cannot be recorded on the totalisator because of failure in the means of transmission or by reason of other similar unforeseen circumstances. In any such event the policy of the Board will be to recognise every such investment as qualifying for a dividend depending upon the result of the race concerned and subject to the decision of the appropriate officers of the club concerned.

It is recognised that the adoption of this policy ought to include, so far as is reasonably possible, the payment off course of the same dividend as is declared on course. There is, however, the practical requirement that the Board ought not to be in the position of incurring a heavy loss or making a substantial gain. In respect of win or place investments this is unlikely to result, and accordingly, as to any such investment unable to be recorded on the totalisator, it is intended to pay the same dividend as is declared on the totalisator.

In respect of investments on the doubles totalisator there is a real possibility of heavy loss or a substantial gain unless a large proportion of the investments received are recorded on the totalisator. It is intended, therefore, under the circumstances set out hereunder, either to pay in respect of these investments the same dividend as is declared on the totalisator or to establish a separate pool off course and to calculate the dividend accordingly.