

(16) Conditions of Investing at Totalisator Agencies

Any person making an investment at or through a totalisator agency shall be deemed to accept and shall be bound by—

- (a) The provisions of Part I, II, and III, of this scheme.
- (b) The rules of the Board exhibited in the totalisator agency where the investment is made or of which public notice has been given in the *New Zealand Gazette*.
- (c) The rules of racing relating to the entry, acceptance, bracketing, withdrawal or disqualification of horses; to the running of races; to the powers of the stewards or any other tribunal authorised under the rules of racing; and to the operation of the totalisator, including the calculations of dividends except in so far as any of these may be in conflict with any of the provisions of this scheme or any variations thereof or with rules of the Board.

Pursuant to the provisions of the Act, the Board has made regulations excluding certain classes of persons from any totalisator agency. Any person so excluded who invests at or through a totalisator agency shall forfeit his investment and any dividend payable thereon.

PART IV: FINANCE**(1) Capital and Income**

The capital fund of the Board has been built up through the $\frac{1}{2}$ percent levy on totalisator investments, formerly permitted by statute for a period of five years but now withdrawn, from so much of the commission of $7\frac{1}{2}$ percent retained by the Board and not distributed to clubs and from the assets of the Board accrued since the initial scheme went into operation.

The gross income of the Board is derived primarily from the commission of $7\frac{1}{2}$ percent deductible by law from the amount of off-course investments. Income will be derived by the Board to a lesser extent from other sources such as the investment of moneys not distributed to the clubs.

In addition, the Board may derive income from any other source incidental to its main purpose and operations.

(2) Distribution of Profits

(a) The Board shall be entitled to retain at its discretion part or all of any profits made in any year.

(b) All profits not so retained shall be divided into two parts to be known as the "racing fund" and the "trotting fund" which shall be calculated as follows:

- (i) "The racing fund" shall be that proportion of the said profits not so retained that the on-course turnover plus the net off-course turnover of all totalisator racing clubs for the year ended 31 July bears to the total on-course turnover plus the net off-course turnover of all totalisator clubs for the year ended 31 July.
- (ii) "The trotting fund" shall be that proportion of the said profits not so retained that the on-course turnover plus the net off-course turnover of all totalisator trotting clubs for the year ended 31 July bears to the total on-course turnover plus the net off-course turnover of all totalisator clubs for the year ended 31 July.

(c) Such profits not so retained shall be distributed as follows:

- (i) "The racing fund" shall be distributed to all totalisator racing clubs. In determining such distribution the Board may first set aside some proportion of the "racing fund" and divide this equally amongst all totalisator racing clubs.

The balance or the full amount as the case may be shall be divided between all totalisator racing clubs in the proportion that the on-course turnover plus the net off-course turnover recorded on each racing club totalisator bears to the total on-course turnover plus the total net off-course turnover recorded on the totalisators of all racing clubs for the year ended 31 July.

- (ii) "The trotting fund" shall be distributed to all totalisator trotting clubs. In determining such distribution the Board may first set aside some proportion of the "trotting fund" and divide this equally amongst all totalisator trotting clubs. The balance or the full amount as the case may be shall be divided between all totalisator trotting clubs in the proportion that the on-course turnover plus the net off-course turnover recorded on each trotting club totalisator bears to the total on-course turnover plus the total net off-course turnover recorded on the totalisators of all trotting clubs for the year ended 31 July.

(d) In determining the net off-course turnover for the purpose of subparagraph (b) (i) and (ii) and subparagraph (c) (ii) hereof for the year ending 31 July 1968 and the year ending 31 July 1969 the net off-course turnover for the New Zealand Metropolitan Trotting Club in respect of a New Zealand Trotting Cup day which coincides with a Melbourne Cup day in either year for which the Board is accepting investments shall be the actual net off-course turnover received in respect of the New Zealand Metropolitan Trotting Club for that day or shall be the average net off-course turnover received in respect of the New Zealand

Metropolitan Trotting Club for the New Zealand Trotting Cup day for the three previous years whichever is the higher.

(e) For all purposes of this clause the amount received by the Board in respect of special doubles investments on New Zealand racing and trotting meetings shall be deemed to be off-course turnover of the totalisator club or clubs which conduct the races in the special double and if more than one such club in equal shares.

Pursuant to the provisions of section 9 of the Gaming Amendment Act 1949, I hereby approve of the foregoing scheme for the establishment and operation of totalisator agencies in respect of race meetings.

Dated this 3rd day of November 1967.

D. C. SEATH, Minister of Internal Affairs.

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TOTALISATOR AGENCY BOARD**RULES RELATING TO INVESTMENTS AT OR THROUGH
TOTALISATOR AGENCIES**

PURSUANT to the authority of and for the purposes provided by section 7 (1) (d) of the Gaming Amendment Act 1949, the Totalisator Agency Board made the following rules by resolution passed on the 13th day of October 1967.

1. Interpretation

In these rules, if not otherwise inconsistent with the context—

"The Act" means the Gaming Act 1908 and any amendments thereto and any other Act passed in lieu thereof or in consolidation thereof or in substitution thereof:

"Totalisator agency" means a totalisator agency as defined by the Act and includes any premises occupied by or on behalf of the Board on which totalisator investments are received direct from the public pursuant to the provisions of Part III of the approved scheme:

"The approved scheme" means the scheme for the establishment and operation of totalisator agencies in respect of race meetings as was approved by the Minister of Internal Affairs on the 3rd day of November 1967 and any amendments or modifications thereto duly approved:

"The Board" means the Totalisator Agency Board established by the Act:

"The club" means a racing club or a trotting club:

"Course" means the place where a race meeting is held:

"Race meeting" means any race meeting for which investments are accepted by the Board:

"Race" includes a trotting race and "Racing" includes trotting:

"Rules of racing" means the New Zealand Rules of Racing and includes the New Zealand Rules of Trotting or otherwise the rules of racing which are declared by the Board to apply to the race or race meeting:

"Scratching" includes withdrawal.

2. Purpose of Rules

The purpose of these rules is to implement the operation of the approved scheme by making provision for the conditions under which investments will be accepted at or through totalisator agencies and for other matters incidental to the operation of the approved scheme at totalisator agencies.

A copy of these rules shall be exhibited in each totalisator agency in a position readily accessible to the public.

3. Commencement and Application of These Rules

These rules shall come into operation on the day of publication in the *Gazette*, as from which date any earlier rules shall be deemed to be revoked, provided however that any matter which had originated under the said rules hereby revoked shall enure for the purpose of these rules as fully and effectually as if it had originated under these rules.

These rules shall apply to all persons investing or attempting to invest at or through any totalisator agency declared by the Board to be open for receiving investments from the public.

4. General Conditions Relating to Investments at or Through Totalisator Agencies

(a) *Approved Scheme*—Any person making an investment or attempting to make an investment at or through a totalisator agency shall be deemed to accept and be bound by the relevant provisions of the approved scheme, a copy of which shall be available at all totalisator agencies for perusal on demand.

(b) *Rules of Racing*—Investments made at a totalisator agency are deemed to be accepted for transmission to the totalisator on the course subject to the rules of racing, more particularly the provisions in respect of the entry, acceptance, bracketing, withdrawal, or disqualification of horses, to the running of races, to the powers of the stewards or any other tribunal authorised under the rules of racing, and to the operation of the totalisator, including the calculation of dividends.