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## LEGISLATION

### Rules

#### TOTALIZATOR ACT 1997

##### TAB TOTALIZATOR RULES

IN accordance with the provision of section 54(1) of the Totalizator Act 1997, the Minister for Gaming and Racing has approved of the following Totalizator Rules.

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## RULES FOR THE CONDUCT OF TOTALIZATORS

### 1. PRELIMINARY

#### 1.1 Application

- 1.1.1 Unless otherwise provided, these rules:
- (a) apply in respect of any totalizator conducted by TAB for betting on any racing or sports event or contingency in accordance with sections 14 or 15 of the Act; and
  - (b) must, pursuant to section 58(2) of the Act, be complied with by any racing club in respect of any on-course totalizator conducted by it (whether as a domestic totalizator or where bets are received as agent for TAB) for betting on a racing event or contingency at a racecourse in accordance with section 15 of the Act.
- 1.1.2 These rules:
- (a) only apply to TAB in so far as they relate to a totalizator conducted by TAB; and
  - (b) do not apply to TAB to the extent the Minister approves, either under the Act or under the terms of TAB's off-course totalizator licence, that the rules of another entity conducting totalizator betting outside of New South Wales will apply.
- 1.1.3 Unless the context otherwise requires or, except to the extent the racing club's own rules made by the Minister under the Act specifically exclude these rules then references in these rules:
- (a) to TAB include a reference to a racing club conducting an on-course totalizator;

- (b) to the rights, powers, actions, determinations or obligations of TAB includes a reference to the rights, powers, actions, determinations or obligations of a racing club conducting an on-course totalizator; and
- (c) to an operator in a TAB outlet includes a reference to an operator at a racing club conducting a domestic totalizator.

#### 1.2 Commencement

These rules commence on 12 January 2004 and replace those previously gazetted on 27 February 1998 (as amended).

#### 1.3 Agreement to rules

Every person who makes a bet with TAB, or racing club conducting an on-course totalizator, is deemed to be acquainted with and agrees to be bound by these rules and the Act.

#### 1.4 Powers of TAB and determination of matters

- 1.4.1 If in relation to a race or sports betting event, any circumstance should arise or event happen that is not provided for by these rules or the Act, the matter is to be dealt with in the manner as TAB, (or in the case of a domestic totalizator the committee or the stewards) may determine.
- 1.4.2 Subject to these rules, all decisions made by TAB concerning any race or sports betting event, including the declaration and payment of dividends and the interpretation of these rules, will be final and binding on all persons who make a bet on a totalizator and on every person making a claim under or in respect of these rules.

1.4.3 Subject to these rules, the decision of TAB on:

- (a) any question or dispute as to the amount of dividend or refund payable in respect of any bet; or
- (b) any question as to the genuineness of any betting ticket or any forgery, alteration of, or tampering with a betting ticket;

will be final and conclusive. A person may seek the advice or opinion of the Department of Gaming & Racing on any question or dispute decided upon by TAB under this rule.

1.4.4 A decision made under this clause by the committee of a racing club conducting a domestic totalizator (or by the stewards overseeing the relevant race meeting) into which bets are paid by another racing club is binding on the committee of that other racing club and the stewards overseeing its meeting.

## 1.5 Definitions

In these rules:

“**aggregate amount**” see clause 3.6.5;

“**all-up bet**” means a bet:

- (a) made on the chance of winning a series of bets made on a series of win and place totalizators or other totalizators as determined by TAB; and
- (b) in which the amount of the bet in respect of the second or any subsequent totalizator is the amount of the dividend or refund (if any) on the previous totalizator;

“**all-up betting record**” means an all-up betting record established under clause 13.1;

“**backed**” means a bet has been made on the contestant, finisher or combination as the case may be;

“**bad sale**” means a bet not paid for after close of betting;

“**betting account**” see clause 2.9.2;

“**betting ticket**” or “**ticket**” see clause 2.6.2;

“**betting voucher**” see clause 2.10;

“**cash bet**” means a bet made, whether by means of cash, betting voucher or electronic funds transfer, by a person who attends at a TAB outlet or at a NSW racecourse where a domestic totalizator is conducted by a racing club;

“**close of betting**” means:

- (a) in relation to a race:
  - (i) the start of the race (being, in the case of a greyhound race, the start of the lure); or
  - (ii) such other time as TAB may direct in relation to a particular race or class of races or in relation to any particular circumstance or class of circumstances; and
- (b) in relation to a sports betting event:
  - (i) the start of the event; or

- (ii) such other time as TAB may direct in relation to a particular event or class of events or in relation to any particular circumstance or class of circumstances;

“**committee**” means in relation to a race meeting, the committee of the racing club holding the race meeting;

“**contestant**” means in relation to a race, a horse or greyhound entered for the race at the opening of betting on the race, but does not include a horse or greyhound that is subsequently scratched from the race;

“**contestant number**” means the number allocated by TAB, or a racing club conducting a domestic totalizator, to a contestant in respect of a race and displayed on a notice at the TAB outlet or racecourse (as the case may be);

“**declaration of correct weight**” includes:

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

“**device bet**” means a bet where the details of the bet are instructed by way of a device or electronic data transfer means including by:

- (a) use of a telephone and interactive voice recognition in PhoneTAB Express or by a telephone keypad in PhoneTAB Keypad; or
- (b) use of a computer and the internet in NetTAB or BetStream;

or by any other technology means approved by TAB from time to time;

“**dividend pool**” means the total moneys paid into the totalizator on any race or sports betting event:

- (a) less any money to be refunded to investors pursuant to these rules;
- (b) less commission deducted pursuant to Part 6 of the Act; and
- (c) after making any other adjustment required by the Act, or these rules;

“**domestic totalizator**” means an on-course totalizator which is conducted at a New South Wales racecourse by a racing club on an event where TAB does not conduct a totalizator in respect of the same event;

“**double**” means a combination of 2 races declared to be a double by an order under clause 11.1;

“**doubles totalizator**” means a totalizator for persons to bet on a double with a view to successfully predicting the contestants that will be placed first in the first and second legs of the double;

“**exacta totalizator**” means a totalizator for persons to bet on a race with a view to successfully predicting, in the correct order, the contestants that will place first and second in the race;

“**event**” includes a contingency;

“**flexi bet**” means a bet on a type of totalizator as set out in clause 2.5.2, where the amount of the investment on each combination covered by the

bet is not equal to a unit of investment or a whole number multiple of the unit of investment;

**“finisher”** means in relation to a race, a starter that completes the race, but excludes a starter that is disqualified or declared a non-starter before the declaration of correct weight for the race;

**“first 4 race”** means a race declared to be a first 4 race by an order under clause 9.1;

**“first 4 totalizator”** means a totalizator for persons to bet on a first 4 race with a view to successfully predicting, in the correct order, contestants that will place first, second, third and fourth in the race;

**“golden superfecta race”** means a race declared to be a golden superfecta race by an order under clause 10.1;

**“investor”** means a person who pays for and makes a bet which is accepted by TAB, or a racing club conducting an on-course totalizator;

**“investment pool”** means the total moneys paid into a trifecta, first 4 or superfecta totalizator less any money to be refunded to investors pursuant to these rules.

**“jackpot race class”** means one of the following:

- (a) NSW Metropolitan Race;
- (b) NSW Non-Metropolitan Race;
- (c) Non-NSW Metropolitan Race;
- (d) Non-NSW Non-Metropolitan Race;
- (e) a harness race held in New South Wales;
- (f) a harness race held outside New South Wales;
- (g) a greyhound race held in New South Wales; or
- (h) a greyhound race held outside New South Wales;

**“late scratching”** in relation to a race means a contestant declared a scratching after the deadline for scratchings prescribed by the controlling body or racing club responsible for the conduct of the relevant race meeting;

**“manager”** of a TAB outlet means:

- (a) if the TAB outlet forms part of licensed premises, the licensee of the premises within the meaning of the Liquor Act 1982; or
- (b) if the TAB outlet forms part of registered club premises, the secretary of the club within the meaning of the Registered Clubs Act 1976; or
- (c) in any other case, the person for the time being having the control or management of the TAB outlet;

**“minimum dividend”** means a minimum dividend in respect of a unit of investment bet on an event. The minimum dividend provisions are set out in Appendix 2 (Determination of Dividend – Minimum & Fractions) to these rules and may be amended by TAB from time to time;

**“NSW Metropolitan Race”** means a horse race held in New South Wales at one of the following racecourses:

- (a) Royal Randwick;
- (b) Rosehill Gardens;

(c) Warwick Farm; or

(d) Canterbury Park;

**“NSW Non-Metropolitan Race”** means a horse race held in New South Wales which is not a NSW Metropolitan Race;

**“Non-NSW Metropolitan Race”** means a horse race held outside New South Wales at one of the following racecourses:

- (a) Flemington;
- (b) Caulfield;
- (c) Sandown;
- (d) Moonee Valley;
- (e) Eagle Farm;
- (f) Doomben;
- (g) Morphettville;
- (h) Cheltenham;
- (i) Victoria Park;
- (j) Ascot;
- (k) Belmont; or
- (l) Elwick;

**“Non-NSW Non-Metropolitan Race”** means a horse race held outside New South Wales which is not a Non-NSW Metropolitan Race;

**“on-course totalizator”** means an on-course totalizator conducted by a New South Wales racing club in accordance with section 15 of the Act in respect of betting on an event or contingency scheduled to be held at a race meeting on any racecourse whether in or outside Australia and includes a domestic totalizator;

**“operator serviced terminal”** means a totalizator selling device in a TAB outlet where the terminal is operated by a TAB operator on behalf of the person making the bet but excludes any selling device operating in self service mode;

**“quinella totalizator”** means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, the contestants that will place first and second in the race;

**“racing club”** has the same meaning as in the Act;

**“rules”** means the rules for the conduct of totalizators as set out in this document and the appendices and as amended from time to time;

**“rules of racing”** means the rules of racing and rules of betting of the racing industry controlling bodies, as the case requires;

**“self service terminal”** means a totalizator selling device operated by the person making the bet at a TAB outlet without the assistance of a TAB operator;

**“spinner totalizator”** means a totalizator for persons to bet on a race with a view to successfully predicting, regardless of order, whether the contestant numbers of the contestants that place first and second in the race, are both odd numbers, both even numbers or an odd number and an even number;

**“sporting event rules”** means the rules constituted by the controlling body or committee under whose authority the sports betting event is decided;

**“sports betting event”** means a competition or event between two or more contestants declared to be a sports betting event in accordance with section 14(1)(b) of the Act;

**“starter”** means a contestant who has started or been given the opportunity to start in a horse or greyhound race;

**“stewards”** means in relation to a race meeting:

- (a) the stewards appointed by:
  - (i) the racing club holding the race meeting; or
  - (ii) the district racing association; or
  - (iii) the NSW Thoroughbred Racing Board (Racing NSW); or
  - (iv) Harness Racing Authority; or
  - (v) Greyhound Racing Authority; 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 Authority as is authorised by that Authority to act in the place of a steward at the race meeting;

**“succeeding first 4 race”** means, in relation to a first 4 race (**“initial first 4 race”**):

- (a) the next first 4 race (if any) conducted on the same day and at the same race meeting as the initial first 4 race; or if there is none,
- (b) the next first 4 race of the same jackpot race class as the initial first 4 race scheduled to occur on the next day on which there is a first 4 race of the same jackpot race class as the initial first 4 race;

**“succeeding superfecta race”** means, in relation to a superfecta race (**“initial superfecta race”**):

- (a) the next superfecta race (if any) conducted on the same day and at the same race meeting as the initial superfecta race; or if there is none,
- (b) the next superfecta race of the same jackpot race class as the initial superfecta race scheduled to occur on the next day on which there is a superfecta race of the same jackpot race class as the initial superfecta race;

**“succeeding trifecta race”** means, in relation to a trifecta race (**“initial trifecta race”**):

- (a) the next trifecta race (if any) conducted on the same day and at the same race meeting as the initial trifecta race; or if there is none,
- (b) the next trifecta race of the same jackpot race class as the initial trifecta race scheduled to occur on the next day on which there is a trifecta race of the same jackpot race class as the initial trifecta race;

**“superfecta race”** means a race declared to be a superfecta race by an order under clause 10.1;

**“superfecta totalizator”** means a totalizator for persons to bet on a superfecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second, third, fourth, fifth and sixth in the race;

**“TAB”** means TAB Limited constituted by the Totalizator Agency Board Privatisation Act 1997;

**“TAB outlet”** means an office, branch or agency of TAB at which bets in connection with a totalizator are received from the public. Where the context permits, an agency of TAB includes a New South Wales racecourse where bets in connection with an on-course totalizator are received by the racing club as agent for TAB pursuant to section 17(3) of the Act (as the racing club and TAB are conducting a totalizator in respect of the same event or contingency);

**“telephone bet”** means a bet where the details of the bet are instructed by telephone to an operator at an approved TAB outlet;

**“the Act”** means the Totalizator Act 1997;

**“trifecta race”** means a race on which a trifecta totalizator is conducted;

**“trifecta totalizator”** means a totalizator for persons to bet on a trifecta race with a view to successfully predicting, in the correct order, the contestants that will place first, second and third in the race;

**“unit of investment”** means the minimum amount that can be invested on a particular totalizator as set out in clause 2.4;

**“USA racing event”** – see clause 14.1.1;

**“walkover”** means a race comprising only one starter which is subsequently declared the first placed finisher in the race;

**“win and place totalizator”** means totalizators for persons to bet on a race with a view to successfully predicting:

- (a) the contestant that will place first in the race; or
- (b) a contestant that will place first, second or third in a 3 dividend race; or
- (c) a contestant that will place first or second in a 2 dividend race.

## 1.6 Interpretation

In these rules unless the contrary intention appears:

- 1.6.1 a reference to these rules includes any variation or replacement of them;
- 1.6.2 a reference to a statute or other law includes regulations and other instruments under it and any consolidations, amendments, re-enactments or replacements of it;
- 1.6.3 the singular includes the plural number and vice versa;
- 1.6.4 a reference to a gender includes a reference to each gender;
- 1.6.5 the word “person” includes a firm, corporation, body corporate, unincorporated association or a governmental authority;
- 1.6.6 a reference to a person includes a reference to the person’s legal personal representatives, successors, liquidators, trustees in bankruptcy and the like, and permitted assigns;
- 1.6.7 “includes” means includes but without limitation;

- 1.6.8 where a word or phrase is given a defined meaning in these rules, any other part of speech or grammatical form in respect of such word or phrase has a corresponding meaning;
- 1.6.9 a reference to an act includes an omission and a reference to doing an act includes executing a document; and
- 1.6.10 a heading is for reference only. It does not affect the meaning or interpretation of these rules.

## 2. INVESTMENTS

### 2.1 How to make a bet

A person may make a bet with TAB, or with a racing club conducting an on-course totalizator, in one of the following ways:

- 2.1.1 by using a provided entry form to supply to TAB, or the racing club, with details of the bet the person wishes to make; or
- 2.1.2 by asking TAB, or the racing club, to enter details of the bet into the TAB or racing club computer system; or
- 2.1.3 by a telephone bet; or
- 2.1.4 by a device bet; or
- 2.1.5 by using any other method approved by TAB.

### 2.2 Acceptance and payment for bets

A bet will be accepted by TAB, or by a racing club conducting an on-course totalizator, if the bet is made in accordance with these rules and payment is made in one of the following ways:

- 2.2.1 by the deposit of the amount of the bet in cash (including by electronic transfer) or by use of a betting voucher; or
- 2.2.2 by debit against funds held in the betting account of the person making the bet; or
- 2.2.3 by any other method approved by TAB.

### 2.3 Discretion to declare accepted bet invalid

If for any reason including a system malfunction or human error, betting is not closed at the actual start of a race or sports betting event, any bet sold or accepted after the first contestant crosses the finish line or the event is otherwise completed, may, at TAB's discretion, be declared invalid and subject to cancellation prior to the declaration of dividends. If TAB declares any bet invalid in these circumstances, the investor will only be entitled to a refund of the bet amount.

### 2.4 Amount of bets and minimum bet

Except in the case of flexi bets:

- 2.4.1 the minimum amount that may be invested on a totalizator in a bet is the relevant single unit of investment as set out for that totalizator type in the table in clause 2.4.2 or such other amount as TAB may determine from time to time; and
- 2.4.2 any greater amounts invested on a totalizator must be a multiple of the relevant single unit of investment for that totalizator type.

<i>totalisator type</i>	<i>unit of investment</i>
racings	\$0.50
sports betting events	\$1.00

### 2.5 Flexi bets

- 2.5.1 In the case of a flexi bet, the minimum amount that may be invested on a totalizator in a single bet is the greater of:
- 1 cent for each combination covered by the bet; or
  - \$5.00 or such other amount as TAB may determine from time to time.
- 2.5.2 Flexi bets are available on a trifecta totalizator, first 4 totalizator, superfecta totalizator or any other totalizator as otherwise determined by TAB.
- 2.5.3 The amount invested on each combination covered by a flexi bet is determined by dividing the total amount of the flexi bet by the number of combinations covered by the flexi bet (with any fractions rounded down to the nearest ten-thousandth of a cent (ie. rounded down to four decimal places)).
- 2.5.4 Any amount resulting from rounding down the amount covered by a combination covered by a flexi bet to the nearest ten-thousandth of a cent forms part of the investment pool of the relevant totalizator upon which the flexi bet is made.

### 2.6 Cash bets

- 2.6.1 Method of making cash bets
- A person who makes a cash bet must give details in the form as TAB (or the racing club conducting a domestic totalizator) may determine from time to time. This detail may include:
    - the race meeting at which the race or races to which the bet relates will take place;
    - the number or numbers of the race or races to which the bet relates;
    - the contestant number or contestant numbers to which the bet relates;
    - the sports betting event to which the bet relates and the winning teams or final score;
    - the amount of the bet;
    - the type of the bet; and
    - any additional information in relation to the bet as may be required by an operator whose function it is to accept the bet at the TAB outlet or at the racecourse on behalf of the racing club, so as to identify the particular bet being made.
  - If in the opinion of the manager of the TAB outlet the person making the cash bet speaks in an insulting, indecent or threatening manner, or conveys any

false or misleading information or incomplete or unclear instructions, or the person is intoxicated, or indecent, violent or quarrelsome in their conduct as determined by the manager, the manager may direct:

- (i) that a cash bet not be accepted;
- (ii) that a cash bet (if accepted) be cancelled and the amount of the bet be refunded; and/or
- (iii) that the person be removed from the TAB outlet for the period determined by the manager (not extending beyond one day).

#### 2.6.2 Betting tickets to be issued for cash bets

- (a) If a person makes a cash bet, then the TAB outlet or the racing club conducting the domestic totalizator (as the case may be) must, while the person is at the place where the bet is made in connection with the totalizator, issue a ticket to the person who made the cash bet ("betting ticket").
- (b) The betting ticket will show complete details of the bet in the form TAB, or the racing club, may determine from time to time.
- (c) The betting ticket acknowledges receipt by TAB, or the racing club, of the bet in relation to which the betting ticket is issued.
- (d) The betting ticket may be cancelled if the amount of the bet is not paid for immediately after the betting ticket is issued.

#### 2.6.3 Records of cash bets

- (a) Notwithstanding any other provision of these rules (including the issue of a betting ticket), a cash bet is not taken to have been accepted at a TAB outlet, or the racing club conducting the domestic totalizator, unless a record of the bet has been entered into TAB's system in the manner as TAB may determine from time to time.
- (b) TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of:
  - (i) any delay, failure, malfunction or breakdown in any part of the TAB system (whether mechanical or human) which prevented a cash bet from being made by entry onto the TAB system; or
  - (ii) a malfunction with a betting ticket printer where the cash bet was made and recorded into TAB's system and the betting ticket was not printed or was printed incorrectly.

#### 2.6.4 Details on betting tickets

- (a) Subject to clause 2.6.3, the details recorded on a betting ticket issued by

TAB, or the racing club conducting an on-course totalizator, are taken to be the details of the bet for which the betting ticket is issued, even if those details differ in any respect from the details given by the person making the bet.

- (b) It is the responsibility of the person making the bet to make sure details on the betting ticket are in accordance with the bet details requested by the person.

#### 2.6.5 Cancellation for errors on betting tickets

- (a) A person who is issued with a betting ticket that the person claims is incorrect because it does not correctly reflect the details given by the person when the bet was made is only entitled:

- (i) to have the ticket cancelled and a new ticket reissued at the TAB outlet or racing club conducting the domestic totalizator of issue, in accordance with the details given; or
- (ii) to have the ticket cancelled and the amount of the bet refunded by the TAB outlet or the racing club conducting the domestic totalizator of issue;

where:

- (iii) the operator at the TAB outlet or racing club conducting the domestic totalizator who issued the ticket is satisfied that it is incorrect on the grounds so claimed; and
  - (iv) the person surrenders the ticket to the operator; and
  - (v) the claim to have the ticket cancelled and reissued or cancelled and the bet refunded is made within the time periods set out in clause 2.6.5(b); and
  - (vi) the bet was sold through an operator serviced terminal.
- (b) The claim to the entitlement under clause 2.6.5(a) may only be exercised by the person making the bet:
    - (i) at any time up until the actual start of the previous race on the meeting to which the bet relates; or
    - (ii) if the bet relates to the first race of a meeting, at any time up until 30 minutes prior to the advertised start of the race; or
    - (iii) when only selected events on a race meeting are covered, at any time up until 30 minutes prior to the advertised start of the race; or
    - (iv) when the previous race is abandoned, at any time up until



- the advertised start time of the previous race; or
- (v) when a race is run out of order, at any time up until 30 minutes prior to the advertised start of the race; or
- (vi) if a doubles bet, at any time up until the start of the race prior to the first leg of the double; or
- (vii) for a bet sold on a sports betting event, at any time up until 30 minutes prior to the advertised close of betting on the totalizator; or
- (viii) if the bet was sold after the time periods in paragraphs (i) to (vii) at any time within 2 minutes after the betting ticket is issued and before the close of betting for the race or sports betting event or after that time at any time during a period of grace for cancelling a bad sale as determined by the TAB from time to time; or
- (ix) at any other lesser time determined by TAB.
- (c) A betting ticket that is reissued under this clause 2.6.5 is taken, for the purposes of clause 2.6.4, to be the betting ticket for the bet for which the original betting ticket was issued.

## 2.7 Telephone bets

### 2.7.1 Method of making telephone bets

- (a) A telephone bet may only be made to a telephone number at a TAB outlet (which has been approved by TAB for the purpose of receiving telephone bets) in which the person making the bet clearly states:
  - (i) the number of the betting account against which the bet is to be debited and (if required by the TAB operator accepting the bet) the PIN code and password allocated to that account; and
  - (ii) the details specified in clause 2.6.1 in respect of the bet.
- (b) If in the opinion of the manager of the TAB outlet the person making the telephone bet speaks in an insulting, indecent or threatening manner, or conveys any false or misleading information or incomplete or unclear instructions, as determined by the manager, the manager may direct:
  - (i) that a telephone bet not be accepted; or
  - (ii) that a telephone bet (if accepted) be cancelled and the amount of the bet be refunded; or
  - (iii) that a person's betting account be closed and any money standing

to the credit of the account be refunded to the person.

### 2.7.2 Records of telephone bets

- (a) An operator at a TAB outlet who proposes to accept a telephone bet:
  - (i) must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made; and
  - (ii) must repeat the details of the bet to the person to enable the person to correct any errors in the details. If the person does not make any corrections or the person indicates that he or she does not wish to have them repeated, the person is taken to have confirmed as correct the bet details in the record of TAB.
- (b) A telephone bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.
- (c) The details of a telephone bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
- (d) A record of each telephone bet made to a TAB outlet must be sent to TAB.
- (e) In addition to the other requirements of this clause, the manager of a TAB outlet must ensure that all telephone bets are tape recorded and the tape recording sent to TAB.
- (f) TAB must retain the tape recording for a period of at least 28 days from the date of the race or sports betting event to which the bet relates or, if a claim with respect to the bet is made during that period, until the claim is finally determined.

### 2.7.3 Cancellation of telephone bets

If, before the close of betting and during the course of the same telephone call and before the making of any further bets, the person claims that the details of the telephone bet are not as specified by the person, the operator of the TAB outlet accepting the bet:

- (a) must correct the record of the bet on TAB's system in accordance with the claim; or
- (b) if it is not practicable for that to be done before the close of betting, must reject and cancel the bet and refund the amount of the bet to the betting account.

- 2.7.4 Telephone system delays and failures  
TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone system (whether mechanical or human) which enables a telephone bet to be made.

## 2.8 Device bets

- 2.8.1 Method of making device bets
- (a) A device bet may only be made to a TAB outlet (approved by TAB for the purpose of receiving device bets) in which the person making the bet clearly gives an instruction to TAB's system of:
    - (i) the number of the betting account against which the bet is to be debited and the PIN code and password allocated to that account; and
    - (ii) the details specified in clause 2.6.1 in respect of the bet.
  - (b) If in the opinion of the manager of a TAB outlet the person's instructions are incomplete or unclear, the manager may direct:
    - (i) the device bet not be accepted; or
    - (ii) that a device bet (if accepted) be cancelled and the amount of the bet refunded.
  - (c) If a person has been refused access to the means of making a device bet to TAB fixed odds betting, then TAB may refuse to accept a device bet from that person for a totalizator under these rules.
  - (d) A device bet may be accepted at a TAB outlet even if any other bet to which the communication relates is not accepted.
- 2.8.2 Records of device bets
- (a) The TAB outlet that proposes to accept a device bet must make a record by entry of the bet onto TAB's system, in the manner as TAB may determine from time to time, of the details as are necessary to identify the person making the bet and to describe the particular bet made.
  - (b) A device bet is taken not to have been accepted at a TAB outlet unless a record of the bet has been made in accordance with this clause.
  - (c) The details of a device bet recorded in accordance with this clause are taken to be the details of the bet, even if those details differ in any respect from the details given by the person making the bet.
  - (d) A record of each device bet made to a TAB outlet must be sent to TAB.

- 2.8.3 Cancellation of device bets  
A device bet may not be cancelled after acceptance of the bet by the TAB outlet.
- 2.8.4 Telephone and computer system delays and failures  
TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by, or as a result of any delay, failure, malfunction or breakdown in any part of the telephone or computer system (whether mechanical or human) which enables a device bet to be made.

## 2.9 Betting accounts

- 2.9.1 Bets against funds in betting accounts  
A person may only make a telephone or device bet against funds in a betting account, established by the person making the bet. The bet will not be accepted if the amount of the bet is greater than the amount of the cleared funds in the account.
- 2.9.2 Establishment of betting account
- (a) A person may apply to TAB, or a racing club conducting an on-course totalizator, for the establishment of an account ("a betting account").
  - (b) An application:
    - (i) must specify the information, and be completed in the form and manner, as TAB, or racing club, may require; and
    - (ii) must be accompanied by:
      - (A) at least the approved minimum deposit which is to be credited to the account; or
      - (B) by a guarantee for not less than the approved minimum amount from a financial institution or other security acceptable to TAB, or the racing club, and which security is in accordance with arrangements approved by the Minister under the Act.
  - (c) A deposit to a betting account made by way of cheque or otherwise will not be credited to the account until TAB, or the racing club, is satisfied that the deposit is cleared funds.
  - (d) A person who establishes a betting account will be notified by TAB, or the racing club of the betting account number, PIN code and password allocated to the account.
  - (e) TAB, or the racing club, who receives a deposit for payment into a betting account must issue a receipt for the deposit to the person who made the deposit.
- 2.9.3 Instructions in relation to betting accounts
- (a) A person who has established a betting account may give instructions

- in the manner as TAB, or the racing club, may approve (including by telephone or by a device), relating to the application or disposal of any amount standing to the credit of the account.
- (b) TAB, or the racing club, must comply with any reasonable instruction given to it by a person under this clause.
- 2.9.4 Payment of TAB betting account guarantees
- (a) Subject to any other arrangements that may be agreed between TAB and the person establishing the betting account in relation to the enforcement of any security, if TAB sends a statement relating to a betting account to the last known address of the person who has lodged a guarantee from a financial institution with TAB in respect of the account, the person must within 14 days of the date of the statement pay to TAB any money due to TAB by the person from the operation of the account.
- (b) TAB may take action in terms of recovery under the guarantee from the financial institution as is necessary to recover any money that remains due after the expiration of the 14 day period.
- 2.9.5 Non-operation of TAB betting accounts and account fees
- (a) TAB may close any betting account that is not transacted on for a period exceeding 3 months and, in that event, may transfer any amount standing to the credit of the account to a dormant account operated by TAB. In this case TAB will notify the holder of the account at the last address known to TAB that the account has been closed.
- (b) TAB may reopen a betting account that has been closed under this clause and re-credit to the account any amount credited to a dormant account as a result of the closure of the account.
- (c) TAB may impose and debit any betting account with the following fees:
- (i) dormant account keeping fee;
  - (ii) a claim investigation fee;
  - (iii) an account administration fee for deposits to betting accounts;
  - (iv) a service fee for deposits to betting accounts made through persons other than TAB outlets.
- The fees will be as determined by TAB from time to time. TAB may waive any or all of the fees on a basis as it determines from time to time.
- 2.9.6 Credits to TAB betting accounts
- (a) If an amount has been incorrectly credited to a betting account or an

incorrect amount has been credited to the account, TAB:

- (i) may adjust the account to the extent necessary to rectify the incorrect credit; and
- (ii) if, as a result of such adjustment, the account is in debit, may recover from the holder of the account as a debt due, the amount of the deficiency in the account.

## 2.10 Betting vouchers

- 2.10.1 TAB, or a racing club conducting an on-course totalizator, may issue betting vouchers and may authorise any other person to issue betting vouchers.
- 2.10.2 A betting voucher:
- (a) will be in the form as TAB, or the racing club, determines including:
    - (i) a gift certificate;
    - (ii) a stored value card or coupon for use in a self service terminal;
    - (iii) an on-course key ticket; or
    - (iv) any other similar or like instrument to any of the above; and
  - (b) is valid for the period as is specified on the betting voucher provided that if no date is specified the voucher is valid for 12 months from the date of issue. Any unused value of a betting voucher after the expiry date for its validity will be retained by TAB and treated as unclaimed dividends; and
  - (c) is to be regarded as cash equal to the value of the amount represented by the voucher.
- 2.10.3 Betting vouchers may be accepted at any TAB outlet:
- (a) for the making of cash bets; or
  - (b) for the making of deposits to a betting account maintained with TAB.

## 2.11 Certificate as to records

- 2.11.1 TAB may issue a certificate in relation to a bet stating that the details of the bet as contained in a record kept or held by TAB are as specified in the certificate.
- 2.11.2 In any proceedings or dispute, a certificate under this clause is evidence as to the matters stated in the certificate.

## 2.12 Removal of certain persons from TAB outlets

The manager of a TAB outlet may direct a person to leave the TAB outlet if the manager is of the opinion that the person is creating a public annoyance. A direction has effect for the time (not extending beyond the day on which it is given) as the manager may specify in the direction.

## 2.13 Betting by minors

A person under the age of 18 years must not bet on a totalizator.

### 3. RESULTS, DIVIDENDS AND REFUNDS

#### 3.1 Result of race or sports betting event

In these rules:

- 3.1.1 a reference to the contestant or finisher placed first, second, third, fourth, fifth or sixth in a race is a reference to the horse or greyhound declared by the stewards to be the first, second, third, fourth, fifth or sixth finisher in the race;
- 3.1.2 a reference to the winning team or final score for the relevant footyTAB totalizators is as set out in clause 15.2.

#### 3.2 Payment of dividends

- 3.2.1 (a) A dividend or refund payable in respect of a bet will be available for collection or credited to the appropriate betting account as soon as is practicable after the race or sports betting event on which the bet was made.
- (b) Immediately after the declaration of dividends, notice of the amounts will be exhibited in a place appointed for that purpose by TAB.
- 3.2.2 Where a totalizator is conducted by TAB, no dividend will be declared and paid except by order of TAB, in accordance with the decision of TAB as to the result of the race or event, and when TAB has ordered a dividend to be declared and paid on the race or event no investor on any other result on that race or event will be entitled to receive a dividend on that race or event.
- 3.2.3 TAB, or a racing club conducting a domestic totalizator (as the case may be), must not declare or pay a dividend on:
- (a) a race or a combination of races except following a declaration of correct weight by the stewards; or
- (b) a sports betting event except following the announcement of official or podium positions at the conclusion of the event by the relevant controlling body or committee under whose authority the event or contest is conducted.
- 3.2.4 TAB is not liable to any person for any losses, damages, expenses or claims suffered or incurred by or as a result of any error in the declaration of correct weight by the stewards or the advice to TAB of the contestant numbers of the finishers in the race.

#### 3.3 Protests, objections and recontested events

- 3.3.1 If a protest is lodged in accordance with the rules of racing before the declaration of correct weight in a race, a dividend for that race must not be declared or paid until the protest has been decided by the stewards. Before making a decision on a protest, the stewards (subject to the declaration of correct weight) may declare placings not affected by the protest. TAB, or a racing

club conducting a domestic totalizator, may at its discretion make payment of dividends on the placings unaffected by the protest.

- 3.3.2 (a) If an objection or protest is lodged in accordance with the sporting event rules governing the sports betting event, TAB will declare the result based on the official or podium positions of the event as per the adjudication of the relevant controlling body or committee. Subsequent disqualification, promotion of contestants, or any other change is irrelevant for the purpose of determining the result of a bet on a sports betting event.
- (b) Should any sports betting event be recontested or replayed for any reason whatsoever, the replay will be treated as a separate event and will have no effect on the result of the original contest. TAB may, at its discretion treat the replay as a future contest.

#### 3.4 Calculation of dividends

- 3.4.1 A dividend is calculated by TAB, or a racing club conducting a domestic totalizator, on a single unit of investment for the relevant totalizator. The dividend is calculated:
- (a) by dividing the relevant totalizator dividend pool (or part thereof where the pool is divided) by the number of units of investment on the successful winning contestant or combination. (For those totalizators where flexi bets are available, any amounts bet which are less than a single unit of investment are to be included in the calculation of the dividend payable on a single unit of investment by the division of the relevant totalizator dividend pool.)
- (b) having regard to any determinations made by TAB in respect of:
- (i) the commission deductions before distribution of the balance of the relevant pool as dividends to investors who select the winning contestant or combination; and
- (ii) fractions and the rounding of any calculated amount of the dividend payable; and
- (iii) the minimum dividend provisions.
- 3.4.2 The dividend payable by TAB, or the racing club, in respect of a bet will bear the same proportion to the dividend declared in respect of a single unit of investment as the amount of the bet bears to a single unit of investment.
- 3.4.3 Subject to the clauses regarding where the winning combination is not backed

to the equivalent of a unit of investment in clauses 8 (trifecta totalizator), 9 (first 4 totalizator), and 10 (superfecta totalizator), the dividend calculated on a flexi bet will be the same proportion of the dividend declared for a unit of investment as the amount invested in the flexi bet on the relevant combination (as determined in accordance with clause 2.5 (Flexi bets)) bears to the single unit of investment.

### 3.5 Dividends and refunds to be paid on presentation of tickets

- 3.5.1 Where a betting ticket is issued for a cash bet under clause 2.6.2 (betting tickets to be issued for cash bets) a dividend or refund must not be paid except on presentation of a ticket unless otherwise approved by TAB, or the racing club conducting the domestic totalizator.
- 3.5.2 TAB, or a racing club, is not required to entertain a claim in respect of the short payment of a dividend or refund after the investor has left the payout window at the place where the dividend or refund was paid.
- 3.5.3 A ticket held in respect of a race or sports betting event that has been postponed to another date is invalid except only for the purpose of claiming a refund or as provided for in these rules.
- 3.5.4 A person may claim a dividend or refund for up to 12 months after the race or sports betting event on which the bet was made.

### 3.6 Payment of dividends, refunds and betting account balances

- 3.6.1 An amount to which a person is entitled:
- as a dividend or refund for a cash bet made at a TAB outlet or made on a racecourse with a racing club conducting a domestic totalizator; or
  - as the credit balance of a betting account established by the person with TAB, or the racing club conducting an on-course totalizator, for the purpose of making telephone or device bets at a TAB outlet,
- must, on application made by the person, be paid to the person in cash or by cheque.
- 3.6.2 The amount may be paid at a TAB outlet or at any other place as may be designated by TAB (or the racing club conducting a domestic totalizator) for that purpose, and may be paid at the times as TAB, or the racing club, may approve for the purpose.
- 3.6.3 A dividend or refund to which a person is entitled in respect of a telephone or device bet that has been debited against a betting account must be paid to the person:
- in accordance with any reasonable written instructions received from the person; or

- in the absence of any instructions, by payment into the person's betting account.

3.6.4 If TAB is in doubt as to the identity of the person to whom an amount is due (whether as a dividend, refund or balance of a betting account):

- TAB may, in the case of presentation of a ticket for a cash bet, investigate whether the person whom presents the ticket either placed the bet or is acting with the authority of the person who placed the bet and TAB may require a statutory declaration in the form and containing the information it may require; and
- TAB may retain the amount and pay it to any person who establishes to TAB's satisfaction that he or she is the person to whom the amount is due; and
- TAB is relieved from all further liability in respect of an amount paid by it to a person under this clause 3.6.4.

3.6.5 If a dividend or a refund to which a person is entitled is for an amount of less than 5 cents:

- where the person has established a betting account with TAB, the dividend or refund will be paid by TAB depositing the amount of that dividend or refund into the person's betting account; and
- where the person does not have a betting account with TAB:
  - if the aggregate of all dividends or refunds to which the person is entitled on all betting tickets which that person presents for payment at the same time is 3 cents or more ("aggregate amount") the aggregate amount will be rounded up or down to the nearest 5 cents as determined by TAB and paid to the person in accordance with this clause 3.6; and
  - otherwise, the dividend or refund will be rounded down to zero.

### 3.7 Claims concerning dividends or refunds

3.7.1 Within 14 days after a person becomes entitled to a dividend or refund for a bet or within such further time as TAB may allow, the person may lodge a written claim with TAB, or the racing club conducting a domestic totalizator as applicable, to the effect that the amount of the entitlement as calculated by TAB, or the racing club, is less than the actual amount to which the person is entitled.

- 3.7.2 After investigating the claim, TAB, or the racing club as applicable:
- (a) must notify the claimant of its decision; and
  - (b) may pay such dividend or refund to the claimant as to TAB, or the racing club, appears just and reasonable.

### 3.8 Claims concerning records of telephone bets

- 3.8.1 Within 14 days after making a telephone bet or within any further time as TAB may allow, a person may lodge a written claim with TAB to the effect:
- (a) that the details of the bet given by the person when making the bet were incorrectly recorded on entry into TAB's system; and
  - (b) that the person has suffered loss as a result of the error.
- 3.8.2 If, after investigating the claim, TAB is satisfied:
- (a) that the claim is justified; and
  - (b) that the error complained of was due to the negligence or wilful default of any officer, employee or agent of TAB;
- TAB will make any appropriate alteration to the record and will pay such dividend or refund to the claimant as to TAB appears just and reasonable.
- 3.8.3 Any election by the claimant not to have the details of a telephone bet repeated, as referred to in clause 2.7.2, will be taken into account in TAB's investigation of the claim.

### 3.9 Lost, destroyed and stolen ticket claims

- 3.9.1 Claims for dividends or refunds in respect of lost, destroyed or stolen betting tickets must be lodged within 21 days of the respective race meeting or sports betting event unless the claimant can provide a reason to the satisfaction of TAB for the delay in lodging the claim. Claims may be lodged at any TAB outlet. Where a claim is made:
- (a) TAB may charge the claimant a claim investigation fee, as determined by TAB from time to time, to investigate the claim; and
  - (b) a statutory declaration from the claimant in the form and containing the information as TAB requires must accompany the claim; and
  - (c) the claim will not be investigated prior to the occurrence of the respective race or sports betting event and the ticket becoming dividend or refund bearing unless:
    - (i) the ticket investment value exceeds \$100.00; or
    - (ii) in the case of a claim for a stolen ticket, the claimant has reported the theft to the police; and

- (d) the claimant will receive written acknowledgment of receipt of their claim within 21 days of the claim being received by TAB; and
- (e) TAB may stop payment on the ticket pending the outcome of its investigation.

- 3.9.2 Following investigation by TAB of the claim for the lost, destroyed or stolen betting ticket, if TAB is satisfied that the claimant is entitled to payment of a dividend or refund on the betting ticket then:
- (a) approved claims will be settled by way of issue of a betting voucher at a TAB outlet except for amounts greater than \$500.00, or at the request of the claimant, where payment will be made by way of a cheque in favour of the claimant and sent by mail; and
  - (b) TAB will immediately record the cancellation of the ticket.

### 3.10 Information to accompany claims

A claim by a person under this clause 3 need not be investigated unless the claimant gives to TAB, or racing club conducting a domestic totalizator (as the case may be), the information, tickets and other documents as are in the claimant's possession, as may be necessary to facilitate investigation of the claim.

### 3.11 Review of decisions on a claim

- 3.11.1 A person who is dissatisfied with the TAB's or racing club's decision on a claim under this clause 3 may request TAB, or racing club, as applicable to review its decision.
- 3.11.2 TAB or racing club will deal with a request for review in the same way as if it were a claim, except that the person who deals with the request must not be:
- (a) the person who dealt with the original claim; or
  - (b) a person who is under the supervision of the person who dealt with the original claim.
- 3.11.3 This clause does not authorise more than one request for review to be made in relation to any one claim.

## 4. RACING EVENT TOTALIZATORS – GENERAL RULES

### 4.1 Commission deduction

Money invested on a totalizator conducted by TAB, or a racing club, on one or more racing events will be subject to a commission deduction pursuant to Part 6 of the Act.

### 4.2 Refunds

- 4.2.1 Termination of totalizator pool
- If any totalizator for a race event is terminated under these rules, the whole amount invested on the race must be refunded to the investors.

- 4.2.2 Non-starters
- (a) If:
- (i) a contestant on which money has been invested does not become a starter in a race (including a re-run race); or
  - (ii) a combination of contestants on which money has been invested includes a contestant that does not become a starter in a race (including a re-run race);
- the money invested on the contestant or the combination (as the case may be) must be refunded to the investors.
- (b) Subclause (a) applies unless:
- (i) the money is invested on a doubles totalizator and clause 11.4 applies; or
  - (ii) the money is invested on a spinner totalizator and clause 12.2.7 applies; or
  - (iii) the money is invested on an all up bet and clause 13.2 applies.
- 4.2.3 Abandonment, postpone, walkovers etc
- (a) If a race is:
- (i) abandoned; or
  - (ii) postponed until another day; or
  - (iii) declared a no-race; or
  - (iv) a walkover,
- the whole amount invested on the race must be refunded to the investors.
- (b) Subclause (a) applies unless clause 11 applies in respect of a doubles totalizator.
- 4.2.4 No contestant or combination backed
- If none of the contestants or combinations in respect of which dividends are payable are backed, the whole amount invested on the relevant totalizator for the race must be refunded to the investors.

#### 4.3 Application of minimum dividend provisions in certain cases

TAB may determine from time to time that there is to be a minimum dividend for a racing event totalizator. If TAB has determined there will be a minimum dividend, the minimum dividend applies to all bets on a race totalizator unless a provision in Appendix 2 (Determination of Dividend – Minimums & Fractions) states that it does not apply in a particular case.

#### 4.4 Out of sequence races and re-runs of races

- 4.4.1 If a race is run out of normal race number sequence or if a race is re-run, TAB, or the racing club conducting an on-course totalizator, may reopen the totalizator for the re-run.
- 4.4.2 The amount invested on the totalizator for the first run of the race must be dealt with in accordance with the result of the re-run or the out of sequence race.

## 5. WIN AND PLACE TOTALIZATORS

### 5.1 Opening and termination of win and place totalizator pools

- 5.1.1 The win pool of a win and place totalizator:
- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
  - (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are no finishers in the race.
- 5.1.2 The place pool of a win and place totalizator:
- (a) must not be opened for a race if the number of contestants in the race is less than 5; and
  - (b) must be terminated if the number of contestants in the race falls below 5 at any time or if there are no finishers in the race.

### 5.2 Win pool dividends

- 5.2.1 Distribution of win pool dividend
- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a win dividend pool.
  - (b) The win dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the finisher that placed first in the race.
- 5.2.2 Unbacked winners
- (a) If the first placed finisher is not backed, the win dividend pool is to be divided among the investors on the second placed finisher in the race.
  - (b) If neither the first or second placed finisher is backed, the win dividend pool is to be divided among the investors on the third placed finisher in the race.
- 5.2.3 Dead-heat for first place
- (a) If there is a dead-heat for first place in the race:
    - (i) the win dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
    - (ii) a part is allotted to each backed finisher; and
    - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.
  - (b) This clause 5.2.3 applies to a dead-heat for second or third place in a race in the event that the win dividend pool is to be divided among the investors on the second or third placed finisher in accordance with clause 5.2.2.

### 5.3 Place pool 2 dividend races

- 5.3.1 Application of rule
- (a) This clause 5.3 only applies if there are less than 8 starters in a race and if clause 5.4 (place pool 3 dividend races) does not otherwise apply.
  - (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions in certain cases) and 5.5 (deficiency in place pool).
- 5.3.2 Distribution of place pool dividend for 2 dividend race
- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first or second in a race (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
  - (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 2 equal parts, of which:
    - (i) one part is to be divided among the investors on the first placed finisher in the race; and
    - (ii) the second part is to be divided among the investors on the second placed finisher in the race.
- 5.3.3 Unbacked winners or placegetters in a 2 dividend race
- (a) If the first placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the second placed finisher in the race.
  - (b) If the second placed finisher is not backed, the whole of the place dividend pool is to be divided among the investors on the first placed finisher in the race.
  - (c) If neither the first or second placed finisher is backed, the whole of the place dividend pool is to be divided among the investors on the third placed finisher in the race.
- 5.3.4 Dead-heat for first place in a 2 dividend race
- (a) If there is a dead-heat for first place in a 2 dividend race:
    - (i) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
    - (ii) a part is allotted to each backed finisher; and
    - (iii) each part is to be divided among the investors on the finisher to which the part is allotted.
  - (b) This clause 5.3.4 applies to a dead-heat for second or third place in a 2 dividend race in the event that the

place dividend pool is to be divided among the investors on the second or third placed finisher in accordance with clause 5.3.3.

- 5.3.5 Dead-heat for second place in a 2 dividend race where first place is backed
- If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 2 dividend race:
- (a) the place dividend pool is to be divided into 2 equal parts:
    - (i) one part is to be divided amount the investors of the first placed finisher; and
    - (ii) the second part is to be divided into as many equal parts as there are backed finishers in the dead-heat for second place;
  - (b) a part is allotted to each backed finisher that placed second in the race; and
  - (c) each part is to be divided among the investors on the finisher to which the part is allotted.

### 5.4 Place pool 3 dividend races

- 5.4.1 Application of rule
- (a) This clause 5.4 applies:
    - (i) if there are 8 or more starters in a race; or
    - (ii) in a case where TAB operates a place totalizator on a race
      - (A) if there were 8 or more contestants entered in a race at the deadline for scratchings prescribed by the controlling body or race club responsible for the conduct of the relevant race meeting; and
      - (B) if subsequently a late scratching reduces the number of contestants in the race to 7.
  - (b) This clause is subject to clauses 4.3 (application of minimum dividend provisions) and 5.5 (deficiency in place pool).
- 5.4.2 Distribution of place pool dividends for a 3 dividend race
- (a) Money invested on a win and place totalizator with a view to successfully predicting the contestant that places first, second or third in a race (less any amounts deducted commission pursuant to Part 6 of the Act) is to be paid into a place dividend pool.
  - (b) The place dividend pool is (except to the extent otherwise provided in these rules) to be divided into 3 equal parts, of which:
    - (i) one part is to be divided among the investors on the first placed finisher; and



- (ii) the second part is to be divided among the investors on the second placed finisher; and
  - (iii) the third part is to be divided among the investors on the third placed finisher.
- 5.4.3 Unbacked winners or placegetters in a 3 dividend race  
If a first, second or third placed finisher is not backed:
  - (a) the whole of the place dividend pool is to be divided into as many equal parts as there are backed finishers who place first, second or third; and
  - (b) a part is allotted to each backed finisher; and
  - (c) each part is to be divided among the investors on the finisher to which the part is allotted.
- 5.4.4 Dead-heat for first place between 2 finishers in a 3 dividend race
  - (a) If 2 finishers dead-heat for first place in a 3 dividend race and both are backed:
    - (i) two-thirds of the place dividend pool is to be divided into 2 equal parts; and
    - (ii) each part is to be divided among the investors on each backed finisher in the dead-heat; and
    - (iii) one third of the place dividend pool is to be divided among the investors on the third placed finisher.
  - (b) If 2 finishers dead-heat for first place in a 3 dividend race but 1 only is backed:
    - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
    - (ii) one part is to be divided among the investors on the backed finisher in the dead-heat; and
    - (iii) the second part to be divided among the investors on the third placed finisher.
  - (c) If 2 finishers dead-heat for first place in a 3 dividend race but neither is backed, the whole of the place dividend pool is to be divided among the investors on the third placed finisher.
- 5.4.5 Dead-heat for first place between 3 or more finishers in a 3 dividend race  
If 3 or more finishers dead-heat for first place in a 3 dividend race:
  - (a) the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
  - (b) a part is allotted to each backed finisher; and
- (c) each part is to be divided among the investors on the finisher to which the part is allotted.
- 5.4.6 Dead-heat for second place in a 3 dividend race where first place is backed
  - (a) If the first placed finisher is backed and 2 or more backed finishers dead-heat for second place in a 3 dividend race:
    - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
    - (ii) two-thirds of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
    - (iii) a part is allotted to each backed finisher in the dead-heat for second in the race; and
    - (iv) each part is to be divided among the investors on the finisher to which the part is allotted.
  - (b) If 2 or more finishers dead-heat for second place but 1 only of those finishers is backed:
    - (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
    - (ii) one part is to be divided among the investors on the first placed finisher; and
    - (iii) the second part is to be divided amongst the investors on the backed second placed finisher in the dead-heat.
- 5.4.7 Dead-heat for third place in a 3 dividend race where first and second place are backed
  - (a) If the first and second placed finishers are backed, and 2 or more backed finishers dead-heat for third place in a 3 dividend race:
    - (i) one third of the place dividend pool is to be divided among the investors on the first placed finisher; and
    - (ii) one third of the place dividend pool is to be divided among the investors on the second placed finisher;
    - (iii) one-third of the place dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and
    - (iv) a part is allotted to each backed finisher in the dead-heat; and
    - (v) each part is to be divided among the investors on the finisher to which the part is allotted.
  - (b) If 2 or more finishers dead-heat for third place but none of the finishers is backed:

- (i) the whole of the place dividend pool is to be divided into 2 equal parts; and
- (ii) one part is to be divided among the investors on the first placed finisher; and
- (iii) the second part is to be divided among the investors on the second placed finisher.

## 5.5 Deficiency in place pool

### 5.5.1 Dividend where deficiency in one part of place pool

- (a) If:
  - (i) the place dividend pool is divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend races); and
  - (ii) in not more than one part (in this clause referred to as the “deficient part”) of the place dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
  - (iii) the amount of the deficiency is greater than the amount deducted as commission;

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient part; or
- (v) if there are 2 or more parts that 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 the commission.

- (b) The amount so deducted is to be added to the deficient part so that, if the commission 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.

### 5.5.2 Dividend where deficiency in 2 or more parts of place pool

- (a) If:
  - (i) the place dividend pool has been divided in accordance with clause 5.3 (place pool 2 dividend races) or clause 5.4 (place pool 3 dividend race); and
  - (ii) in each of 2 or more parts (in this clause referred to as the “deficient parts”) of the place dividend pool there is insufficient money to enable

dividends equal to the unit of investment to be declared in respect of those parts; and

- (iii) the aggregate of the amounts of those deficiencies is greater than the amount deducted as commission,

then, there must, before any dividend is declared, be deducted:

- (iv) from the part, other than the deficient parts; or
- (v) if there are 2 or more parts that 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 the commission.

- (b) The amount so deducted is to be added to the deficient parts so that, if the commission 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.

## 6. QUINELLA TOTALIZATORS

### 6.1 Opening and termination of quinella totalizator pool

#### 6.1.1 A quinella totalizator:

- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
- (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are less than 2 finishers in the race.

### 6.2 Quinella pool dividends

#### 6.2.1 Distribution of quinella dividend

- (a) Money invested on a quinella totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a quinella dividend pool.
- (b) The quinella dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in a race.

#### 6.2.2 Unbacked combinations

- (a) If the winning quinella combination in clause 6.2.1(b) is not backed, the quinella dividend pool is to be divided among the investors on the combination comprising the first and third placed finisher in the race.
- (b) If neither of the combinations referred to in clauses 6.2.1(b) or 6.2.2(a) is backed the quinella dividend pool is

- to be divided among the investors on the combination comprising the second and third placed finisher in the race.
- (c) A quinella dividend payable under this clause 6 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.
- 6.2.3 Dead-heat for first place between 2 finishers
- (a) If 2 finishers dead-heat for first place, the quinella dividend pool is to be divided among the investors on the combination comprising those finishers.
- (b) If the combination referred to in clause 6.2.3(a) is not backed and there is no dead-heat for third place:
- (i) the quinella dividend pool is to be divided into 2 equal parts; and
- (ii) one part is to be divided among the investors on a combination comprising a finisher in the dead-heat for first place and the third placed finisher; and
- (iii) the second part is to be divided among the investors on a combination comprising the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If the combination referred to in clause 6.2.3(a) is not backed and there is a dead-heat for third place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising a finisher in the dead-heat for first place and a finisher in the dead-heat for third place; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part was allotted.
- (d) If neither combination referred to in clause 6.2.3(a) or (c) is backed and there is a dead-heat for third place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for third place; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (e) If 1 only of the combinations referred to in clause 6.2.3(b), (c) or (d) is backed, the whole of the dividend pool is to be divided among the investors on that combination.
- 6.2.4 Dead-heat for first place between 3 or more finishers
- (a) If 3 or more finishers dead-heat for first place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- 6.2.5 Dead-heat for second place
- (a) If 2 or more finishers dead-heat for second place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for second place; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for second place is backed:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for second place; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- 6.2.6 Dead-heat for third place
- (a) If 2 or more finishers dead-heat for third place:
- (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the first placed finisher and a finisher in the dead-heat for third place; and
- (ii) a part is allotted to each backed combination; and

- (iii) each part is to be divided among the investors on each combination to which the part is allotted.
- (b) If no combination comprising the first placed finisher and a finisher in the dead-heat for third place is backed:
  - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising the second placed finisher and a finisher in the dead-heat for third place; and
  - (ii) a part is allotted to each backed combination; and
  - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (c) If no combinations comprising the first or second placed finisher and a finisher in the dead-heat for third place is backed:
  - (i) the quinella dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for third; and
  - (ii) a part is allotted to each backed combination; and
  - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (d) This clause 6.2.6 does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher.

## 7. EXACTA TOTALIZATORS

### 7.1 Opening and termination of exacta totalizator pool

- 7.1.1 An exacta totalizator:
- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 2; and
  - (b) must be terminated if the number of contestants in the race falls below 2 at any time or if there are less than 2 finishers in the race.

### 7.2 Exacta pool dividends

- 7.2.1 Distribution of exacta dividend
- (a) Money invested on an exacta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into an exacta dividend pool.
  - (b) The exacta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors on the combination comprising the first and second placed finisher in the race, in the correct order.

### 7.2.2 Unbacked combinations

- (a) If the winning exacta combination in clause 7.2.1(b) is not backed, the exacta dividend pool is to be divided among the investors on the combination comprising the first and third placed finisher in the race in the correct order.
- (b) If neither of the combinations referred to in clauses 7.2.1(b) or 7.2.2(a) is backed, the exacta dividend pool is to be divided among the investors on the combination comprising the second and the third placed finisher in the race in the correct order.

### 7.2.3 Dead-heat for first place between 2 finishers

- (a) If 2 finishers dead-heat for first place:
  - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising the finishers in the dead-heat for first place; and
  - (ii) a part is allotted to each backed combination; and
  - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- (b) If no combination referred to in clause 7.2.3(a) is backed and there is no dead-heat for third place:
  - (i) the exacta dividend pool is to be divided into 2 equal parts; and
  - (ii) one part is to be divided among the investors on a combination comprising, in the correct order, a finisher in the dead-heat for first place and the third placed finisher; and
  - (iii) the second part is to be divided among the investors on a combination comprising, in the correct order, the other finisher in the dead-heat for first place and the third placed finisher.
- (c) If no combination referred to in clause 7.2.3(a) is backed and there is a dead-heat for third place:
  - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, a finisher in the dead-heat for first place and a finisher in the dead-heat for third place; and
  - (ii) a part is allotted to each backed combination; and
  - (iii) each part is to be divided among the investors on the combination to which the part was allotted.
- (d) If neither combination referred to in clause 7.2.3(a) or (c) is backed and there is a dead-heat for third place:

- (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for third place; and
  - (ii) a part is allotted to each backed combination; and
  - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
  - (e) If 1 only of the combinations referred to in clause 7.2.3(a), (b), (c) or (d) is backed, the whole of the exacta dividend pool is to be divided among the investors on that combination.
- 7.2.4 Dead-heat for first place between 3 or more finishers
- (a) If 3 or more finishers dead-heat for first place:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of those finishers in the dead-heat for first place; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- 7.2.5 Dead-heat for second place
- (a) If 2 or more finishers dead-heat for second place:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for second place; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
  - (b) If no combination comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for second place is backed:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for second place; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
- 7.2.6 Dead-heat for third place
- (a) If 2 or more finishers dead-heat for third place:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for third place; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
  - (b) If no combination comprising, in the correct order, the first placed finisher and a finisher in the dead-heat for third place is backed:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising, in the correct order, the second placed finisher and a finisher in the dead-heat for third place; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the combination to which the part is allotted.
  - (c) If no combination comprising, in the correct order, the first or second placed finisher and a finisher in the dead-heat for third place is backed:
    - (i) the exacta dividend pool is to be divided into as many equal parts as there are backed combinations comprising 2 of the finishers in the dead-heat for third; and
    - (ii) a part is allotted to each backed combination; and
    - (iii) each part is to be divided among the investors on the such combination to which the part is allotted.
  - (d) This clause 7.2.6 does not apply if there is a dead-heat for first place or if there are investors on the combination comprising the first placed finisher and the second placed finisher in the correct order.

## 8. TRIFECTA TOTALIZATORS

### 8.1 Opening and termination of trifecta totalizator pool

- 8.1.1 A trifecta totalizator:
- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 3; and
  - (b) must be terminated if the number of contestants in the race falls below 3 at any time or if there are less than 2 finishers in the race.

## 8.2 Trifecta pool dividends

- 8.2.1 Investment pool, jackpot pool and trifecta dividend pool
- (a) All money invested on a trifecta totalizator is to be paid into an investment pool for that trifecta totalizator.
  - (b) For each trifecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 8.2.2 or clause 8.2.7, are required to be carried forward to the jackpot pool of that trifecta totalizator.
  - (c) For each trifecta totalizator there is to be a trifecta dividend pool into which is to be paid:
    - (i) the money invested in the investment pool for the trifecta totalizator under clause 8.2.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and
    - (ii) any amount in the jackpot pool for that trifecta totalizator.
- 8.2.2 Distribution of trifecta dividend
- (a) If there are 3 or more finishers in a trifecta race, the trifecta dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 3 placed finishers in the race in the correct order.
  - (b) Where there are 2 finishers only in a trifecta race then:
    - (i) the jackpot pool for that trifecta race is carried forward to the jackpot pool for the trifecta totalizator conducted on the succeeding trifecta race; and
    - (ii) the remainder of the trifecta dividend pool after carrying forward the jackpot pool in accordance with clause 8.2.2(b)(i) is to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other starter.
- 8.2.3 Dead-heat for first place between 2 finishers
- (a) If 2 finishers dead-heat for first place:
    - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and the third placed finisher in the correct order; and
    - (ii) a part is allotted to each combination; and
  - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
  - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- (b) If 2 finishers dead-heat for first place and there is also a dead-heat for third place:
  - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising the finishers in the dead-heat for first place and one of the finishers in the dead-heat for third place in the correct order; and
  - (ii) a part is allotted to each combination; and
  - (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
  - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- 8.2.4 Dead-heat for first place between 3 or more finishers
- (a) If 3 or more finishers dead-heat for first place:
    - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising 3 of the finishers in the dead-heat for first place; and
    - (ii) a part is allotted to each combination; and
    - (iii) for each backed combination the part is to be divided among the investors on the combination to which the part is allotted; and
    - (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- 8.2.5 Dead-heat for second place
- (a) If 2 or more finishers dead-heat for second place:
    - (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher and 2 of the finishers in the dead-heat for second place; and
    - (ii) a part is allotted to each combination; and
    - (iii) for each backed combination, the part is to be divided among the

- investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- 8.2.6 Dead-heat for third place
- (a) If 2 or more finishers dead-heat for third place:
- (i) the trifecta dividend pool is to be divided into as many equal parts as there are combinations comprising, in the correct order, the first placed finisher, the second placed finisher and one of the finishers in the dead-heat for third place; and
- (ii) a part is allotted to each combination; and
- (iii) for each backed combination, the part is to be divided among the investors on the combination to which the part is allotted; and
- (iv) for each unbacked combination the part is to be carried forward in accordance with clause 8.2.7(b).
- (b) This clause 8.2.6 does not apply if there is a dead-heat for first place.

- 8.2.7 Winning combination not backed or not backed to equivalent of unit of investment

Notwithstanding anything else in these rules, where the total of all amounts invested in a trifecta totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 8.2 ("**winning trifecta combination**") is less than a unit of investment for that trifecta totalizator or if a winning trifecta combination is not backed:

- (a) only the amount of the trifecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning trifecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

*da* is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination;

*di* is the total amount which would be distributed to investors on the winning trifecta combination under clause 8.2 if the total of all amounts invested in the trifecta totalizator on the winning trifecta combination was not less than a unit of investment for that trifecta totalizator so that this clause 8.2.7 did not apply;

*ai* is the total of all amounts (if any) invested in the trifecta totalizator on the winning trifecta combination; and

*ui* is the unit of investment for the trifecta totalizator; and

- (b) there is to be carried forward and paid into the trifecta dividend pool for the trifecta totalizator conducted on the succeeding trifecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

*cf* is the amount carried forward and paid into the trifecta dividend pool for the trifecta totalizator conducted on the succeeding trifecta race;

*di* has the meaning given to that term in clause 8.2.7(a); and

*da* is the total amount of the trifecta dividend pool which is to be distributed among the investors on the winning trifecta combination as determined in accordance with clause 8.2.7(a).

## 9. FIRST 4 TOTALIZATORS

### 9.1 First 4 race

TAB may, by order in writing, declare a race to be a first 4 race.

### 9.2 Opening and termination of first 4 totalizators

9.2.1 A first 4 totalizator:

- (a) must not be opened for a race if the number of contestants in the race is less than 4; and
- (b) must be terminated if the number of contestants in the race falls below 4 at any time or if there are less than 2 finishers in the race.

### 9.3 First 4 pool dividends

9.3.1 Investment pool, jackpot pool and first 4 dividend pool

- (a) All money invested on a first 4 totalizator is to be paid into an investment pool for that first 4 totalizator.
- (b) For each first 4 totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 9.3.2 or clause 9.3.4, are required to be carried forward to the jackpot pool of that first 4 totalizator.
- (c) For each first 4 totalizator there is to be a dividend pool into which is to be paid:
- (i) money invested in the investment pool for the first 4 totalizator under clause 9.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act); and

- (ii) any amount in the jackpot pool for that first 4 totalizator.
- 9.3.2 Distribution of first 4 dividend pool
- (a) If there are 4 or more finishers in a first 4 race, the first 4 dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 4 placed finishers in the race in the correct order.
- (b) Where there are 2 or 3 finishers only in a first 4 race then:
- (i) the jackpot pool for that first 4 race is carried forward to the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race; and
- (ii) the remainder of the dividend pool after carrying forward the jackpot pool in accordance with clause 9.3.2(b)(i) is to be divided among the investors as follows:
- (1) where there are 3 finishers only, to be divided among the investors who select a combination comprising the first 3 placed finishers in the race in the correct order, together with any other starter;
- (2) where there are 2 finishers only, to be divided among the investors who select a combination comprising the first 2 placed finishers in the race in the correct order, together with any other 2 starters.
- 9.3.3 Dead-heats
- (a) If 2 or more finishers in a first 4 race dead-heat for any of the first 4 places:
- (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
- (ii) the first 4 dividend pool is to be divided into as many equal parts as there are combinations in respect of which a dividend is to be distributed under clause 9.3.2; and
- (iii) a part is allotted to each combination; and
- (iv) for each backed combination, the part is to be divided among the investors on that backed combination to which the part is allotted; and
- (v) for each unbacked combination the part is to be carried forward in accordance with clause 9.3.4(a) or (b).
- 9.3.4 Winning combination not backed or not backed to equivalent of unit of investment
- Notwithstanding anything else in these rules, where the total of all amounts invested in a first 4 totalizator on a combination in respect of which a dividend is to be distributed among investors under this clause 9.3 (“**winning first 4 combination**”) is less than a unit of investment for that first 4 totalizator or if a winning first 4 combination is not backed:
- (a) only the amount of the first 4 dividend pool determined in accordance with the following formula will be distributed among the investors on the winning first 4 combination:
- $$da = di \times \frac{ai}{ui}$$
- where:
- da* is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination;
- di* is the total amount which would be distributed to investors on the winning first 4 combination under clause 9.3 if the total of all amounts invested in the first 4 totalizator on the winning first 4 combination was not less than a unit of investment for that first 4 totalizator so that this clause 9.3.4 did not apply;
- ai* is the total of all amounts (if any) invested in the first 4 totalizator on the winning first 4 combination; and
- ui* is the unit of investment for the first 4 totalizator; and
- (b) there is to be carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race an amount calculated in accordance with the following formula:
- $$cf = di - da$$
- where
- cf* is the amount carried forward and paid into the jackpot pool for the first 4 totalizator conducted on the succeeding first 4 race;
- di* has the meaning given to that term in clause 9.3.4; and
- da* is the total amount of the dividend pool which is to be distributed among the investors on the winning first 4 combination as determined in accordance with clause 9.3.4.



## 10. SUPERFECTA TOTALIZATORS

### 10.1 Superfecta and golden superfecta races

- 10.1.1 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a race to be a superfecta race.
- 10.1.2 TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare any superfecta race to be a golden superfecta race.

### 10.2 Opening and termination of superfecta totalizator pool

- 10.2.1 A superfecta totalizator:
- (a) must not be opened to accept bets for a race if the number of contestants in the race is less than 6; and
  - (b) must be terminated if the number of contestants in the race falls below 6 at any time or if there are less than 4 finishers in the race.

### 10.3 Superfecta pool dividends

- 10.3.1 Investment pool, jackpot pool and superfecta dividend pool
- (a) All money invested on a superfecta totalizator is to be paid into an investment pool for that superfecta totalizator.
  - (b) Except in the case of a superfecta totalizator conducted on a golden superfecta race, an amount equal to 10% of the money invested on the superfecta totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be carried forward to a jackpot pool for the succeeding superfecta race.
  - (c) For each superfecta totalizator there is to be a jackpot pool into which must be paid any amounts which, under clause 10.3.1(b), clause 10.3.2, clause 10.3.3 or clause 10.3.5, are required to be carried forward to the jackpot pool of that superfecta totalizator.
  - (d) For each superfecta totalizator there is to be a superfecta dividend pool into which is to be paid:
    - (i) the money invested in the investment pool for the superfecta totalizator under clause 10.3.1(a) (less any amounts deducted as commission pursuant to Part 6 of the Act and any amount which, under clause 10.3.1(b), is required to be carried forward to a jackpot pool for the succeeding superfecta race); and
    - (ii) any amount in the jackpot pool for that superfecta totalizator.
- 10.3.2 Distribution of superfecta dividend
- (a) If there are 6 or more finishers in a superfecta race (other than a golden superfecta race), the superfecta

dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order.

- (b) If there are 6 or more finishers in a golden superfecta race, the superfecta dividend pool is (except to the extent otherwise provided in these rules):
  - (i) to be divided among the investors who select the combination comprising the first 6 placed finishers in the race in the correct order; or
  - (ii) to be paid into the golden superfecta dividend pool for that golden superfecta race if no investor selected the combination comprising the first 6 placed finishers in the race in the correct order and clause 10.3.3 applies.
- (c) Where there are 4 or 5 finishers only in a superfecta race (other than a golden superfecta race) then:
  - (i) the jackpot pool for that superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race; and
  - (ii) the remainder of the superfecta dividend pool after carrying forward the jackpot pool in accordance with clause 10.3.2(c)(i) is to be divided among the investors as follows:
    - (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
    - (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.
- (d) Where there are 4 or 5 finishers only in a golden superfecta race then:
  - (i) the jackpot pool for that golden superfecta race is carried forward to the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB; and
  - (ii) the remainder of the superfecta dividend pool after carrying

forward the jackpot pool in accordance with clause 10.3.2(i) is to be divided among the investors as follows:

- (1) where there are 5 finishers only, to be divided among the investors who select a combination comprising the first 5 placed finishers in the race in the correct order, together with any other starter;
- (2) where there are 4 finishers only, to be divided among the investors who select a combination comprising the first 4 placed finishers in the race in the correct order, together with any other 2 starters.

#### 10.3.3 Golden superfecta dividend

- (a) For each golden superfecta race there is to be a golden superfecta dividend pool into which is to be paid any amount required to be paid into the pool pursuant to clause 10.3.2(b).
- (b) The amount contained in the golden superfecta dividend pool is to be paid to the first of the following combinations on which a bet is made:
  - (i) to the investors who have selected the first 5 placed finishers in correct order, together with any other starter; or
  - (ii) to the investors who have selected the first 4 placed finishers in correct order, together with any other 2 starters; or
  - (iii) to the investors who have selected the first 6 placed finishers in any order;
- (c) If no investor has selected the finishers for a combination in clause 10.3.3(b), the golden superfecta dividend pool is to be paid into the jackpot pool for the superfecta totalizator conducted on the next golden superfecta race declared by TAB.

#### 10.3.4 Dead-heats

- (a) If 2 or more finishers in a superfecta or golden superfecta race dead-heat for any of the first 6 places:
  - (i) each of those finishers is taken to have filled that place and each subsequent place up to the number of subsequent places corresponding to one less than the number of finishers involved in the dead-heat; and
  - (ii) the superfecta dividend pool or golden superfecta dividend pool is to be divided into as many

equal parts as there are relevant winning combinations; and

- (iii) a part is allotted to each combination; and
  - (iv) for each backed combination the part is to be divided among the investors on that relevant winning combination to which the part is allotted; and
  - (v) for each unbacked combination the part is to be carried forward in accordance with clause 10.3.5(a) or (b).
- (b) In clause 10.3.4(a), “relevant winning combination” means:
- (i) where the dividend is to be distributed under clause 10.3.3(b)(iii), one of two or more combinations of finishers (that is combinations of finishers selected in any order), so that the investors in any one such combination would (if that combination was the only such combination) be entitled to the distribution of a dividend under clause 10.3.2 or clause 10.3.3; or
  - (ii) except as provided in paragraph (i), a combination in respect of which a dividend is to be distributed under clause 10.3.2 or clause 10.3.3.

#### 10.3.5 Winning combination not backed or not backed to equivalent of unit of investment

- (a) Notwithstanding anything else in these rules, where the total of all amounts invested in a superfecta totalizator conducted on a superfecta race (which is not a golden superfecta race) on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3 (“winning superfecta combination”) is less than a unit of investment for that superfecta totalizator or if a winning superfecta combination is not backed:
  - (i) only the amount of the superfecta dividend pool determined in accordance with the following formula will be distributed among the investors on the winning superfecta combination:

$$da = di \times \frac{ai}{ui}$$

where:

*da* is the total amount of the superfecta dividend pool which is to be distributed among the investors on the winning superfecta combination;

$di$  is the total amount which would be distributed to investors on the winning superfecta combination under clause 10.3 if the total of all amounts invested in the superfecta totalizator on the winning superfecta combination was not less than a unit of investment for that superfecta totalizator so that this clause 10.3.5 did not apply;

$ai$  is the total of all amounts (if any) invested in the superfecta totalizator on the winning superfecta combination; and

$ui$  is the unit of investment for the superfecta totalizator; and

- (ii) there is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race an amount calculated in accordance with the following formula:

$$cf = di - da$$

where

$cf$  is the amount carried forward and paid into the jackpot pool for the superfecta totalizator conducted on the succeeding superfecta race;

$di$  and  $da$  have the meaning given to those terms in clause 10.3.5(a)(i); and

- (b) Notwithstanding anything else in these rules, where in a superfecta totalizator conducted on a golden superfecta race there are no investments on a combination in respect of which a dividend is to be distributed among investors under this clause 10.3, the total amount which would be distributed to investors on that combination under this clause 10.3 is to be carried forward and paid into the jackpot pool for the superfecta totalizator conducted on a subsequent golden superfecta race declared by TAB.

## 11. DOUBLES TOTALIZATORS

### 11.1 Doubles Races

TAB, or a racing club conducting a domestic totalizator, may by order in writing, declare a combination of 2 races to be a double.

### 11.2 Opening of doubles totalizator pool

A doubles totalizator must not be opened to accept bets if the number of contestants in either or both legs of the double is less than 2.

### 11.3 Doubles pool dividends

#### 11.3.1 Distribution of doubles dividend

- (a) Money invested on a doubles totalizator (less any amounts deducted

as commission pursuant to Part 6 of the Act) is to be paid into a doubles dividend pool.

- (b) The doubles dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors who have selected the first of the following combinations on which a bet is made:

- (i) first leg winner with second leg winner;
- (ii) first leg winner with second leg second;
- (iii) first leg winner with second leg third;
- (iv) first leg second with second leg winner;
- (v) first leg second with second leg second;
- (vi) first leg second with second leg third;
- (vii) first leg third with second leg winner;
- (viii) first leg third with second leg second;
- (ix) first leg third with second leg third.

- (c) In this clause 11, "winner" means first placed finisher and "second" or "third" means the second or third placed finisher respectively.

#### 11.3.2 Dead-heats

- (a) If, as a result of a dead-heat in any race to which the double relates, investors on 2 or more combinations of finishers become entitled to a dividend:

- (i) the doubles dividend pool is to be divided into as many equal parts as there are backed combinations; and
- (ii) a part is allotted to each backed combination; and
- (iii) each part is to be divided among the investors on the combination to which the part is allotted.

#### 11.3.3 Non-starters in second leg

- (a) If an investment is made on a combination of the winner of the first leg with a non-starter in the second leg, there is to be paid out of the doubles dividend pool, in respect of each unit of investment, a dividend determined by dividing the doubles dividend pool by the total number of units of investment on any combinations that include the winner in the first leg.

- (b) If after making a payment under clause 11.3.3(a) subsequently no investor selects the winner of the first leg with the winner of the second leg in accordance with clause 11.3.1(b)(i) or any of the subsequent order of payments under clause 11.3.1(b)(ii)

to (ix) inclusive, the remainder of the doubles dividend pool will be distributed equally between any investor selecting the first leg winner with any second leg starter.

- (c) If the winner in the first leg runs in a dead-heat, the dividend is to be determined:
- (i) by first dividing the dividend pool by the number of backed combinations involved in the dead-heat and treating each part so created as a separate entity for the remainder of the dividend process; and
  - (ii) by dividing each sub-pool so created by the total number of units of investment on any combinations that include the winner in the first leg.
- (d) This clause 11.3.3 applies to:
- (i) combinations that include the second placed contestant in the first leg with a non-starter in the second leg, in cases where the winner of the first leg has not been taken in any combination; and
  - (ii) combinations that include the third placed contestant in the first leg with a non-starter in the second leg, in cases where neither the winner nor the second placed finisher of the first leg has been taken in any combination.
- (e) Clauses 11.3.1 and 11.3.2 apply to the doubles dividend pool after deduction of any dividends payable under this clause 11.3.3 to investors on combinations that include a non-starter in the second leg.
- 11.3.4 Second leg abandoned or postponed
- (a) If a second leg is abandoned or postponed to another date, the doubles dividend pool is to be divided among the investors on the winner of the first leg.
  - (b) If there are no investors on the winner, the doubles dividend pool is to be divided among the investors on the second placed finisher.
  - (c) If there are no investors on either the winner or the second placed finisher, the doubles dividend pool is to be divided among the investors on the third placed finisher.
  - (d) If, as the result of a dead-heat, investors on 2 or more placed finishers become entitled to a dividend under this clause 11.3.4:
    - (i) the doubles dividend pool is to be divided into as many equal parts as there are backed finishers in the dead-heat; and

- (ii) a part is allotted to each backed finisher;
- (iii) each part is to be divided among the investors on the finisher to which the part is allotted.

## 11.4 Transfers to win pools and refunds

### 11.4.1 First leg non-starter

- (a) Any money invested on a combination of a non-starter in the first leg with any contestant in the second leg must either:
  - (i) if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the second leg, be refunded to the investor; or
  - (ii) if the money is not so refunded:
    - (A) be transferred to the win pool of any win and place totalizator operating on the second leg; and
    - (B) be invested on the contestant selected in the second leg into the win pool.

### 11.4.2 First leg abandoned or postponed

- (a) If, before the running of the second leg, a first leg is abandoned or postponed to another date, any investment on the double must either:
  - (i) if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the second leg, be refunded to the investor; or
  - (ii) if the investment is not so refunded:
    - (A) be transferred to the win pool of any win and place totalizator operating on the second leg; and
    - (B) be invested on the contestant selected in the second leg.
- (b) If, after the running of the second leg, a first leg is abandoned or postponed to another date, any investments on the double must be refunded to the investors.

### 11.4.3 Second leg abandoned or postponed

- (a) If a second leg is abandoned or postponed to another date, any investment on the double must, if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the first leg, be refunded to the investor.
- (b) If a second leg is abandoned or postponed to another date and there are no investors entitled under clause 11.3 to a dividend on the results of

the first leg, the amount invested on the double must be refunded to the investors.

#### 11.4.4 Second leg non-starter

Any money invested on a combination of a contestant in the first leg with a non-starter in the second leg must, if the relevant ticket is presented to TAB, or racing club conducting an on-course totalizator, before investments have ceased to be accepted on the first leg, be refunded to the investor.

#### 11.4.5 Re-run of races or first leg run after second leg

If, by order of the stewards, either leg of a double is re-run or the first leg is run after the starting time of the second leg, the money invested on the totalizator must:

- (a) in the case of money invested on a combination in which a contestant in the first leg is withdrawn and the first leg is run, or re-run, after the running of the second leg be refunded to the investors; or
- (b) in any other case be distributed by way of dividend in accordance with these rules.

(iii) are an even number and an odd number (the “mixed contingency”).

- (c) A dividend payable under this clause 12 in respect of a combination of finishers selected by an investor is payable irrespective of the order in which the finishers are placed in the race.

#### 12.2.2 Dead-heat for first place between 2 finishers

If 2 finishers dead-heat for first place, the spinner dividend pool is to be divided among the investors on the winning spinner contingency comprising the combination of the contestant numbers of those 2 finishers.

#### 12.2.3 Dead-heat for first place between 3 or more finishers

- (a) If 3 or more finishers dead-heat for first place:

- (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant numbers of those finishers in the dead-heat for first place;

- (ii) the relevant part is to be allotted to the winning spinner contingency; and

- (iii) each part is to be divided among the investors on the winning spinner contingency to which the part is allotted.

- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.3, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

#### 12.2.4 Dead-heat for first place between 4 or more finishers with all 3 winning contingencies successful

Notwithstanding clause 12.2.3, where 4 or more finishers dead-heat for first place and there are all 3 winning spinner contingencies amongst the combinations of the contestant numbers of 2 of those finishers then, the dividend for each winning spinner contingency will be equal to the unit of investment bet by the investors.

#### 12.2.5 Dead-heat for second place

- (a) If 2 or more finishers dead-heat for second place:

- (i) the spinner dividend pool is to be divided into as many parts as there are winning spinner contingencies comprising a combination of the contestant number of the first place finisher

## 12. SPINNER TOTALIZATORS

### 12.1 Opening and termination of spinner totalizator

A spinner totalizator:

12.1.1 must not be opened for a race if there is either less than two contestants with odd contestant numbers or less than two contestants with even contestant numbers; and

12.1.2 must be terminated if the number of contestants falls below two contestants with odd contestant numbers or two contestants with even contestant numbers or if there are less than 2 finishers in the race.

### 12.2 Spinner pool dividends

#### 12.2.1 Distribution of dividend

- (a) Money invested on a spinner totalizator (less any amounts deducted as commission pursuant to Part 6 of the Act) is to be paid into a spinner dividend pool.

- (b) The spinner dividend pool is (except to the extent otherwise provided in these rules) to be divided among the investors correctly selecting the contingency (the “winning spinner contingency”) that the combination of contestant numbers of the first and second placed finishers in the race:

- (i) are both odd numbers (the “odds contingency”);

- (ii) are both even numbers (the “evens contingency”); or

with any of the contestant numbers of the finishers in the dead-heat for second place; and

- (ii) the relevant part is to be allotted to the winning spinner contingency; and
- (iii) each part is to be divided among the investors on the winning spinner contingency to which the part was allotted.

- (b) Where the spinner dividend pool is divided into parts under this clause 12.2.5, those parts will be divided so as to bear the same proportion to the pool as the number of winning spinner contingencies of that type bears to the total number of winning spinner contingencies.

#### 12.2.6 Dividend where deficiency in one part of Spinner pool

- (a) If:
  - (i) the spinner dividend pool has been divided in accordance with clause 12.2.3 or 12.2.5 into two parts; and
  - (ii) in one part (in this clause referred to as the “deficient part”) of the spinner dividend pool there is insufficient money to enable a dividend equal to the unit of investment to be declared in respect of that part; and
  - (iii) the amount of the deficiency is greater than the amount deducted as commission.

then there must, before any dividend is declared, be deducted from the part, other than the deficient part, an amount sufficient to enable a dividend equal to the unit of investment to be declared in respect of the deficient part, less the commission.

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

#### 12.2.7 Non-starters

Subject to clause 12.1.2 if a contestant does not become a starter in a race (including a re-run race), no money invested on an evens, odds or mixed contingency of a combination of contestant numbers which would have included that contestant if it were a starter, will be refunded to the investor.

#### 12.2.8 Cessation of session

TAB, or a racing club conducting a domestic totalizator, will accept investments to the spinner totalizator for a multiple of “next to go” races, only to the extent that races in the “next to go” sequence form part of the TAB’s or domestic totalizator scheduled session of daily races. The investor is not entitled to place investments to the spinner totalizator for races in the “next to go” sequence which do not form part of the scheduled session.

### 13. ALL-UP BETTING

#### 13.1 Establishment of all-up betting records

On the request of a person, TAB, or on-course totalizator, may establish an all-up betting record to enable the person to make all-up cash bets, telephone bets or device bets.

#### 13.2 Races to which all-up bets relate

- 13.2.1 An all-up bet may be made in respect of:
  - (a) races on which a win and place totalizator is operating; or
  - (b) any other race totalizators as determined by TAB from time to time.
- 13.2.2 The maximum number of races in respect of which any one all-up bet may be made is to be as determined by TAB, or racing club conducting an on-course totalizator as applicable.
- 13.2.3 TAB, or racing club (as applicable) may limit the races in respect of which any one all-up bet may be made to races at the same race meeting or in any other manner as they may determine.

#### 13.3 Dividends and refunds on all-up bets

- 13.3.1 Money to the credit of an all-up betting record must be transmitted to the win and place totalizator (or other class of totalizator on which the bet is required) for the next race to which the all-up bet relates.
- 13.3.2 Any dividend or refund for an all-up bet must be collected by TAB, or racing club, and credited to the all-up betting record for the bet.
- 13.3.3 After a dividend is paid in accordance with these rules on the second or any subsequent race or event to which an all-up bet relates, the amount to be credited to the all-up betting record for the bet is to be calculated as follows:

$$A = \frac{CxD}{U}$$

where:

“A” represents the amount to be credited;  
 “C” represents the amount credited to the all-up betting record in respect of the previous race to which the all-up bet relates;

“D” represents the dividend declared for the minimum unit of investment in respect of the second or subsequent race;

“U” represents the minimum bet for that race.

- 13.3.4 In calculating the amount to be credited pursuant to clause 13.3.3 to an all-up betting record:
  - (a) fractions of cents will be disregarded; and
  - (b) minimum dividend provisions apply to the calculation of the amount to be

credited in the same way as they apply to the calculated amount referred to in those provisions.

- 13.3.5 The balance standing to the credit of an all-up betting record after the last race to which the all-up bet relates:
- (a) in the case of an all-up cash betting record, must be paid to the person concerned as if the bet were a cash bet; or
  - (b) in the case of an all-up telephone or device betting record, must be paid into the betting account of the person concerned.
- 13.3.6 Any money that is paid as a dividend or refund in accordance with the Act, and that remains unallocated after the calculation of the amounts payable under this clause 13.3, is to be allocated in accordance with Part 6 of the Act.

#### 13.4 Races postponed or run out of sequence

In the event that a race to which an all-up bet relates is postponed or is run out of the sequence, TAB, or racing club conducting an on-course totalizator, must treat the race for the purposes of the all-up bet as an abandoned race.

### 14. WAGERING ON USA RACING EVENTS

#### 14.1 Application

- 14.1.1 This clause 14 applies to totalizators conducted by TAB on events scheduled to be held at a race meeting on any racecourse in the United States of America (“a USA racing event”) and does not apply to any totalizator conducted by TAB on any other event.
- 14.1.2 In relation to any totalizator conduct by TAB on a USA racing event, this clause 14 prevails over any other provision of these rules to the extent of any inconsistency.

#### 14.2 Definitions for USA racing events

In this clause 14:

“**coupled entry**” means a single wagering interest involving 2 or more contestants entered in the same USA racing event and joined for TAB totalizator betting purposes either:

- (a) because of common ties as to ownership or training; or
- (b) as a field entry in circumstances where TAB has not exercised its discretion under clause 14.3.3 to ignore field entries,

so that a wager on 1 contestant joined in a coupled entry is a wager on all contestants joined in the same coupled entry on the basis set out in these rules;

“**field entry**” means two or more horses coupled for the purposes of USA totalizator betting on a USA racing event as a result of the number of contestants (counting for this purpose horses in a coupled entry as a result of common ties as to ownership or training as a single contestant) exceeding the stated capacity of the relevant USA totalizator;

“**official USA order of finish**” means that when satisfied that the order of finish is correct, that all timely objections have been addressed, and that the race has been properly run in accordance with the rules and regulations of the applicable authority, the stewards will order that the official USA order of finish be confirmed and the official sign posted for the race;

“**single wagering interest**” means any one contestant in a race, or two or more contestants bracketed as a single TAB totalizator number as for a coupled entry;

“**timely objections**” means a claim of interference or other foul by a jockey, driver, trainer or owner of a horse who has reasonable grounds to believe that his or her horse was interfered with or impeded or otherwise hindered during the running of the race, or that any riding or driving rule was violated by any other jockey, driver or horse during the running of the race. Such objections must be made immediately with the clerk of scales, the stewards or their delegate before official USA order of finish has been declared. The stewards may thereupon hold an inquiry into the running of the race.

#### 14.3 Declaration of placings

- 14.3.1 In this clause 14 a reference to the first, second, third, fourth, fifth or sixth placed finisher in a race is a reference to the contestant declared by stewards in the official USA order of finish to be the first, second, third, fourth, fifth or sixth placed finisher in the race except as provided for in a race where field entries apply.
- 14.3.2 If more than one contestant in a coupled entry is placed or dead-heats in a USA racing event, only the highest placed finisher of the contestants in that coupled entry will be counted as a placing for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA racing event.
- 14.3.3 TAB at its discretion may ignore field entries and treat each contestant in field entries as a separate TAB totalizator betting contingency.
- 14.3.4 Except where field entries are required, the decision of the stewards as to the official USA order of finish is final for TAB betting purposes. Where field entries apply, TAB may subject to clause 14.3.2, declare dividends based on the actual finishing order across the line.
- 14.3.5 No rulings of the stewards or controlling body regarding the order of finish or any award of prize money after the result of the race has been declared official will affect TAB totalizator payout.
- 14.3.6 The scratching or withdrawal of one or more contestants from a coupled entry will have no effect on any wagers made on a coupled entry provided that at least one

contestant in the coupled entry is declared a starter in the race.

#### 14.4 Bracketed contestants

- 14.4.1 This clause 14.4 applies to win and place, quinella, exacta, trifecta, doubles and spinner totalizators conducted on USA racing events.
- 14.4.2 If there are contestants in a coupled entry in a USA racing event, TAB may create a sufficient number of brackets to cause each of the couplings to constitute a single totalizator number.
- 14.4.3 For the purpose of apportionment of dividends, a placegetter identified on the totalizator by a bracket number as a result of a coupled entry, is to be treated as a single wagering interest.
- 14.4.4 In a USA racing event to which clause 14.4.2 applies, where two or more finishers in the coupled entry are placed or dead-heat, they are to be treated as a single finisher and only the highest placed finisher of the contestants in that coupled entry is to be counted for the purposes of TAB totalizator betting and the other contestants in that coupled entry will be disregarded for the purposes of determining other placings in that USA Racing Event.

### 15. FOOTYTAB

#### 15.1 Commission deduction

Money invested on a totalizator conducted by TAB on one or more sports betting events will be subject to a commission deduction pursuant to Part 6 of the Act.

#### 15.2 Definitions for footyTAB

In this clause 15:

“**away team**” means the team named as printed on the right-hand column of the ticket or list of matches;

“**final score**” means the number of points scored by each team at the conclusion of a match, and will take into account any extra time played to negate a draw;

“**forfeit**” means the term applied to an individual or team failing to either compete in or complete the contest;

“**game**” means a match or a schedule of matches nominated by TAB for the purpose of investments and which is known as either “Pick The Winners FootyTAB”, “Pick The Margins FootyTAB”, “Pick The Score FootyTAB”, “Pick The Margins SoccerTAB” or “Pick The Team FootyTAB”;

“**home team**” means the team named as printed on the left-hand column of the ticket or list of matches;

“**match**” means a contest between two sporting teams where one is designated the home team and the other the away team;

“**pick the margins footyTAB**” consists of a schedule of matches in which up to seven possible margins between the number of points scored by the two teams in each match are offered;

“**pick the margins soccerTAB**” consists of a schedule of matches in which five possible margins between the number of points scored by the two teams in each match are offered;

“**pick the score footyTAB**” consists of a match in which final score options are offered;

“**pick the team footyTAB**” consists of teams involved in a specified competition from which win options are offered;

“**pick the winners footyTAB**” consists of a schedule of matches in which one team in each match is allotted a points start;

“**points**” will also mean goals where the word “goals” is used to describe the scoring in any particular sport;

“**points start**” means the number to be added to the team’s final score for the purposes of assessing the winning team;

“**winning margin**” means the difference between the number of points scored by the two teams in a match;

“**winning team**” – means:

- (a) in respect of Pick The Winners FootyTAB the team acquiring the higher number of points after the addition of the points start to the number of points scored in each match; or
- (b) in respect of Pick The Margins FootyTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (c) in respect of Pick The Score FootyTAB, the team acquiring the higher number of points scored in each match; or
- (d) in respect of Pick The Margins SoccerTAB, the team, or teams in the case of a drawn result, with the winning margin in each match; or
- (e) in respect of Pick The Team FootyTAB, the team deemed to be the winner of the competition according to the rules of that competition.

#### 15.3 Games, investments, refunds and results

15.3.1 The object of the game is to select the winning teams in each of the matches which are included in that game or in the case of “Pick The Score FootyTAB”, to select the final score for the home team and away team respectively.

15.3.2 To invest on the game, the investor is required to forecast the result of each of the matches in that game, marking each forecast on an entry form so that the minimum number of forecasts made by an investor corresponds with the number of matches in the game or in the case of “Pick the Score FootyTAB”, a minimum of one final score.

15.3.3 TAB may include in any game the matches it considers appropriate.

15.3.4 TAB may appoint any persons it deems necessary to assess the points start and winning margins to be allotted for the purposes of the games.



- 15.3.5 (a) Where a match is abandoned or postponed to another date, the result of the game will be declared and the dividend calculated on those matches completed; provided however that if a match is subsequently completed prior to midnight on the Tuesday after the date on which the match was originally scheduled, then the result of the game may be declared on that day.
- (b) A game will be terminated and refunds will be made to all investors where:
- (i) all the matches in the game are abandoned or postponed to another date; or
  - (ii) less than three matches in the game are completed prior to midnight on the Tuesday after the dates on which they were originally scheduled.
- 15.3.6 In the event of one of the teams in a match forfeiting the match, the opposing team will be deemed the winning team encompassing all of the winning margins offered for that team. In the case of "Pick The Score FootyTAB" investors will be eligible for a refund in accordance with these rules.
- 15.3.7 Subject to this clause 15, the relevant dividend pool for the game is to be divided among those investors selecting the winning team in all matches in the game or in the case of "Pick The Score FootyTAB", the final score.
- 15.3.8 In the event no investor selects the winning team in all matches in "Pick The Winners FootyTAB", the dividend pool will be divided among investors who select the most number of winning matches in the game.
- 15.3.9 In the event no investor selects the winning team in all matches in "Pick The Margins FootyTAB" or "Pick The Margins SoccerTAB", the relevant dividend pool will continue to carry forward to the next round of betting until:
- (a) the dividend pool can be divided among those investors selecting the winning team in all matches in the game; or
  - (b) TAB determines a schedule of matches to be the last of the season whereby payout may be divided among those investors selecting the most number of winning matches in the game.
- 15.3.10 In the event no investor selects the final score, not being a drawn match, in respect of "Pick The Score FootyTAB," the dividend pool will be divided among investors in the following order of priority:
- (a) Investors selecting the winning team's score and the losing team's score plus or minus one point.
  - (b) Investors selecting the winning team's score plus or minus one point and the losing team's score.
  - (c) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus one point.
  - (d) Investors selecting the winning team's score and the losing team's score plus or minus two points.
  - (e) Investors selecting the winning team's score plus or minus two points and the losing team's score.
  - (f) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus two points.
  - (g) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus one point.
  - (h) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus two points.
  - (i) Investors selecting the winning team's score and the losing team's score plus or minus three points.
  - (j) Investors selecting the winning team's score plus or minus three points and the losing team's score.
  - (k) Investors selecting the winning team's score plus or minus one point and the losing team's score plus or minus three points.
  - (l) Investors selecting the winning team's score plus or minus two points and the losing team's score plus or minus three points.
  - (m) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus one point.
  - (n) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus two points.
  - (o) Investors selecting the winning team's score plus or minus three points and the losing team's score plus or minus three points.
  - (p) Investors selecting the winning team's score and any score for the losing team.
  - (q) Investors selecting any score for the winning team and the losing team's score.
  - (r) Investors selecting any score for either team.
- 15.3.11 In the event no investor selects the final score of a drawn match in respect of "Pick The Score FootyTAB", the dividend pool will be divided among investors in the following order of priority:

- (a) Investors selecting a drawn result being the home team's score plus or minus one point and the away team's score plus or minus one point.
  - (b) Investors selecting a drawn result being the home team's score plus or minus two points and the away team's score plus or minus two points.
  - (c) Investors selecting a drawn result being the home team's score plus or minus three points and the away team's score plus or minus three points.
  - (d) Investors selecting the home team's score and the away team's score plus or minus one point.
  - (e) Investors selecting the home team's score plus or minus one point and the away team's score.
  - (f) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus one point, not being a drawn result selection.
  - (g) Investors selecting the home team's score and the away team's score plus or minus two points.
  - (h) Investors selecting the home team's score plus or minus two points and the away team's score.
  - (i) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus two points.
  - (j) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus one point.
  - (k) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus two points, not being a drawn result selection.
  - (l) Investors selecting the home team's score and the away team's score plus or minus three points.
  - (m) Investors selecting the home team's score plus or minus three points and the away team's score.
  - (n) Investors selecting the home team's score plus or minus one point and the away team's score plus or minus three points.
  - (o) Investors selecting the home team's score plus or minus two points and the away team's score plus or minus three points.
  - (p) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus one point.
  - (q) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus two points.
  - (r) Investors selecting the home team's score plus or minus three points and the away team's score plus or minus three points, not being a drawn result selection.
  - (s) Investors selecting the home team's score and any score for the away team.
  - (t) Investors selecting any score for the home team and the away team's score.
  - (u) Investors selecting any score for either team.
- 15.3.12 The minimum dividend provisions do not apply in respect to dividends under these rules for sports betting events.
- 15.3.13 (a) In the event of any match extending into extra time in accordance with the rules governing the particular contest, TAB will take into account any points scored during that period for the purposes of determining the result of the match.
- (b) TAB will not take into account any points scored during a penalty shoot out for the purposes of determining the result of the match.
- 15.3.14 In the event of any match being replayed for any reason clause 3.3.2(b) applies.

## APPENDIX 1 – COMMISSION DEDUCTIONS

### Distribution of Investments

Distribution of money invested in totalizators conducted by the TAB in respect of race meetings and sports betting events.

- (1) If any money is placed in a totalizator conducted by the TAB in respect of any event or contingency, the TAB:
  - (a) must first deduct from that money any sums refundable to investors, or transferable to another type of totalizator, in accordance with Rules made under the Totalizator Act 1997 so far as they are applicable to the TAB, and
  - (b) on the happening of that event or contingency, must distribute the balance as follows:
    - (i) an amount equal to the relevant percentage of the balance must be distributed as commission,
    - (ii) the remainder of the balance must be paid as dividends.
- (2) The relevant percentage of the balance, (as determined by TAB from time to time in accordance with the Totalizator Act 1997, Part 6, Section 69 Commission on Totalizator Betting) that must be deducted as commission is set out in Attachment A to these rules.

**APPENDIX 2 – DETERMINATION OF  
DIVIDEND – MINIMUMS & FRACTIONS**

- (1) In this section:  
 “the calculated amount”, in relation to an event or contingency in relation to which a totalizator was used, means the amount which would, but for subsections (3), (5) and (6), be payable by way of dividend in respect of that event or contingency;  
 “the payable dividend”, in relation to an event or contingency in relation to which a totalizator was used, means the amount to be paid by way of dividend in respect of that event or contingency.
- (2) Subject to subsections (3) and (5), the calculated amount in relation to an event or contingency in relation to which a totalizator was used shall, after any adjustment required to be made by subsection (6), be the payable dividend in relation to that event or contingency.
- (3) Subject to subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is:
- equal to or less than the unit of investment for that event or contingency; or
  - more than that unit but less than the sum of that unit and 5 cents,
- the payable dividend shall be an amount equal to one hundred and four per centum of that unit (“**minimum dividend**”).
- (4) Subsection (3) does not apply:
- to an event or contingency in circumstances where:
    - 2 or more starters fill a place (including first place) in the event or contingency; and
    - a pool or part of a pool (ascertained in respect of that place in accordance with this Act, the regulations or the rules) is required to be divided among the starters filling that place; or
  - if as a result of subsection (3) the dividend payable on a further contingency or contingencies would also be subject to subsection (3) and the total amount of dividends payable would exceed the total amount paid into the pool (less any amounts refundable), then the dividend payable on each such contingency shall be an amount equal to the unit of investment; or
  - to a win and place, quinella, exacta, trifecta, doubles and spinner totalizator if the total amount of the dividends payable in accordance with the rules for that type of totalizator would exceed the total amount paid into the totalizator (less any amounts refundable to investors and, in the case of a doubles totalizator, less any amounts which are transferable to the win pool of a win and place totalizator); or
  - to the place pool of a win and place totalizator:
    - if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.3 of the rules (place pool 2 dividend race) is more than 50% of the sum of the place pool and any amount deducted as commission; or
    - if the total money invested on any one of the placed contestants in respect of which a dividend is payable under clause 5.4 of the rules (place pool 3 dividend race) is more than 40% of the sum of the place pool and any amount deducted as commission; or
  - where the Rules provide that the minimum dividend subsection does not apply.
- (5) In any circumstances referred to in subsection (4), where the calculated amount in respect of an event or contingency in relation to which a totalizator was used is less than the unit of investment for that event or contingency, the payable dividend in respect of that event or contingency shall be an amount equal to that unit.
- (6) If, had this subsection not been enacted, the calculated amount would have been, by reason of the operation of subsection (2), the payable dividend in relation to any event or contingency, then:
- where the unit of investment for that event or contingency is fifty cents or one dollar and the calculated amount includes a number of cents that comes within a description specified in the first column of the table to this subsection, that number shall be regarded as the number of cents specified opposite that description in the second column of that table; or
  - where the unit of investment for that event or contingency is any other amount and the calculated amount includes a fraction of a dollar, that fraction shall be dealt with as prescribed by the rules under this Act, and the calculated amount shall be adjusted accordingly.

TABLE

<i>First Column</i>	<i>Second Column</i>
Less than 5	Nil
5 or more but less than 10	5
10 or more but less than 15	10
15 or more but less than 20	15
20 or more but less than 25	20
25 or more but less than 30	25
30 or more but less than 35	30
35 or more but less than 40	35
40 or more but less than 45	40
45 or more but less than 50	45
50 or more but less than 55	50
55 or more but less than 60	55
60 or more but less than 65	60
65 or more but less than 70	65
70 or more but less than 75	70
75 or more but less than 80	75
80 or more but less than 85	80
85 or more but less than 90	85
90 or more but less than 95	90
95 or more	95

- (7) Where, by reason of subsection (3) (paragraph (a) excepted), (5) or (6):
- any roundings remaining unpaid, in accordance with 75 (4) of the Act, 19.11% of those amounts shall within 7 days after the happening of the relevant event or contingency be paid to the Minister to be carried to the Consolidated Fund; or

- (b) there is insufficient money available for payment of the dividends in respect of the relevant event or contingency, the deficiency shall be paid by TAB.
- (8) Where by reason of subsection (3) (paragraph (b) excepted) there is insufficient money for payment of the dividends in respect of the event or contingency in respect of which a totalizator was used, the deficiency shall be paid by TAB.

### APPENDIX 3 – BAD SALES

Determination under clause 2.6.5(b)(viii)

Adjustment for late cancellation of bets (bad sales) made in accordance with rule 2.6.5 “Cancellation for errors on betting tickets” actioned after close of betting and transmission of final collations to TAB and up to the declaration of “all clear” or “correct weight”, will be accepted on the condition that such bad sales are not less than the following amounts for any one bet:

Win and Place & Spinner – \$200.00

Quinella, Exacta & Doubles – \$ 50.00

Trifecta, First 4, Superfecta & FootyTAB – No Limit

### ATTACHMENT A

Commission Deductions as at 12 January 2004

(a) Commission Deductions – Race-Meetings

Percentage of Investment

<i>Win totalizator or TABODDS (Win Fixed Odds Wagering) totalizator</i>	<i>Place totalizator</i>	<i>Quinella totalizator</i>	<i>Exacta totalizator</i>	<i>Doubles totalizator</i>	<i>Trifecta totalizator</i>	<i>First 4</i>	<i>Superfecta totalizator</i>	<i>Spinner</i>
14.50	14.25	14.75	18	18	20	22.5	20	14

(b) Commission Deduction – events other than Race-Meetings  
(Sporting Contests Rules)

Percentage of Investment

<i>FootyTAB</i>	<i>SoccerTAB</i>
25	25

Note: This attachment is attached to the rules for convenient reference and whilst referred to in Appendix 1 of the rules does not form part of the rules for the conduct of totalizators and may be amended by TAB in accordance with the *Totalizator Act 1997*.

# OFFICIAL NOTICES

## Appointments

### ABORIGINAL LAND RIGHTS ACT 1983

Appointment of Administrator  
Kempsey Local Aboriginal Land Council

I, the Honourable ANDREW REFSHAUGE, M.P., Minister for Aboriginal Affairs, following approval by the New South Wales Aboriginal Land Council, do, by this notice pursuant to section 222(1) of the Aboriginal Land Rights Act 1983 (the Act), appoint Mr Andrew HOHOLT as Administrator to the Kempsey Local Aboriginal Land Council for a maximum period of six (6) calendar months. During the period of his appointment, the Administrator will have all of the functions of a Local Aboriginal Land Council as specified in section 52(1) of the Act, and any other duties as specified by the agreed terms of appointment. The Administrator's remuneration is not to exceed \$33,000.00 dollars.

Signed and sealed this 29th day of December 2003.

ANDREW REFSHAUGE, M.P.,  
Minister for Aboriginal Affairs

GOD SAVE THE QUEEN!

### CONSUMER, TRADER AND TENANCY TRIBUNAL ACT 2001

Appointment Under Section 7 of Part-time Member of the  
Consumer, Trader and Tenancy Tribunal

PURSUANT to section 7 of the Consumer, Trader and Tenancy Tribunal Act 2001, Mr Stephen FORBES has been appointed as Part-time Member of the Consumer, Trader and Tenancy Tribunal for a period one year from 3 December 2003.

REBA MEAGHER, M.P.,  
Minister for Fair Trading

### FAIR TRADING ACT 1987

Motor Trade Advisory Council  
Appointment of Member

PURSUANT to section 25E of the Fair Trading Act 1987 and Schedule 4A thereto, I hereby appoint the following person as a member of the Motor Trade Advisory Council:

Ian Frederick WILLIAMS.

This appointment expires 31 January 2005.

Dated this 17th day of December 2003.

REBA MEAGHER, M.P.,  
Minister for Fair Trading

### PLANT DISEASES ACT 1924

Delegation Under Section 13B

I, MICHAEL LAWRENCE CURLL, Acting Director-General of the Department of Agriculture, hereby delegate the powers conferred on me by section 13B of the Plant Diseases Act 1924 to Stephen SUTHERLAND, Regional Director, Murrumbidgee/Murray Region.

Dated this 2nd day of January 2004.

M. L. CURLL,  
Acting Director-General.

### PLANT DISEASES ACT 1924

Appointment of Inspectors

I, MICHAEL LAWRENCE CURLL, Acting Director-General of the Department of Agriculture, pursuant to section 11(1) of the Plant Diseases Act 1924 ("the Act") appoint Vince DERRICO, Gail FITOS, Neil KING and Michael NEMTSAS as Inspectors under the Act.

Dated this 2nd day of January 2004.

M. L. CURLL,  
Acting Director-General.

## NSW Agriculture

### STOCK DISEASES ACT 1923

#### NOTIFICATION No. 1783-OJD

Declaration of a Protected Area, a Protected (Control) Area, and a quarantine area as regards Johne's disease in sheep (known as ovine Johne's disease or OJD)

I, IAN MACDONALD MLC, Minister for Agriculture and Fisheries:

A. pursuant to Section 3(2)(a) and 11A of the Stock Diseases Act 1923 ("the Act")

- revoke Stock Diseases Notification No. 1773-OJD published in *Government Gazette* No. 111 of 11 July 2003 at page 7080; and
- revoke Stock Diseases Notification No. 1775-OJD published in *Government Gazette* No. 113 of 15 July 2003 at pages 7249-7255; and

B. pursuant to section 11A of the Act, declare the lands described in Schedule 1 to be a Protected Area, and the lands described in Schedule 2 to be a Protected (Control) Area, as regards Johne's disease in sheep (known as ovine Johne's disease or OJD); and

C. pursuant to section 10 of the Act, declare the lands that do not form part of the Protected Area or the Protected (Control) Area to be a quarantine area (known as the NSW OJD Management Area) on account of the presence or suspected presence of Johne's disease in sheep; and

D. pursuant to section 3(2)(a), 10 and 11 of the Act:

- revoke all Notifications declaring land to be a quarantine area on account of the presence or suspected presence of Johne's disease in sheep, goats and deer (other than fallow deer) where the land forms part of the Protected (Control) Area or the NSW OJD Management Area; and
- release all owners or occupiers of land from an undertaking given by them on account of the presence or suspected presence of Johne's disease in sheep, goats and deer (other than fallow deer) where the land forms part of the Protected (Control) Area or the NSW OJD Management Area;

E. pursuant to section 11A of the Act:

I. **prohibit the bringing into the Protected Area of any sheep from any part of the Protected (Control) area** unless:

(a) the sheep are transported in a vehicle directly to:

- an abattoir, where the sheep are slaughtered, or
- an approved slaughter-only sale, or
- an approved feedlot, or
- the same or another part of the Protected (Control) Area, or
- the Protected Area and originated from the same or another part of the Protected Area; or

(b) the sheep are terminal crossbred lambs that are identified by ear tags bearing a 'T' symbol on one side and the Property Identification Code (PIC) on the other; or

(c) the sheep:

- originate from a market assured flock, and
- have not subsequently lost their market assured status, and
- are transported in a vehicle directly into the Protected Area; or

(d) the sheep:

- originate from a flock that is not infected, suspected or market assured and that has been subjected to an approved test with negative results, and
- are transported in a vehicle directly into the Protected Area; or

(e) the sheep are from a flock:

- in a Protected Area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or
- in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in a Protected Area; or

(f) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act; or
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

II. **prohibit the bringing into the Protected Area of any sheep from any part of the NSW OJD Management Area unless:**

(a) the sheep are transported in a vehicle directly to:

- an abattoir, where the sheep are slaughtered, or
- an approved slaughter-only sale, or
- an approved feedlot, or
- the same or another part of the Management Area, or
- the Protected Area and originated from the same or another part of the Protected Area; or

(b) the sheep are terminal crossbred lambs that are identified by ear tags bearing a 'T' symbol on one side and the Property Identification Code (PIC) on the other; or

(c) the sheep:

- originate from a market assured flock (other than a flock with the status of MN1 and MN1V), and
- have not subsequently lost their market assured status, and
- are transported in a vehicle directly into the Protected Area; or

(d) the sheep are from a flock:

- in a Protected Area and are transported in a vehicle directly to and from an approved facility in the NSW OJD Management Area; or

- in the NSW OJD Management Area and are transported in a vehicle directly to and from an approved facility in a Protected Area; or

(e) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act; or
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

**III. prohibit the bringing into the Protected (Control) Area of any sheep from any part of the NSW OJD Management Area unless:**

(a) the sheep are transported in a vehicle directly to:

- an abattoir, where the sheep are slaughtered, or
- a slaughter-only sale, or
- an approved feedlot, or
- the same or another part of the NSW OJD Management Area, or
- the Protected (Control) Area and originated from the same or another part of the Protected (Control) Area; or

(b) the sheep are terminal crossbred lambs that are identified by ear tags bearing a 'T' symbol on one side and the Property Identification Code (PIC) on the other; or

(c) the sheep have been vaccinated with Gudair vaccine and are approved vaccinates; or

(d) the sheep:

- originate from a market assured flock, and
- have not subsequently lost their market assured status, and
- are transported in a vehicle, directly into the Protected (Control) Area; or

(e) the sheep:

- originate from a flock which has been subjected to an approved test with negative results, and
- are transported in a vehicle directly into the Protected (Control) Area; or

(f) the sheep are from a flock:

- in a Protected (Control) Area and are transported in a vehicle directly to and from an approved facility in the NSW OJD Management Area; or
- in the NSW OJD Management Area and are transported in a vehicle directly to and from an approved facility in a Protected (Control) Area; or

(g) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act.
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

**IV. prohibit the bringing into the Protected (Control) Area of any sheep from infected, suspected or quarantined flocks in the Protected Area unless:**

(a) the sheep have been vaccinated with Gudair vaccine; or

(b) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act.
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

**V. prohibit the bringing into the NSW OJD Management Area of any sheep from infected, suspected or quarantined flocks in the Protected Area unless:**

(a) the sheep have been vaccinated with Gudair vaccine; or

(b) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act.
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

**VI. prohibit the bringing into the NSW OJD Management Area of any sheep from infected or suspected flocks in the Protected (Control) Area unless:**

(a) the sheep have been vaccinated with Gudair vaccine; or

(b) the sheep are moved in accordance with:

- a written permit issued by an inspector under section 7(6) of the Act; or
- an order in writing given by an inspector under section 8(1)(b) of the Act.
- an order by an inspector of the course of action to be taken under section 14(4) of the Act.

**Definitions**

In this Notification:

**approved facility** means a facility that is approved by a District Veterinarian.

**approved feedlot** means a feedlot that transports all its stock directly to slaughter, and is authorised in writing by the Chief, Division of Animal Industries under section 20C(3A)(b).

**approved slaughter-only sale** means a sale of stock that is held in accordance with the written approval of a Senior Field Veterinary Officer under section 20B(3)(b) or 20C(3)(b) of the Stock Diseases Act 1923.

**approved test** means a test that is approved by the Chief, Division of Animal Industries.

**approved vaccinates** means sheep vaccinated with Gudair Vaccine by 16 weeks of age, or sheep vaccinated after 16 weeks of age which in the opinion of a District Veterinarian or a SheepMAP veterinarian have been vaccinated before exposure to Johnne's disease.

*directly* means without off-loading sheep from a vehicle en route.

*flock* means a group of sheep maintained as a discrete unit.

*market assured flock* means:

- a flock that is participating in the Australian Johne's Disease Market Assurance Program for Sheep and that has been assigned a status which is defined by the rules of that Program, as published from time to time by Animal Health Australia, 26–28 Napier Close, Deakin ACT 2600; or
- a flock that has been assigned an assured status in accordance with conditions approved from time to time by the Chief, Division of Animal Industries.

*terminal crossbred lamb* means a sheep that is the progeny of a mating between sheep which are not of like breed, is of no more than 50% merino extraction, is a desexed male or a female not destined for breeding, and has not cut its permanent teeth.

**Note:**

**“infected”** is defined by section 3 of the Act. In this Notification “infected” means a flock/land that is infected with OJD. Infected flocks/land include flocks/land with a current infected status, that is, the land (other than land within the NSW OJD Management Area) is quarantined or has been in quarantine on account of OJD immediately before the commencement of this Notification, or the owner or person in charge of the stock has been notified in writing by an inspector that the flock/land is OJD infected. Evidence of OJD infection includes laboratory testing that confirms OJD infection.

**“suspected”** means a flock/land that is suspected of being OJD infected. Suspected flocks/land include flocks/land with a current suspected status, that is, the land (other than land within the NSW OJD Management Area) is quarantined or has been in quarantine on account of OJD immediately before the commencement of this Notification, or the owner or person in charge of the stock has been notified in writing by an inspector that the flock/land is suspected of being OJD infected.

Grounds to suspect OJD infection include:

- the flock/land contains sheep that came from an OJD infected flock;
- sheep from the flock have been grazing on OJD infected land, or
- sheep from the flock have been grazing on land adjoining OJD infected land; or
- sheep apparently from the flock are found to be OJD infected on other land within 12 months of moving to that other land, or
- sheep apparently from the flock are found to be OJD infected by abattoir surveillance, or
- there are sheep in the flock over 12 months of age that have symptoms suggestive of OJD such as scouring, ill-thrift and deaths, and no other cause has been identified.

SCHEDULE 1

**PROTECTED AREA**

The whole of the lands contained in:

- the Armidale, Balranald, Bombala, Bourke, Brewarrina, Broken Hill, Casino, Cobar, Condobolin, Coonabarabran,

Coonamble, Dubbo, Gloucester, Grafton, Hay, Hillston, Hunter, Kempsey, Maitland, Milparinka, Moree, Mudgee-Merriwa, Narrabri, Narrandera, Northern New England, Northern Slopes, Nyngan, Riverina, South Coast, Tamworth, Tweed-Lismore, Walgett, Wanaaring, Wentworth, and Wilcannia Rural Lands Protection Districts; and

- Divisions A, B and D of the Moss Vale Rural Lands Protection District; and
- that part of the Murray Rural Lands Protection District generally west and north of a line commencing at a point on the southern boundary of the District at Mulwala where it intersects with Melbourne Road, thence northerly by that road to its intersection with Corowa Road, Mulwala, thence by that road to its intersection with Spring Drive, thence by that road to its intersection with Bull Plain Road, and thence by that road to its intersection with Rennies Road, thence by that road to its intersection with the boundary of Division B, thence by that boundary to its intersection with Bonnie Doon Road, thence easterly by that road through Coorabin to its intersection with the Daysdale-Urana Road, thence by that road to its intersection with the Urana-Lockhart Road at Urana, thence by that road to where it becomes the Lockhart-Collingullie Road at Lockhart, and thence by that road to its intersection with the eastern boundary of the District; and
- Divisions A, C and D of the Wagga Wagga Rural Lands Protection District, and that part of Division B north of a line commencing at the intersection of the northern boundary of the District with the Barmedman-Temora Road, thence generally south-easterly by that road to its intersection with the Temora-Young Road at Temora, thence generally north-easterly by that road to its intersection with the eastern boundary of the District; and
- that part of the Young Rural Lands Protection District west of the Stockinbingal-Forbes railway line.
- Division A of the Molong Rural Lands Protection District; and
- The following parts of the Forbes Rural Lands Protection District:
  - Division B, that part of Division A that is in the Parkes Local Government Area, and
  - that part of Division D that is in the County of Gipps that is west of the Newell Highway, and
  - that part of Division D that is west of the Bland Creek.

SCHEDULE 2

**PROTECTED (CONTROL) AREA**

The whole of the lands contained in:

- the Cooma, Gundagai and Hume Rural Lands Protection Districts; and
- those parts of the Forbes, Molong, Moss Vale, Murray and Wagga Wagga Rural Lands Protection Districts that do not form part of the Protected Area; and
- the Braidwood Rural Lands Protection District, excluding:
  - the Parishes of Werriwa and Ellenden; and
  - that part of the Parish of Lake George east of a line commencing at the point where north-western corner of Lot 9 in DP754891 meets the Parish boundary, thence southerly by the western boundary of Lot 9 to where it meets the south-eastern corner of Lot 6 in DP859008,



thence southerly by the eastern boundaries of Lots 7,8,10 and 199 in DP859008, and Lots 12 13, 14, 15, 16 17, 18 and 19 in DP754891 to the point where that lot meets the Parish boundary; and

- that part of the Parish of Currandooly generally north of a line commencing at the point on the Parish boundary where Lot L in DP157545 meets the eastern boundary of Lot 19 in DP754891, thence easterly to the point where that lot meets the northern boundary of Lot 82 in DP754876, thence by that boundary, north-easterly and then south-easterly to where it meets the Bungendore-Tarago Road, thence south-westerly by that road to the south western corner of Lot 1 in DP 986065, thence easterly by the southern boundaries of that lot and of Lots 44 and 8 in DP754876 and of Lot 1 in DP 880087 to the south-eastern corner of that lot where it meets the Goulburn-Bombala railway line, thence north-easterly by that railway line to where it meets Butmaroo Creek (also known as Deep Creek), thence south-easterly by that creek to its intersection with the Kings Highway, thence easterly by that Highway to where it meets the boundary of the Parish of Currandooly, thence by that Parish boundary to where it meets the north-eastern corner of Lot 91 in DP754876, thence west by the northern boundary of Lot 91 to where it meets the eastern boundary of Lot 77, thence northerly by the eastern boundaries of Lot 77 and 76 in DP754876 to the north-eastern corner of Lot 76, thence westerly to the Goulburn-Bombala railway line, thence generally north-easterly by that railway line to where it meets the boundary of the Parish of Currandooly; and
- that part of the Parish of Merigan commencing at a point where the Goulburn-Bombala railway line meets the Parish boundary, thence by that Parish boundary to the north-eastern boundary of Lot 4 in DP258171, to the south-eastern corner of Lot 26 in DP250880, thence northerly by the eastern boundary of that lot and of Lots 293 and 141 in DP754894 to the Mount Fairy Road, and thence easterly by that road to where it meets the boundary of the Braidwood Rural Lands Protection District; and
- that part of the Parish of Barnet generally north of a line commencing at the point where the north-eastern corner of Lot 78 in DP754894 meets the Parish boundary and Braidwood Road, thence southerly by that road to the south-western corner of Lot 18 in DP754867, thence easterly to the north-west corner of Lot 33 in DP754867, thence southerly to the south-west corner of Lot 33 in DP 754867, thence easterly by the southern boundaries of that lot and of Lot 68 in DP754867 to where that lot meets

the boundary of Lot 40 in DP754867, thence easterly and southerly by the boundaries of that lot to the north-western corner of Lot 97 in DP754867, thence southerly and easterly by the southern and eastern boundaries of that lot to the south-west corner of Lot 45 in DP754867, thence easterly by the southern boundary of Lot 45 in DP754867 to where it meets the western boundary of Lot 46 in DP754867, thence southerly by the boundary of that lot to where it meets the northern boundary of Lot 146 in DP754867, thence westerly, southerly and easterly by the boundaries of that lot to the south-eastern corner of Lot 148 in DP754867, thence easterly and northerly by the boundaries of Lots 148 in DP754867, Lot 48 DP754867 and Lot 177 in DP754867 to the boundary of Lot 178 in DP44403, thence easterly and northerly by the boundary of that lot to the boundary of Lot 179 in DP44403, thence northerly by the eastern boundary of that lot to the boundary of Lot 178 in DP44403, thence northerly by the eastern boundaries of Lot 178 in DP44403 and of Lot 4 in DP864052, across the Tarago-Braidwood Road, and northerly by the eastern boundary of Lot 2 in DP 852069 to the Parish boundary.

#### Notes:

It is an offence under section 20H(1)(a) of the Act to contravene a provision of this Notification. Maximum penalty for such an offence is \$11,000.

A Protected (Control) Area is an area with a moderate prevalence of a disease (section 11A(1A) of Act). This is different from a Protected Area, where there is a lower prevalence of a disease (section 11A(1B) of Act).

A map of the Protected Area, Protected (Control) Area and the NSW Management Area, as regards Johne's disease in sheep, is published on the NSW Department of Agriculture web site at [www.ojdinfo.nsw.gov.au](http://www.ojdinfo.nsw.gov.au)

The course of action to be taken by the owner or occupier of the land in the protected area, the protected (control) area or in the quarantine area or by the owner or person in charge of the stock in the protected area, the protected (control) area or in the quarantine area shall be as ordered by an inspector.

Notification No. 1783-OJD is the NSW Department of Agriculture's reference. For further information, contact the Department on (02) 63913691.

This Notification commences on 17 January 2004.

Dated: 8th January 2004

IAN MACDONALD, M.L.C.,  
NSW Minister for Agriculture and Fisheries

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# Department of Infrastructure, Planning and Natural Resources

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## Infrastructure and Planning



New South Wales

## **Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (Q03/00050/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1                    Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)

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## **Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)*.

### **2 Aims of plan**

This plan aims to change the zoning of land to which this plan applies (being land owned by the Albury Tennis Association) from the Employment Area Zone to the Open Space Zone under *Albury Local Environmental Plan 2000* and to identify such land as private open space to better reflect both the existing and future use of the subject land for tennis purposes.

### **3 Land to which plan applies**

This plan applies to land, being the Albury Tennis Association Complex—Lots 12, 13, 14, 15, 16 and 17 Section 2 DP 758013, Part Lots 4 and 5 Section 2 DP 758013, Lots 1, 2 and 3 DP 157188, Part Lots A and B DP 156319, Lot 7 DP 544200, Lot 2 DP 518155 and the small strip of land, approximately 0.863 metres wide, adjoining the western boundary of Lot 11 DP 87571, as shown edged with a heavy black line on the map marked “Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)” deposited in the office of the Council of the City of Albury.

### **4 Amendment of Albury Local Environmental Plan 2000**

*Albury Local Environmental Plan 2000* is amended as set out in Schedule 1.

Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)

### [2] Schedule 3 Excluded open space land—private open space

Insert at the end of the Schedule:

Albury Tennis Association Complex—Lots 12, 13, 14, 15, 16 and 17 Section 2 DP 758013, Part Lots 4 and 5 Section 2 DP 758013, Lots 1, 2 and 3 DP 157188, Part Lots A and B DP 156319, Lot 7 DP 544200, Lot 2 DP 518155 and the small strip of land, approximately 0.863 metres wide, adjoining the western boundary of Lot 11 DP 87571, as shown edged with a heavy black line on the map marked “Albury Local Environmental Plan 2000 (Amendment No 11—Albury Tennis Association Complex)”.



## **Bankstown Local Environmental Plan 2001 (Amendment No 16)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P02/00681/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1            Bankstown Local Environmental Plan 2001 (Amendment No 16)

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## **Bankstown Local Environmental Plan 2001 (Amendment No 16)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Bankstown Local Environmental Plan 2001 (Amendment No 16)*.

### **2 Aims of plan**

This plan aims to:

- (a) correct minor mapping and drafting anomalies in *Bankstown Local Environmental Plan 2001*, and
- (b) introduce controls for bulky goods complexes in the City of Bankstown, and
- (c) amend definitions to provide consistency across development controls in *Bankstown Local Environmental Plan 2001*.

### **3 Land to which plan applies**

This plan applies to land within the City of Bankstown.

### **4 Amendment of Bankstown Local Environmental Plan 2001**

*Bankstown Local Environmental Plan 2001* is amended as set out in Schedule 1.

Bankstown Local Environmental Plan 2001 (Amendment No 16)

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 11 Development which is allowed or prohibited within a zone

Insert in alphabetical order in column 1 of the Table to clause 11 “Bulky goods complexes”.

### [2] Clause 11

Insert “✓” in the column for Zone 3 (a) in the Table to clause 11 opposite the matter inserted by item [1].

### [3] Clause 46 Core residential development standards

Omit clause 46 (7). Insert instead:

- (7) The consent authority is not to grant consent to development for the purpose of a residential flat building on an allotment of land within Zone 2 (b) unless:
  - (a) the allotment has an area of not less than 1,500 square metres or a width of not less than 30 metres at the front building line, and
  - (b) the site area per dwelling (excluding the area of access handles or rights of way for access) is:
    - (i) not less than 90 square metres, if the allotment is located within the area bounded by the land referred to in clause 56 (*railway land*), the Hume Highway and Stacey Street, or
    - (ii) not less than 120 square metres, if the allotment is located within the area bounded by railway land, Marion Street, Oxford Avenue, Shenton Avenue, Chapel Street, Hoskins Avenue (and its projection east to Stacey Street) and Stacey Street.

### [4] Clause 50 Restrictions on certain development

Omit “or” wherever occurring in clause 50 (3).

## Bankstown Local Environmental Plan 2001 (Amendment No 16)

## Schedule 1 Amendments

**[5] Schedule 1 Dictionary**

Insert in alphabetical order:

*bulky goods complex* means a building or place used to accommodate 2 or more bulky goods salesrooms or showrooms.

*outbuilding* means a detached building or structure used for purposes ancillary to the main dwelling on an allotment and includes cabanas, gazebos, garden sheds, greenhouses, garages, carports and the like.

**[6] Schedule 1, definition of “Floor Space Ratio Map”**

Insert at the end of the definition:

Bankstown Local Environmental Plan 2001 (Amendment No 16)

**[7] Schedule 1, definition of “gross floor area”**

Insert at the end of paragraph (e):

, and

(f) outbuildings, with an area of not more than 70 square metres used for purposes ancillary to a dwelling house.

**[8] Schedule 1, definition of “the map”**

Insert in appropriate order:

Bankstown Local Environmental Plan 2001 (Amendment No 16)

**[9] Schedule 2 Additional uses**

Insert after item 19:

20	Lots 1–5, DP 309748, Nos 1–3 Sir Joseph Banks Street, Bankstown and Nos 31–35 Rickard Road, Bankstown	Mixed commercial and residential development (comprising ground floor commercial uses and residential uses on the remaining levels) on a consolidated parcel of lots. The floor space ratio is to be no more than 2:1.
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## Bankstown Local Environmental Plan 2001 (Amendment No 16)

## Amendments

## Schedule 1

- 
- |    |   |   |
|----|---|---|
| 21 | Nos 342–364 Hume Highway, Bankstown and Nos 2–8 George Street, Yagoona and Nos 2–24 Rookwood Road, Bankstown and Yagoona, being Lot 1 DP 574065, Lot 100 DP 716564, Lot 1 DP 599460, Lots 11 and 12 DP 16887 and Lots 1–17 DP 16667   | Bulky goods complex. The gross floor area of the bulky goods complex is to be at least 800 square metres. |
| 22 | Nos 9–71 Chapel Road, Nos 7–43 Hoskins Avenue, Nos 2–32 Clements Avenue and Nos 151–173 Canterbury Road, Bankstown, being Lot 1 DP 1036664, Lots E–L DP 13391, Lot A DP 317585, Lot B DP 367415, Lot 2 DP 350706, Lots 1, 2 and 4 DP 17159, Lots 101 and 102 DP 1008066, Lot 1 DP 122132, Lot 10 DP 571899, Lots 60, 61, 67–70, 75, 76 and 78 DP 13506, Lot 79 DP 626469, Lot 171 DP 537394, Lot A DP 374843, Lot 1 DP 572478, Lot 2 DP 707642, Lots 11–17 and 26–32 DP 730034, Lot 100 DP 816803 and Lot 210 DP 826461 | Bulky goods complex. The gross floor area of the bulky goods complex is to be at least 800 square metres. |
| 23 | Lot 1 DP 873629, No 2 Carysfield Road, Georges Hall   | Refreshment room and tavern   |
| 24 | Lot 10 DP 731859, No 56 Prescott Parade, Milperra   | Hotel use in conjunction with existing clubhouse  |



New South Wales

## **Camden Local Environmental Plan No 132**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00374/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Camden Local Environmental Plan No 132

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## **Camden Local Environmental Plan No 132**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Camden Local Environmental Plan No 132*.

### **2 Aims of plan**

This plan aims to reclassify the land to which this plan applies from community to operational land within the meaning of the *Local Government Act 1993*.

### **3 Land to which plan applies**

This plan applies to land situated in the local government area of Camden, being so much of Lot 5, DP 558686, Camden Valley Way, Elderslie, as is shown edged heavy black on the map marked "Camden Local Environmental Plan No 132" deposited in the office of the Council of Camden.

### **4 Amendment of Camden Local Environmental Plan No 46**

*Camden Local Environmental Plan No 46* is amended as set out in Schedule 1.

Camden Local Environmental Plan No 132

Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 4)

### [1] Schedule 6 Classification and reclassification of public land as operational land

Omit "(Cl. 26)". Insert instead "(cl. 26A)".

### [2] Schedule 6, Part 3

Insert in alphabetical order of street name under the heading "**Elderslie**" in Part 3 of the Schedule, in Columns 1, 2 and 3, respectively:

Camden Valley Way	So much of Lot 5, DP 558686, as is shown edged heavy black on the map marked "Camden Local Environmental Plan No 132".	—
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## **Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S00/00790/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils

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## **Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils*.

### **2 Aims of plan**

The aims of this plan are:

- (a) to provide environmental planning controls that will result in the management of any disturbance to acid sulfate soils in the Kogarah local government area so as to minimise impacts on natural waterbodies and wetlands and on agricultural, fishing, aquaculture, urban and infrastructure activities, and
- (b) to require development consent for works, including some agricultural-related works, that would disturb soils or groundwater levels in localities identified as having a potential for acid sulfate soils to occur, and
- (c) to require special assessment of certain development on land identified as being subject to risks associated with the disturbance of acid sulfate soils.

### **3 Land to which plan applies**

This plan applies to land within the local government area of Kogarah classified as Class 1, 2, 3, 4 or 5 on the map marked “Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soil Planning Map” deposited in the office of Kogarah Municipal Council.

### **4 Relationship to other environmental planning instruments**

- (1) *Kogarah Local Environmental Plan 1998* is amended as set out in Schedule 1.

Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate  
Soils

Clause 4

- 
- (2) *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* is amended by inserting the following matter at the end of Schedule 1:

Clause 13A of *Kogarah Local Environmental Plan 1998*

Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils

Schedule 1 Amendments

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 13A

Insert after clause 13:

#### 13A Development on land containing acid sulfate soils

(1) **Objective of the provision**

To require special assessment of risks associated with acid sulfate soils of land identified on the Acid Sulfate Soil Planning Map.

(2) **Consent usually required**

A person must not, without the consent of the Council, carry out works described in the following table on land of the class specified for those works in that table, except as otherwise provided by this clause.

<b>Class of land as shown on Acid Sulfate Soil Planning Map</b>	<b>Works</b>
1	Any works
2	Works below natural ground surface Works by which the watertable is likely to be lowered
3	Works beyond 1 metre below natural ground surface Works by which the watertable is likely to be lowered beyond 1 metre below natural ground surface
4	Works beyond 2 metres below natural ground surface Works by which the watertable is likely to be lowered beyond 2 metres below natural ground surface



## Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils

Amendments

Schedule 1

Class of land as shown on Acid Sulfate Soil Planning Map	Works
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5	Works within 100 metres of adjacent Class 2, 3 or 4 land which are likely to lower the watertable below 1 metre AHD on adjacent Class 2, 3 or 4 land
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(3) For the purposes of the table to subclause (2), *works* includes:

- (a) any disturbance of more than 1 tonne of soil (such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial waterbodies (including canals, dams and detention basins) or foundations or flood mitigation works), or
- (b) any other works that are likely to lower the watertable.

(4) **Exceptions following preliminary assessment**

This clause does not require consent for the carrying out of works if:

- (a) a copy of a preliminary assessment of the proposed works undertaken in accordance with the *Acid Sulfate Soils Assessment Guidelines* has been given to the Council, and
- (b) the Council has provided written advice to the person proposing to carry out works confirming that results of the preliminary assessment indicate the proposed works need not be carried out pursuant to an acid sulfate soils management plan prepared in accordance with the *Acid Sulfate Soils Assessment Guidelines*.

(5) **Considerations for consent authority**

The Council must not grant a consent required by this clause unless it has considered:

- (a) the adequacy of an acid sulfate soils management plan prepared for the proposed development in accordance with the *Acid Sulfate Soils Assessment Guidelines*, and

Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils

Schedule 1 Amendments

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- (b) the likelihood of the proposed development resulting in the discharge of acid water, and
  - (c) any comments received from the Department of Infrastructure, Planning and Natural Resources within 40 days of the Council having sent that Department a copy of the development application and of the related acid sulfate soils management plan.
- (6) **Public authorities not excepted**
- This clause requires consent for development to be carried out by the Council or another public authority, despite clause 6 (1) (a).
- (7) However, despite any other provision of this clause, consent is not required for the Council or another public authority to carry out development for the purposes of:
- (a) emergency work, or
  - (b) routine maintenance, or
  - (c) minor excavation work.
- (8) Despite any other provision of this clause, the following development may be carried out by the Council or another public authority without development consent:
- (a) the installation of stormwater quality improvement devices and drainage works, and
  - (b) any work ancillary to that development, such as the construction of accessways, the provision of power, water and sewerage supplies, and landscape works.
- (9) If the Council or another public authority carries out work referred to in subclause (8) and encounters, or is reasonably likely to encounter, acid sulfate soils, the Council or public authority:
- (a) must conduct a preliminary assessment of the proposed works in accordance with the *Acid Sulfate Soils Assessment Guidelines* so as to minimise the actual or potential impact to the environment arising from the disturbance of the soils, and
  - (b) must implement reasonable measures to minimise that impact.

Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soils

Amendments

Schedule 1

(10) In this clause:

***emergency work*** means the repair or replacement of any part of the works of the Council or another public authority:

- (a) because it has been (or is being) damaged by a natural disaster, an accident, an act of vandalism or a like occurrence, or
- (b) because it has ceased to function or suddenly ceased to function adequately,

and includes any work reasonably necessary to prevent or limit any further damage or malfunction.

***minor excavation work*** means new work carried out by a public authority that does not disturb soil more than one metre below the existing ground level, such as the provision of surface irrigation for landscaping.

***routine maintenance*** means the periodic inspection, cleaning, repair and replacement of existing public works, but does not include work that would result in an increase in the design capacity of any part of the works or necessitate the deepening of any existing works below the existing ground level.

## [2] Clause 25 Dictionary

Omit the definition of ***acid sulfate soil*** from clause 25 (1).

Insert in clause 25 (1) in alphabetical order:

***Acid Sulfate Soil Planning Map*** means the map marked “Kogarah Local Environmental Plan 1998 (Amendment No 17)—Acid Sulfate Soil Planning Map” kept in the office of the Council.

***acid sulfate soils*** means actual or potential acid sulfate soils, as defined in the *Acid Sulfate Soils Assessment Guidelines*.

***Acid Sulfate Soils Assessment Guidelines*** means the *Acid Sulfate Soils Assessment Guidelines* as published from time to time by the NSW Acid Sulfate Soils Management Advisory Committee and adopted by the Director-General.



## **Manly Local Environmental Plan 1988 (Amendment No 65)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/02991/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Manly Local Environmental Plan 1988 (Amendment No 65)

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## **Manly Local Environmental Plan 1988 (Amendment No 65)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Manly Local Environmental Plan 1988 (Amendment No 65)*.

### **2 Aims of plan**

This plan aims to require development consent from Manly Council in respect of the carrying out of development on the land to which this plan applies for the purpose of dwelling-houses.

### **3 Land to which plan applies**

This plan applies to all land in the local government area of Manly within the Residential Zone under *Manly Local Environmental Plan 1988*.

### **4 Amendment of Manly Local Environmental Plan 1988**

*Manly Local Environmental Plan 1988* is amended by omitting the words “dwelling-houses, other than dwelling-houses in the Foreshore Scenic Protection Area;” from item 3 of the matter relating to Zone No 2 in the Table to clause 10.



New South Wales

## **Parramatta Local Environmental Plan 2001 (Amendment No 4)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00372/S69)

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

Clause 1 Parramatta Local Environmental Plan 2001 (Amendment No 4)

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## **Parramatta Local Environmental Plan 2001 (Amendment No 4)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Parramatta Local Environmental Plan 2001 (Amendment No 4)*.

### **2 Aims of plan**

This plan aims:

- (a) to reclassify the land to which this plan applies from community land to operational land within the meaning of the *Local Government Act 1993 (that Act)*, and
- (b) to extinguish any trusts, estates, interests, dedications, conditions, restrictions and covenants that apply to the land in accordance with section 30 of that Act, and
- (c) to enable a right of way to be granted over the land to facilitate development of an adjoining property.

### **3 Land to which plan applies**

This plan applies to Lot 3, DP 526445, known as 51B Rawson Street, Epping, as shown stippled on the map marked "Parramatta Local Environmental Plan 2001 (Amendment No 4)" deposited in the office of the Council of the City of Parramatta.

### **4 Amendment of Parramatta Local Environmental Plan 2001**

*Parramatta Local Environmental Plan 2001* is amended by inserting in Part 2 of Schedule 2 in alphabetical order of locality in Columns 1 and 2, respectively, the following matter:

#### **Epping**

51B Rawson Street  
Lot 3, DP 526445

## Natural Resources

### WATER ACT 1912

Order Pursuant to Section 5(1)(H)

THE Water Administration Ministerial Corporation declares pursuant to section 5(1)(h) of the Water Act 1912, that on and from the date of publication of this Order in the Government Gazette the works described in the Schedule below are works to which Part 2 of the Water Act 1912, does not extend.

Dated this 7th day of January 2004.

CRAIG JOHN KNOWLES, M.P.,  
Minister for Natural Resources

Schedule to Order Under Section 5(1)(H)

Works which are part of the Cowal Gold Project granted development consent by the Minister for Planning and Urban Affairs on 26 February 1999 and which are described in Volume 1 of the Cowal Gold Project Environmental Impact Statement dated 13 March 1998, as:

1. The proposed water pipeline from 4 bores to the mine site as shown in the plan exhibited to me at the time of making this Order which is marked "Exhibited Plan to Section 5(1)(h) Order – Cowal Gold Project Pipeline".
2. The
  - temporary isolation bund,
  - lake protection bund,
  - up-catchment diversion system, and
  - internal catchment drainage,

as shown in the plan exhibited to me at the time of making this order which is marked "Exhibited Plan to Section 5(1)(h) Order - Cowal Gold Project Lake Isolation and Site Water Management Plan".

The works also include any additional works which become part of the water management system for the Cowal Gold Project and which are in the future authorised to be constructed pursuant to the Mining Lease for the Cowal Gold Project granted by the Minister for Mineral Resources on 18 June 2003.

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### WATER ACT 1912

Order Pursuant to Section 165A(2)(A)

THE Water Administration Ministerial Corporation declares pursuant to section 165A(2)(a) of the Water Act 1912, that on and from the date of publication of this Order in the Government Gazette that the works described in the Schedule below are not to be controlled works to which Part 8 of the Water Act 1912, applies.

Dated this 7th day of January 2004.

CRAIG JOHN KNOWLES, M.P.,  
Minister for Natural Resources

Schedule to Order Under Section 165A(2)(A)

Works which are part of the Cowal Gold Project granted development consent by the Minister for Planning and Urban Affairs on 26 February 1999 and which are described in Volume 1 of the Cowal Gold Project Environmental Impact Statement dated 13 March 1998, as:

- the temporary isolation bund,
- the lake protection bund,
- the up-catchment diversion system, and
- the internal catchment drainage system,

as shown in the plan exhibited to me at the time of making this Order which is marked "Exhibited Plan to Section 165A(2)(a) Order – Cowal Gold Project Water Management System".

The works also include any additional works which become part of the water management system for the Cowal Gold Project and which are in the future authorised to be constructed pursuant to the Mining Lease for the Cowal Gold Project granted by the Minister for Mineral Resources on 18 June 2003.

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### WATER ACT 1912

Order Under Section 113A

Embargo on any Further Applications for Additional Sub-Surface Licences

Water Shortage Zones 2 and 5 – Upper Namoi Valley;  
Zone 3 – Lower Namoi Valley; and the whole of  
Groundwater Management  
Areas 005 – Peel Valley; 006 – Maules Creek; and  
007 – Miscellaneous Tributaries

PURSUANT to section 113A(2)(d)(i) of the Water Act 1912, the Water Administration Ministerial Corporation amends the Order made in respect of these Zones and Areas that was published in the *Government Gazette* on 2 July 1999, so that it also does not relate to one application for an additional sub-surface water licence for the benefit of Lot 82, DP 754948, Parish Therribri, County Nandewar in Water Shortage Zone 5 – Upper Namoi Valley.

This amending Order takes effect on the date of publication in the *Government Gazette*.

Signed for the Water Administration Ministerial Corporation (by delegation)

JENNIFER WESTACOTT,  
Director General.

Department of Infrastructure, Planning and  
Natural Resources.  
Dated: 7 January 2004.

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### WATER ACT 1912

AN application under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5 (4) of the Act.



An application for an authority under section 20 of Part 2 of the Water Act 1912, has been received as follows:

*Barwon/Darling River Valley*

William Sydney GRACE and Robert Scott LOCHHEAD for 1 pump on the Darling River, Crown Land South of Lot 63/756926, Parish of Avoca, County of Wentworth, for stock and domestic purposes (new licence – located within the influence of the Murray River weir pool) (Reference: 60SA008576) (GA2:512599).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed local area and must be lodged within the Department's Natural Resource Project Officer at Buronga within twenty-eight (28) days as provided by the Act.

D. KERNEBONE,  
Natural Resource Project Officer,  
Murray – Murrumbidgee Region.

Department of Infrastructure, Planning and  
Natural Resources,  
32 Enterprise Way (PO Box 363), Buronga, NSW 2739,  
tel.: (03) 5021 9400.

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**WATER ACT 1912**

APPLICATIONS under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

Applications for licences, under section 10 of Part 2 of the Water Act 1912, has been received as follows:

*Murray River Valley*

Jimmy Yui-Wah YU and Maree Ann YU for two pumps on Eagle Creek Cutting on Lot 1, DP 218060, Parish of Barham, County of Wakool, for water supply for domestic use and irrigation (licence replacing an existing agreement due to administrative changes – no increase in entitlement) (Reference: 50SL75595).

Joyce Dorothea GOREY and Keith Edward O'CALLAHAN for a pump on Eagle Creek Cutting on Lot 12, DP 26682, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes and irrigation (licence replacing existing agreement due to administrative changes – no increase in entitlement) (Reference: 50SL75606).

Ralph Michael CAPPIELLO and Julie Ann CAPPIELLO for a pump on Eagle Creek Cutting on Lot 1, DP 739089, Parish of Barham, County of Wakool, for water supply for domestic use and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75596).

Graeme John Lester SAMPEY and Elaine Joy SAMPEY for a pump on Eagle Creek Cutting on Lot 3, DP 739089, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75597).

Ross Jeffrey TAYLOR and Linda Vicki TAYLOR for a pump on Eagle Creek Cutting on Lot 2, DP 739089, Parish of Barham, County of Wakool, for water supply for domestic use and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75598).

Hume Wells COLVILLE for a pump on Eagle Creek Cutting on Lot 20, DP 563800, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75599).

Lawrence Colin GALE for a pump on Eagle Creek Cutting on Lot 7, DP 739089, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75601).

David Chester LAUGHLIN and Anne Maree LAUGHLIN for a pump on Eagle Creek Cutting on Lot 8, DP 739089, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75602).

John Francis WHELAN and Robyn Lenette WHELAN for a pump on Eagle Creek Cutting on Lot 2, DP 739089, Parish of Barham, County of Wakool, for water supply for domestic use and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75603).

James Anthony SAUNDERS for a pump on Eagle Creek Cutting on Lot 2, DP 739089, Parish of Barham, County of Wakool, for water supply for stock and domestic purposes and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75604).

Warwick Owen NEWELL and Jennifer Robyn NEWELL for a pump on Eagle Creek Cutting on Lot 1, DP 739089, Parish of Barham, County of Wakool, for water supply for domestic use and irrigation (replacement licence due to division of existing agreement – no increase in entitlement) (Reference: 50SL75605).

Kerry Margaret FINNEMORE for two pumps on the Murray River on road adjacent to Lot 2, DP 538626, Parish of Milleu, County of Wakool, for water supply for stock and domestic purposes and irrigation (new licence due to the division of an existing entitlement) (Reference: 50SL75585) (GA2:477289).

Any enquiries regarding the above should be directed to the undersigned (tel.: [03] 5881 9200).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or a local occupier within the proclaimed area and must be lodged at the Department's Office at Deniliquin within twenty-eight (28) days of the date of this publication.

L. J. HOLDEN,  
Senior Natural Resource Officer,  
Murray Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 205, Deniliquin, NSW 2710.

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**WATER ACT 1912**

APPLICATIONS for a licence under Part 2 of the Water Act 1912, being within a proclaimed (declared) local area under section 5(4) of the Act.

Applications for a licence under section 10 of Part 2 of the Water Act 1912, has been received as follows:

*Lachlan River Valley*

FORBES GOLF CLUB LTD for 1 Pump on Lake Forbes on Lots 734, 1582, 16112 and 1564, DP 750158 (Reserve 82064), and bywash dam on Lots 1564 and 734, DP 750158 (Reserve 82064), Parish of Forbes, County of Ashburnham, for conservation of water and the water supply for low security recreation and irrigation purposes (3.50 hectares) (new licence – alteration of existing works – irrigation of additional lands – no increase in allocation) (Reference: 70SL090951) (GA2:512548).

Ian Roy KELK and Diann Phyllis KELK for a pump on Lachlan River on Lot 248/753113, Parish of South Condobolin, County of Gipps, for water supply for stock and domestic purposes (new licence) (Reference: 70SL090952) (GA2:512547).

Written objections specifying grounds thereof, may be made by any statutory authority or local occupier within the proclaimed local area whose interests may be effected must be lodged with the Department within twenty-eight (28) days of the date of this publication as prescribed by the Act.

DAVID THOMAS,  
Senior Natural Resource Officer,  
Central West Region.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 136, Forbes NSW 2871,  
tel.: (02) 6852 1222.

**WATER ACT 1912**

Notice Under Section 20Z

Water Allocation Announcement

Regulated Bega/Brogo River System including  
Tributaries

THE Water Administration Ministerial Corporation, pursuant to section 20Z of the Water Act 1912, is satisfied that the water source known as the Bega/Brogo regulated river system (being subject to a Volumetric Allocation scheme as gazetted under section 20W), is unlikely to have sufficient water available to meet the requirements during the 2003/2004 water year of those persons authorised by law to take water from the water source.

By this Order, the Ministerial Corporation being satisfied of the above hereby announces the water allocations under the said scheme for the 2003/2004 water year to be the proportions specified in Schedule 1. This Order shall have effect from the date of publication to 30 June 2004 and supersedes earlier announcements. This Order applies to all entitlements subject to the Volumetric Allocation Scheme other than high security users.

Dated this 23rd day of December 2003.

Signed for the Water Administration Ministerial Corporation.

AXEL TENNIE,  
Regional Director,  
Sydney/South Coast Region.

SCHEDULE 1

Water allocation for the full 2003/2004 water year is now 55% of entitlement.

**WATER ACT 1912**

APPLICATIONS under Part 2, being within a proclaimed (declared) local area under section 10 of the Water Act 1912, as amended.

Applications for a licence within a proclaimed local area as generally described hereunder has been received as follows:

*Namoi River Valley*

Ian John COXHEAD, Jillian Elizabeth COXHEAD, Bruce Lindsay COXHEAD and Wendy Maree COXHEAD for a pump on the Cockburn River on Lot 2, DP 933786 and Lot 11, DP 220925, both in the Parish of Tamworth, County of Inglis, for irrigation of 10 hectares (new licence – permanent transfer of an existing entitlement) (L.O. Papers: 90SL100728) (GA2:472124).

*Macintyre-Dumaresq River Valley*  
(Kings Plain Sub-catchment)

Lawrence Reginald BROOKS and Wendy Llyn BROOKS for a pump on Frazers Creek on Lot 142, DP 750113, Parish of Nullamanna, County of Arrawatta, for stock and domestic purposes and irrigation of 5 hectares (olives) (change of water use from mining to irrigation, stock and domestic) (L.O. Papers: 90SL100738) (GA2:472131).

AN application under Part 2, being within a proclaimed (declared) local area under section 20E(2) of the Water Act 1912, as amended.

An application for an amended authority within a proclaimed local area as generally described hereunder has been received as follows:

*Macintyre-Dumaresq River Valley*

BAKES IRRIGATORS ASSOCIATION INC for ten (10) pumps on the Macintyre River on Part Lot 7016, DP 1030983, Parish of Boggabilla, County of Staphylton, for water supply for stock and domestic purposes and irrigation of 4,440 hectares (application seeks to amend 90SA11603 by the inclusion of 40.5 hectares of existing Macintyre River entitlement by way of permanent transfer) (L.O. Papers: 90SA11710) (GA2:472128).

Written objections to the applications specifying the grounds thereof may be made by any statutory authority or local occupier within the proclaimed (declared) area, whose interest may be affected and must be lodged with the Department's Manager, Resource Access, Tamworth within twenty-eight (28) days as specified in the Act.

GEOFF CAMERON,  
Manager,  
Resource Access.

Department of Infrastructure, Planning and  
Natural Resources,  
PO Box 550, Tamworth, NSW 2340.

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## Department of Lands

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### ARMIDALE OFFICE

**108 Faulkner Street, Armidale, NSW 2350**

**Phone: (02) 6772 5488      Fax (02) 6771 5348**

#### APPOINTMENT OF TRUST BOARD MEMBERS

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

#### SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Wayne Edward McKinnon (new member)	Elsmore Soldiers Memorial Hall Reserve Trust	Reserve No. 1005248 Public Purpose: Community Purposes
John Gordon Murray (new member)		Notified: 7 November 2003
Edna Joyce McLane (new member)		File Reference: AE82 R 35/1
Douglas Gordon Roberts (new member)		

For a term commencing the date of this notice and expiring  
31 December 2008.

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### BOARD OF SURVEYING AND SPATIAL INFORMATION

**Panorama Avenue (PO Box 143), Bathurst, NSW 2795**

**Phone: (02) 6332 8238      Fax: (02) 6332 8240**

#### ERRATUM

SURVEYING ACT 2002

Registration of Surveyors

IN the *Government Gazette* of 2 January 2004, the name of Nigel James Petersen was inadvertently removed from the Register of Surveyors. Mr Nigel James Petersen is a Land Surveyor registered under the Surveying Act 2002.

P. R. HARCOMBE,  
Acting President

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**DUBBO OFFICE**  
**142 Brisbane Street (PO Box 865), Dubbo, NSW 2830**  
**Phone: (02) 6841 5200 Fax: (02) 6841 5231**

**NOTIFICATION OF CLOSING OF ROADS**

IN pursuance of the provisions of the Roads Act 1993, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any other person to the same as highways.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

Description

*Land District and Local Government Area of Warren*

Lot 1, DP 1055070, Parish of Carval, County of Oxley (not being land under the Real Property Act).

File No.: DB01 H 374.

**Note:** On closing, the title for Lot 1 shall remain vested in The State of New South Wales as Crown Land.

**APPOINTMENT OF TRUST BOARD MEMBERS**

PURSUANT to section 93 of the Crown Lands Act 1989, the persons whose names are specified in Column 1 of the Schedule hereunder are appointed, for the terms of office specified in that Column, as members of the trust board for the reserve trust specified opposite thereto in Column 2, which has been established and appointed as trustee of the reserve referred to opposite thereto in Column 3 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister Assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Matthew Thomas O'Leary (new member)	Elong Elong Public Hall Trust	Dedication No. 520107 Public Purpose: Public Hall Notified: 6 November 1964 File Reference: DB81R28/2

For a term commencing this day and expiring 20 September 2006.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
David Bruce Payne (new member) Cameron Rawson Tomkins (new member) Larry Dalwin Yeo (re-appointment)	Gollan Recreation Reserve Trust	Reserve No. 50376 Public Purpose: Public Recreation Notified: 2 December 1914 File Reference: DB84R33/1

For a term commencing 01 January 2004 and expiring 31 December 2008.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Lucas Caswell (new member)	Home Rule Public Recreation Reserve Trust	Dedication No. 520075 Public Purpose: Public Recreation Notified: 18 January 1884 Dedication No. 1000271 Public Purpose: Recreation Notified: 2 August 1902 File Reference: DB81R86/2

For a term commencing this day and expiring 30 April 2004.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Joel Wesley Bennetts (new member) Kenneth William Rawling (new member) Kylie Anne Bennetts (new member) Reginald John Sweeney (re-appointment)	Merrygoen Bush Fire Brigade Reserve Trust	Reserve No. 97636 Public Purpose: Bush Fire Brigade Purposes Notified: 28 December 1984 File Reference: DB81R170/2

For a term commencing this day and expiring 04 December 2008.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Gregory James Martin (re-appointment) Clifford John Davis (re-appointment) Elizabeth L Davis (new member) Brett Howard England (new member) William Eric England (re-appointment)	Ulamabri Public Hall Trust	Reserve No. 55165 Public Purpose: Public Hall Notified: 10 February 1922 File Reference: DB81R218/3

For a term commencing this day and expiring 08 January 2009.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Margaret Reid (re-appointment) Anthony Bruce Lewis (re-appointment) Brian Clement McDermott (re-appointment) Susan Mary Schneider (new member)	Wollar Recreation Reserve Trust	Reserve No. 6704 Public Purpose: Public Recreation Notified: 30 June 1888 File Reference: DB81R229/3

For a term commencing 01 March 2004 and expiring 28 February 2009.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Janice Joyce Owen (re-appointment) Maria Harrington (new member) Rhonda Janelle Curtis (new member) Wyniss May Eden (re-appointment) Deborah Anne Barrington (re-appointment) Derris Anne Rawlinson (new member) Heather Joy Beames (new member)	Leadville Recreation Reserve Trust	Dedication No. 520079 Public Purpose: Public Recreation Notified: 17 October 1896 File Reference: DB81R66/2

For a term commencing this day and expiring 04 December 2008.

SCHEDULE

COLUMN 1	COLUMN 2	COLUMN 3
Cameron Rawson Tomkins (new member) David Bruce Payne (new member) Larry Dalwin Yeo (re-appointment)	Gollan Public Hall Trust	Reserve No. 50378 Public Purpose: Public Hall Notified: 2 December 1914 File Reference: DB84R33/1

For a term commencing 01 January 2004 and expiring 31 December 2008.

**ALTERATION OF CORPORATE NAME OF  
RESERVE TRUST**

PURSUANT to section 92(3) of the Crown Lands Act 1989, the corporate name of the reserve trust specified in Schedule 1 hereunder, which is trustee of the reserve referred to in Schedule 2, is altered to the corporate name specified in Schedule 3.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

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**SCHEDULE 1**

Dubbo Citizens Radio Emergency Service Reserve  
Trust

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**SCHEDULE 2**

Reserve No. 93699  
Public Purpose: Non-Profit Making Organisations  
Notified: 3 October 1980  
File Reference: DB83R98/3

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**SCHEDULE 3**

Dubbo Community for Non-Profit Making Organisation  
(R93699) Reserve Trust

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**NOWRA OFFICE**

**5 O'Keefe Avenue (PO Box 309), Nowra, NSW 2541**

**Phone: (02) 4428 6900 Fax: (02) 4428 6988**

**NOTIFICATION OF CLOSING OF ROAD**

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed and the road ceases to be public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

*Land District: Kiama – LGA: Wollongong*

Lot 21 DP1059144 at Wollongong, Parish Wollongong and County Camden (being land under the Real Property Act, Certificate of Title, Volume 4964 Folio 63), NA99H243.

**Note:** On closing, the land remains vested in Wollongong City Council as "Operational land" (R350/19/4).

**ORANGE OFFICE****92 Kite Street (PO Box 2146), Orange NSW 2800****Phone: (02) 6393 4300 Fax: (02) 6362 3896****REVOCATION OF RESERVATION OF CROWN LANDS**

PURSUANT to Section 90 of the Crown Lands Act 1989, the reservation of Crown Lands specified in Column 1 of the Schedules are revoked to the extent specified opposite thereto in Column 2 of the Schedules.

TONY KELLY, M.L.C.,  
Minister Assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE 1****COLUMN 1**

Land District – Blayney  
LGA – Evans  
Parish – Bombah  
County – Georgiana  
Location – Trunkey Creek  
Reserve – 81564  
Purpose – Soil Conservation  
Date of Notification – 3 June 1959  
File – OE80H3133/5.

**COLUMN 2**

Part, being Lot 67 in  
DP 728813 of 72.84 ha.

**TAMWORTH OFFICE****25-27 Fitzroy Street (PO Box 535), Tamworth, NSW 2340****Phone: (02) 6764 5100 Fax: (02) 6766 3805****ERRATUM**

In the notice which appeared in the *Government Gazette* No. 197 of 19 December 2003, Folio 11475 under the heading "Appointment of Trust Board Members" that applied to Trustees of the Ogunbil Recreation Reserve Trust is hereby amended by changing the name Alfred THOMAS to Peter Alfred THOMAS.

TONY KELLY, M.L.C.,  
Minister assisting the Minister for  
Natural Resources (Lands)

**REVOCATION OF RESERVATION OF CROWN LAND**

PURSUANT to section 90 of the Crown Lands Act 1989, the reservation of Crown Land specified in Column 1 of the Schedule hereunder, is revoked to the extent specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
Minister assisting the Minister for  
Natural Resources (Lands)

**SCHEDULE****COLUMN 1**

Land District: Gunnedah.  
L.G.A: Gunnedah.  
Parish: Breeza.  
County: Pottinger.  
Locality: Breeza.  
Reserve No.: 95847.  
Purpose: Future public  
requirements.  
Notified: 12 March 1982.  
File No.: TH79 H 649.

**COLUMN 2**

The whole of the reserve being  
Lot 155 in DP 755477, Parish of  
Breeza, County of Pottinger, of an  
area of 192 hectares.

**TAREE OFFICE**  
**102-112 Victoria Street (PO Box 440), Taree, NSW 2430**  
**Phone: (02) 6552 2788 Fax: (02) 6552 2816**

**ASSIGNMENT OF NAME TO A RESERVE TRUST**

PURSUANT to clause 4 (3) of Schedule 8 to the Crown Lands Act 1989, the name specified in Column 1 of the Schedule hereunder is assigned to the reserve trust constituted as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
John Wright Park Recreation Reserve (R83697) Trust	Reserve No: 83697 Public Purpose: Public Recreation Notified: 26 January 1962 Parish: Tuncurry County: Gloucester File No: TE81R98

**WAGGA WAGGA REGIONAL OFFICE**  
**Corner Johnston and Tarcutta Streets (PO Box 60), Wagga Wagga, NSW 2650**  
**Phone: (02) 6937 2709 Fax: (02) 6921 1851**

**APPOINTMENT OF RESERVE TRUST AS TRUSTEE OF A RESERVE**

PURSUANT to section 92(1) of the Crown Lands Act 1989, the reserve trust specified in Column 1 of the Schedule hereunder is appointed as trustee of the reserve specified opposite thereto in Column 2 of the Schedule.

TONY KELLY, M.L.C.,  
 Minister assisting the Minister for  
 Natural Resources (Lands)

SCHEDULE

COLUMN 1	COLUMN 2
Wagga Wagga City Council Crown Reserves Reserve Trust	Reserve No. 62489 Public Purpose: Public Recreation Notified: 13 February 1931 File Reference: WA03R16

**NOTIFICATION OF CLOSING OF A ROAD**

IN pursuance of the provisions of the Roads Act, 1993, the road hereunder specified is closed, the road ceases to be a public road and the rights of passage and access that previously existed in relation to the road are extinguished.

TONY KELLY, M.L.C.,  
 Minister assisting the Minister for  
 Natural Resources (Lands)

Description

*Parishes – Wallandoo and Munyabla;*  
*County – Urana; Land District – Urana; Shire – Lockhart*  
 Road Closed: Lot 1 DP 1062332 at Pleasant Hills  
 File No: WA02H74

**Note:** On closing, the land within Lot 1 DP 1062332 remains vested in the State of New South Wales as Crown land.

## Department of Mineral Resources

NOTICE is given that the following applications have been received:

### EXPLORATION LICENCE APPLICATIONS

(T03-1004)

No. 2260, WESTLIME PTY LIMITED (ACN 090 152 828), area of 9 units, for Group 2, dated 22 December 2003. (Orange Mining Division).

(T03-1005)

No. 2261, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), area of 16 units, for Group 1, dated 22 December 2003. (Cobar Mining Division).

(T03-1006)

No. 2262, COMPASS RESOURCES NL (ACN 010 536 820), area of 100 units, for Group 1, dated 22 December 2003. (Sydney Mining Division).

(T03-1007)

No. 2263, SNOWMIST PTY LTD (ACN 011 041 384), area of 97 units, for Group 1 and Group 6, dated 22 December 2003. (Orange Mining Division).

(T03-1008)

No. 2264, SOUTHERN CROSS TECHNICAL & FIELD SERVICES PTY LTD (ACN 098 333 932), area of 61 units, for Group 1, dated 23 December 2003. (Orange Mining Division).

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been granted:

### EXPLORATION LICENCE APPLICATIONS

(T02-0380)

No. 1953, now Exploration Licence No. 6173, AUSTRALIAN CEMENT LIMITED (ACN 004 158 972), County of Roxburgh, Map Sheet (8832), area of 4 units, for Group 2, dated 17 December 2003, for a term until 16 December, 2005.

(T03-0076)

No. 2118, now Exploration Licence No. 6170, TAMAS KAPITANY, County of Inglis, Map Sheet (9136), area of 1 unit, for Group 3, dated 12 December 2003, for a term until 11 December 2005.

(T03-0077)

No. 2119, now Exploration Licence No. 6171, TAMAS KAPITANY, County of Darling, Map Sheet (9136), area of 1 unit, for Group 3, dated 12 December 2003, for a term until 11 December 2005.

(T03-0841)

No. 2165, now Exploration Licence No. 6174, GOLDEN DRAGON RESOURCES PTY LTD (ACN 106 269 738), Counties of Ewenmar and Narromine, Map Sheet (8533), area of 72 units, for Group 1, dated 18 December 2003, for a term until 17 December 2005.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following applications have been withdrawn:

### EXPLORATION LICENCE APPLICATION

(T03-0982)

No. 2240, COMPASS RESOURCES NL (ACN 010 536 820), County of Bland, Map Sheet (8429). Withdrawal took effect on 22 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

NOTICE is given that the following applications for renewal have been received:

(T87-0419)

Exploration Licence No. 4192, NEWNES KAOLIN PTY LTD (ACN 065 564 794), area of 2 units. Application for renewal received 30 December 2003.

(T95-1157)

Exploration Licence No. 5339, WILDESIGN PTY LTD (ACN 063 680 615), area of 5 units. Application for renewal received 23 December 2003.

(T99-0184)

Exploration Licence No. 5693, ISOKIND PTY LIMITED (ACN 081 732 498), area of 111 units. Application for renewal received 22 December 2003.

(T01-0106)

Exploration Licence No. 5918, DRONVISA PTY LIMITED (ACN 002 070 680), area of 12 units. Application for renewal received 22 December 2003.

(T01-0154)

Exploration Licence No. 5920, SILVER STANDARD AUSTRALIA PTY LIMITED (ACN 009 250 051), area of 65 units. Application for renewal received 24 December 2003.

(T01-0083)

Exploration Licence No. 5921, PLATSEARCH NL (ACN 003 254 395), area of 50 units. Application for renewal received 24 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

### RENEWAL OF CERTAIN AUTHORITIES

NOTICE is given that the following authorities have been renewed:

(M77-5346)

Authorisation No. 143, DENDROBIUM COAL PTY LTD (ACN 098 744 088), County of Camden, Map Sheet (9029), area of 50 square kilometres, for a further term until 7 November 2008. Renewal effective on and from 19 December, 2003.



(T93-0804)

Exploration Licence No. 4702, PROVIDENCE GOLD AND MINERALS PTY LTD (ACN 004 881 789), Counties of Sandon and Vernon, Map Sheet (9236), area of 8 units, for a further term until 9 October 2005. Renewal effective on and from 12 December 2003.

(T00-0131)

Exploration Licence No. 5814, GOLDEN CROSS OPERATIONS PTY LTD (ACN 050 212 827), County of Clarendon, Map Sheet (8427, 8428), area of 37 units, for a further term until 20 February 2005. Renewal effective on and from 12 December 2003.

(T02-0213)

Mining Lease No. 1057 (Act 1973), Donna Louise LEETHAM and Graham LEETHAM, Map Sheet (8026-3-N), area of 3.259 hectares, for a further term until 15 March 2014. Renewal effective on and from 16 March 2004.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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### CANCELLATION OF AUTHORITIES AT REQUEST OF HOLDERS

NOTICE is given that the following authorities have been cancelled:

(T01-0127)

Exploration Licence No. 5941, Robert Francis MURDOCH and Ian K B SHANNON, County of Ashburnham, Map Sheet (8531), area of 1 unit. Cancellation took effect on 24 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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### PART CANCELLATIONS

NOTICE is given that the following authorities have been cancelled in part:

(C03-0256)

Consolidated Coal Lease No. 767 (Act 1973), ENDEAVOUR COAL PTY LTD (ACN 099 830 476), Parish of Camden, County of Camden; Parish of Picton, County of Camden; Parish of Wallandoola, County of Camden; Parish of Wilton, County of Camden; Parish of Woonona, County of Camden; Parish of Appin, County of Cumberland; Parish of Menangle, County of Cumberland; Parish of Southend, County of Cumberland; and Parish of Wedderburn, County of Cumberland, Map Sheets (9029-1-S, 9029-2-N, 9029-3-N, 9029-4-S).

Description of area cancelled:

An area of about 21.8 hectares to a depth of 152.4 metres being Lot 201, DP 749272.

Part cancellation took effect on 17 December 2003.

The authority now embraces an area of 71.12 hectares.

(C03-0257)

Consolidated Coal Lease No. 767 (Act 1973), Endeavour Coal Pty Ltd (ACN 099 830 476), Parish of Camden, County of Camden; Parish of Picton, County of Camden; Parish of Wallandoola, County of Camden; Parish of Wilton, County of Camden; Parish of Woonona, County of Camden; Parish of Appin, County of Cumberland; Parish of Menangle, County of Cumberland; Parish of Southend, County of Cumberland; and Parish of Wedderburn, County of Cumberland, Map Sheet (9029-1-S, 9029-2-N, 9029-3-N, 9029-4-S).

Description of area cancelled:

An area of about 3.2 hectares to a depth of 152.4 metres being Lot 4, DP 249565.

Part cancellation took effect on 17 December 2003.

The authority now embraces an area of 71.12 hectares.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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### TRANSFERS

(T01-0028)

Exploration Licence No. 5851, formerly held by MOUNT ISA MINES LIMITED (ACN 009 661 447) has been transferred to RIO TINTO EXPLORATION PTY LIMITED (ACN 000 057 125). The transfer was registered on 28 November 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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### EXPIRIES

Mining Lease No. 1031 (Act 1973), Robert Ernest WOELLNER, Parish of Abercorn, County of Westmoreland. This title expired on 21 December 2003.

KERRY HICKEY, M.P.,  
Minister for Mineral Resources

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## Roads and Traffic Authority

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### ROADS ACT 1993

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land  
at Wiangaree in the Kyogle Council area

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the Schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

K J Durie  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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#### SCHEDULE

ALL those pieces or parcels of land situated in the Kyogle Council area, Parishes of Wiangaree and Warrazambil and County of Rous, shown as:

Lot 7 Deposited Plan 1057760, being part of the land in Reserve No 93388 for Future Public Requirements notified in Government Gazette No 115 of 15 August 1980 on page 4279 and said to be in the possession of the Crown and Thomas Frederick Little (licensee);

Lot 8 Deposited Plan 1057760, being closed road notified in Government Gazette No 42 of 21 April 1972 on page 1412 and said to be in the possession of the Crown;

Lot 9 Deposited Plan 1057760, being part of the land in unnotified Reserve for Recreation and said to be in the possession of the Crown and Bernadette Leone Dever (licensee); and

Lot 10 Deposited Plan 1057760, being part of the land in Reserve No 93384 for Future Public Requirements notified in Government Gazette No 115 of 15 August 1980 on page 4279, being also part of the land in Certificate of Title 13/1035323 and said to be in the possession of the Crown and Bernadette Leone Dever (licensee);

(RTA Papers FPP 3M4174; RO 240.1360)

### ROADS ACT 1993

#### LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of Land at Vineyard  
in the Blacktown and Hawkesbury City Council areas

THE Roads and Traffic Authority of New South Wales by its delegate declares, with the approval of Her Excellency the Governor, that the land described in the schedule below is acquired by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993.

K J Durie  
Manager, Compulsory Acquisition & Road Dedication  
Roads and Traffic Authority of New South Wales

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#### SCHEDULE

ALL those pieces or parcels of land situated in the Blacktown and Hawkesbury City Council areas, Parish of St Matthew and County of Cumberland, shown as:

Lot 4 Deposited Plan 1042658, being part of the land in Certificate of Title 5/38110 and said to be in the possession of Alan Francis Croghan (registered proprietor) and National Australia Bank Limited (mortgagee); and

Lot 6 Deposited Plan 1037470, being part of the land in Certificate of Title 3/527849 and said to be in the possession of Kevin James Good (registered proprietor), Commonwealth Bank of Australia (mortgagee) and Jeffrey Gee (reputed tenant).

(RTA Papers: FPP 3M4099; RO 91.12085 & 40.12449)

## Other Notices

### ACQUISITION OF LAND

HER Excellency the Governor, with the advice of the Executive Council approve the purchase by the Minister for Emergency Services for and on behalf of Her Majesty the Queen from Colin George Coon and Christine Coon of the land described in the Schedule hereto and in such manner and upon such terms and conditions as the said Minister may deem expedient AND authorize the said Minister to do all things and incidental to effect such acquisition, including without limitation executing all necessary documents.

TONY KELLY, M.L.C.,  
Minister for Emergency Services

#### SCHEDULE

ALL THAT piece or parcel of land situated at Dubbo in the Local government Area of Dubbo and County of Lincoln being Lot 2 in an unregistered plan of subdivision being part of Lot 16 Deposited Plan 1012545 and being part of the land comprised in Folio Identified 19/1012545

### APPRENTICESHIP AND TRAINEESHIP ACT ORDER

I, PAM CHRISTIE, Commissioner for Vocational Training, in pursuance of section 5 of the Apprenticeship and Traineeship Act 2001, make the Order set forth hereunder.

Commissioner for Vocational Training

#### Commencement

1. This Order takes effect from the date of publication in the NSW *Government Gazette*.

#### Amendment

2. The Apprenticeship and Traineeship Orders are amended by:

inserting in Schedule 2 in appropriate alphabetical order the following vocation which is designated as a declared traineeship vocation for the purposes of the Apprenticeship and Traineeship Act 2001:

#### Food Processing (Wine)

### APPRENTICESHIP AND TRAINEESHIP TRAINING ACT 2001

#### Notice of Making of a Vocational Training Order

NOTICE is given that the Commissioner for Vocational Training, in pursuance of section 6 of the Apprenticeship and Traineeship Act 2001, has made the following Vocational Training Order in relation to the recognised traineeship vocation of Food Processing (Wine).

#### Citation

The order is cited as the Food Processing (Wine) Order.

#### Order

A summary of the Order is given below.

#### (a) Term of Training

#### (i) Full-time

Training shall be given for a nominal term of 12 months for Certificate II and 24 months for Certificate III, or until achievement of the relevant competencies to this Vocational Training Order is demonstrated or until achievement of the relevant competencies to this Vocational Training Order is demonstrated

#### (ii) Part-time

The nominal term for a part time traineeship is determined by the average weekly hours worked in the traineeship (including structured training) and the nominal full-time term for that traineeship.

The table below identifies the allowable hours which may be undertaken and the nominal terms for part-time traineeships.

Full-time Traineeship Term	6 mths	12 mths	18 mths	24 mths	30 mths	36 mths	48 mths
	Nominal Term Required (Months)						
Weekly Hours							
15	15	30	45	Not Allowable			
16	15	29	44				
17	14	28	42				
18	14	27	41				
19	13	26	39				
20	13	25	38				
21	12	24	36	48			
22	12	23	35	46			
23	11	22	33	44	55		
24	11	21	32	42	53		
25	10	20	30	40	50	60	
26	10	19	29	38	48	57	
27	9	18	27	36	45	54	72
28	9	17	26	34	43	51	68
29	8	16	24	32	40	48	64
30	8	15	23	30	38	45	60
31	Not Allowable		22	28	35	42	56
32	Not Allowable		20	26	33	39	52

#### (b) Competency Outcomes

Trainees will be trained in and achieve competence in the endorsed National Food Processing (Wine) Competency Standards.

#### (c) Courses of Study to be undertaken

Trainees will undertake the following courses of study:  
Certificate II in Food Processing (Wine) FDF20403  
Certificate III in Food Processing (Wine) FDF30403

**Availability for Inspection**

A copy of the Vocational Training Order may be inspected at any Industry Training Centre of the Department of Education and Training or on the Internet at <http://apprenticeship.det.nsw.edu.au>

**DORMANT FUNDS ACT 1942**

In Re the Dormant Fund known as Garra Public Hall Fund NOTICE is hereby given that proposals have been formulated under the Dormant Funds Act 1942, in relation to the above Fund and that a copy of such proposals may be inspected at the office of the Commissioner, Public Trust Office, 19 O'Connell Street, Sydney. Any person interested in the administration, utilisation or application of the said Dormant Fund may on or before the 23rd day of February 2004 deliver or send to the Commissioner at 19 O'Connell Street, Sydney, a request in writing that the proposals be referred by the Commissioner to the Charity Referees. Such request must state an address for service of notices on the person by whom the request is made.

DATED at Sydney this 8th day of January 2004.

P. J. WHITEHEAD,  
Commissioner of Dormant Funds

**ERRATUM****RAIL SAFETY ACT 2002****GUIDELINES FOR CERTIFICATION OF  
COMPETENCY**

THE notice appearing in the *Government Gazette* dated 24 December 2003, starting from folio 11703, is changed by removing the bracketed explanatory notes at Guidelines 6.1 (b), 6.2 (f) and 7.3 relating to the impending passage of legislative amendments. The text to be removed reads as follows:

- 6.1 (b) [It is proposed that legislation amending the section be submitted to the Parliament in the Spring Session]
- 6.2 (f) [Amendment of the Act along these lines is proposed]
- 7.3 [It is proposed that the Act be amended to authorise this.]

**ERRATUM****APPRENTICESHIP AND TRAINEESHIP ACT  
2001**

IN the notice regarding the VTO relating to the recognised traineeship vocation of Health Services in the *Government Gazette* of 25 July 2003, section (a) Term of Training, (i) Full-time, should read: Training shall be given for a nominal term of 12 months for Certificate II or 24 months for Certificate III and IV respectively, or until achievement of the relevant competencies to this Vocational Training Order is demonstrated.

**GEOGRAPHICAL NAMES ACT 1966****Notice of Revised Proposal to Assign Geographical  
Names and Determine the Extent of Suburbs and  
Localities within Wollongong City**

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign geographical names listed below to the areas indicated on maps GNB3686/A and GNB3686/B. The maps may be viewed at Wollongong Central Library at Wollongong City Council Administration Building and the Branch Libraries servicing Dapto, Warrawong, Bulli, Helensburgh, Corrimal, Unanderra and Thirroul. The map will also be exhibited at Councils two mobile libraries and at the office of the Geographical Names Board, Land and Property Information, Panorama Avenue, Bathurst.

The new bounded suburb Fernhill is proposed, reducing the extent of Towradgi, Fairy Meadow and Balgownie, see map A; the previously advertised boundaries for Wongawilli are revised, reducing the extent of Wongawilli and increasing the extent of Huntley, see map B.

The previously advertised proposal for sixty three suburbs and five localities to be used as the address, will be brought forward, with the above changes.

Any person wishing to make comment upon this proposal may within one (1) month of the date of this notice write to the Secretary of the Board with that comment.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

**GEOGRAPHICAL NAMES ACT 1966****Notice of Assignment of Geographical Names and  
Boundaries****For Suburbs and Localities in the City of Blue Mountains**

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board has this day assigned the names and boundaries of the following suburbs and localities in Blue Mountains City, to be used as the address, as shown on map GNB3726:

Suburbs: Bell, Blackheath, Blaxland, Bullaburra, Faulconbridge, Glenbrook, Hazelbrook, Katoomba, Lapstone, Lawson, Leura, Linden, Medlow Bath, Mount Riverview, Mount Victoria, Springwood, Sun Valley, Valley Heights, Warrimoo, Wentworth Falls, Winmalee, Woodford.

Localities: Berambing, Bilpin, Hawkesbury Heights, Megalong, Mount Irvine, Mount Tomah, Mount Wilson, Yellow Rock.

WARWICK WATKINS,  
Chairperson

Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

**HERITAGE ACT 1977**

Direction Pursuant to Section 34(1)(A) to list an Item on  
The State Heritage Register

**ATHENIUM THEATRE**  
**SHR No 1687**

IN pursuance of Section 34(1)(a) of the Heritage Act 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B".

DIANE BEAMER, M.P.,  
Minister Assisting the Minister for  
Infrastructure and Planning (Planning  
Administration)

Sydney, 17th Day of December 2003

SCHEDULE "A"

The item known as the Athenium Theatre (JADDA Centre), Broadway, Junee, situated on the land described in Schedule "B".

SCHEDULE "B"

All those pieces or parcels of land known as Lot 15, Section 9, DP 10366 in Parish of South Junee, County of Clarendon as shown on the plan catalogued HC 1944 in the office of the Heritage Council of New South Wales.

**OCCUPATIONAL HEALTH AND SAFETY**  
**REGULATION 2001**

EXEMPTION ORDER NO 003/03

I, JOHN WATSON, Acting General Manager of the Occupational Health and Safety Division, under the delegation assigned by WorkCover NSW and pursuant to Clause 348 [exemptions for classes of persons or things] of the Occupational Health and Safety Regulation 2001 (the Regulation), being satisfied that the application of the provision in Clause 341(h) of the Regulation is unnecessary and unreasonable in the circumstances hereby exempt the organisations described in Schedule 1 from their duties to comply with Clause 341(h) specified in Schedule 2, subject to the conditions specified in Schedule 3.

SCHEDULE 1

1. Public health organisations described by the NSW Health Service Act 1997 as:
  - (a) an area health service, or
  - (b) a statutory health corporation, or
  - (c) an affiliated health organisation in respect of its recognised establishments and recognised services.

**Excluding Corrections Health Service, Ambulance Service of NSW, psychiatric institutions, rehabilitation facilities and mothercraft facilities.**

SCHEDULE 2

Exemption from the requirement under Clause 341(h) to notify WorkCover NSW of each individual incident where there has been occupational exposure of an employee to bodily fluids that presents a risk of transmission of blood-borne diseases.

SCHEDULE 3

1. Employer/Occupier referred to in Schedule 1 must have in place a comprehensive system for the reporting, recording, and follow-up of incidents where there is a risk of occupational exposure to blood-borne diseases as per Schedule 2 in accordance with the NSW Health Department policies issued by the Minister and the Director-General of NSW Health.
2. Employer/Occupier referred to in Schedule 1 must comply with the reporting requirements of NSW Department of Health Circulars relating to Infection Control Program Quality Monitoring and NSW Department of Health Infection Control Program Quality Monitoring Indicators Users' Manual in regard to reporting of occupational exposures to NSW Department of Health.
3. NSW Department of Health must provide WorkCover NSW with aggregated occupational exposure data by health care facility twice each year for the periods January to June (report due 1 December) and July to December (report due 1 June). The NSW Department of Health must forward the report to the Team Manager, Health and Community Services Team, WorkCover NSW, Locked Bag 2906 Lisarow NSW 2252 or provide the data by electronic means in a format agreed by WorkCover NSW.
4. Employer/Occupier referred to in Schedule 1 must notify each individual incident to WorkCover NSW in accordance with Clause 341(a) and Clause 341(b) of the OHS Regulation 2001 if an injury or illness results in a person being absent or unfit to perform their usual duties for a continuous period of at least 7 days.

**Commencement**

This exemption commences on the date that it is published in the New South Wales *Government Gazette*, and has effect for a period of two years from that date.

JOHN WATSON,  
Acting General Manager  
Occupational Health and Safety Division

**SYDNEY WATER ACT 1994**

LAND ACQUISITION  
(JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition of an Interest in Land at North Bondi in the Local Government Area of Waverley  
SYDNEY Water Corporation declares, with the approval of Her Excellency, the Governor, that the interest in land described in the First Schedule hereto as amended in the Second Schedule hereto is acquired over the land described in the Third Schedule hereto by compulsory process under the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991 for the purpose of the Sydney Water Act 1994.

Dated at Sydney this Twenty-fourth day of December 2003

Signed for Sydney Water Corporation  
by its Attorneys  
WARREN FREDERICH WATKINS,  
JEFFREY FRANCIS COLENSO

who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 689 Book 4409 under the Authority of which this instrument has been executed.

#### SCHEDULE 1

A Lease for Construction Works more fully described in Memorandum 5002148 lodged at the Office of Land and Property Information, Sydney with the Items of the Reference Schedule forming part of Memorandum 5002148 being read as follows:

- Item 1: Lessor: Department of Land administering the land on behalf of the Crown and Waverley Council as Reserve Trust managers of the Hugh Bamford and Williams Park (R93444) Reserve Trust.
- Item 2: Term: From the commencing date to 31 December 2007
- Item 3: Land: That part of Crown Reserve R.93444 for Public Recreation, as notified in NSW Government Gazette No. 117 of 22nd August 1980, having an area of 7549 square metres and shown as Lease for Construction Purposes on Plan No. BO-SX/C-0Z-0200 filed at the offices of the Sydney Water Corporation.
- Item 4: Project: Bondi Sewage Treatment Plant Reliability Improvement and Modernisation Program
- Item 5: Lessee's Rates Proportion: Not Applicable

#### SCHEDULE 2

For the purposes of this notice Memorandum 5002148 is amended as follows:

- all references to the Water Board (Corporatisation) Act 1994 are to be read as the Sydney Water Act 1994.
- all references to the Sydney Water Corporation Limited are to be read as the Sydney Water Corporation.
- the deletion of Clause 4.4(f).
- the deletion of section (d) in the definition of **Construction Works** in Clause 1.1.
- the deletion of all of the words in section (h) in the definition of Construction Works in Clause 1.1 and replacement with the words "removal and/or emplacement of material to establish the desired ground level for the duration of construction".

#### SCHEDULE 3

All that piece or parcel of land in the Local Government Area of Waverley, Parish of Alexandria, County of Cumberland, and State of New South Wales having an area of 7549 square metres, shown as Lease for Construction Purposes on Plan No. BO-SX/C-0Z-0200 filed at the offices of the Sydney Water Corporation being part of Crown Reserve R.93444 for Public Recreation, as notified in NSW *Government Gazette* No. 117 of 22nd August 1980.

The above parcel of land is said to be in the possession of the Crown.

[Sydney Water file reference: 2003/06982F]

**TENDERS****Department of Commerce****SUPPLIES AND SERVICES FOR THE PUBLIC SERVICE**

Information in relation to the Department of Commerce proposed, current and awarded tenders is available on:

<http://www.tenders.nsw.gov.au>

<http://www.tenders.nsw.gov.au>

**cmSolutions**

**TENDERS FOR PRINTING**

TENDERS will be received up to 9.30 am on the date specified for the undermentioned printing. Envelopes containing tenders must be addressed to: Tender Box Level 3 McKell Building 2-24 Rawson Place SYDNEY NSW 2000, and have legibly endorsed upon the face thereof the items and description of the printing for which the tender is submitted.

**Tender No. 0400006**

Bush Fire Fighter Manual

TENDERS are invited on behalf of NSW Rural Fire Service for the production of the Bush Fire Fighter Manual

Tender documents will be available on Friday, 9 January 2004 at [tenders.nsw.gov.au](http://tenders.nsw.gov.au). Job consists of 10,000 copies of 424pp + cover section sewn manual. Tenders can be downloaded for free from the web site or hard copies can be obtained from NSW Supply section at 2-24 Rawson Place, Sydney for a fee of \$55.00 + GST. Tender closes Tuesday, 27 January 2004.

For further information contact Gavin Potter on 9743 8777.

# PRIVATE ADVERTISEMENTS

## COUNCIL NOTICES

### BYRON SHIRE COUNCIL

Roads Act 1993, Section 162

Naming of Public Roads

NOTICE is hereby given that in accordance with section 162(1) and (2) of the Roads Act 1993, Council has named "Lomandra Lane", which runs for approximately 365 metres in a south easterly direction from Coral Avenue, Mullumbimby. P. WESTING, General Manager, Byron Shire Council, PO Box 219, Mullumbimby, NSW 2482.

[1003]

### INVERELL SHIRE COUNCIL

Roads Act 1993

Naming of Roads

IN accordance with section 162 of the Roads Act 1993, Council hereby gives notice to name the public road:

<b>Current Name</b>	<b>New Name</b>
King Lane, between Howard and May Streets, Inverell.	Cloonan Terrace.

Authorised by Resolution No. 153/03 of Council on 27 May 2003. GENERAL MANAGER, Inverell Shire Council, 144 Otho Street (PO Box 138), Inverell, NSW 2360, tel.: (02) 6728 8288.

[0994]

### LISMORE CITY COUNCIL

Roads Act 1993

Naming of Roads

NOTICE is hereby given that the Lismore City Council has pursuant to section 162 of the Roads Act 1993, renamed part of Barham Street as follows:

<b>Location</b>	<b>New Name</b>
Renaming of part of Barham Street, being northerly from Wanda Drive for approximately 300m and terminating at the unnamed water course.	Wanda Drive.

Authorised by resolution of the Council on 4 November 2003. PAUL G. O'SULLIVAN, General Manager, Lismore City Council, 43 Oliver Avenue (PO Box 23A), Lismore, NSW 2480, tel.: (02) 6625 0500.

[1005]

### MANLY COUNCIL

PURSUANT to section 9 of the Roads (General) Regulation 2000 and by resolution of the Council, notice is given to the naming of new roads at Seaforth as follows:

- The road connecting the northern end of Rignold Street easterly to Boronia Lane, Rignold Street, and
- The extension of Boronia Lane northerly and easterly through Lot 52, DP 200638 and connecting with Castle Circuit, Boronia Lane.

H. T. WONG, General Manager, Manly Council, Town Hall, 1 Belgrave Street (PO Box 1655), Manly, NSW 2095, tel.: (02) 9976 1500.

[0998]

### SHOALHAVEN CITY COUNCIL

Roads Act 1993, Section 10

Dedication of Land as Public Road

NOTICE is hereby given that the Council of the City of Shoalhaven at its meeting of 1 September 2003, Minute No. 03.1121, resolved to acquire land for public road to rectify an encroachment of the formation of Turpentine Road at Tomerong. The land as described in the Schedule below has been acquired and is hereby dedicated as council public road pursuant to section 10 of the Roads Act 1993. R. D. PIGG, General Manager, Shoalhaven City Council, Bridge Road (PO Box 42), Nowra NSW 2541. Reference: 26975.

Schedule

Lot 1, DP 1046241, Parish of Wandrawandian, County of St Vincent.

[1002]

### STRATHFIELD COUNCIL

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Notice of Compulsory Acquisition of Land

STRATHFIELD Council declares with the approval of Her Excellency the Governor, that the land described in the Schedule below, excluding any mines or deposits of minerals in those lands, are acquired by compulsory process in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, for the purposes of the Roads Act 1993 and resale. Dated at Strathfield this 30th day of December 2003. Dr KERRY KEOGH, General Manager, Strathfield Council, 65 Homebush Road (PO Box 120), Strathfield, NSW 2135, tel.: (02) 9746 0431.

Schedule

Lot 22, section 17, DP 477.

[0999]

### TWEED SHIRE COUNCIL

Roads Act 1993

Naming of Public Road

NOTICE is hereby given that the Tweed Shire Council, in pursuance of section 162 of the Roads Act 1993, has named a 20m strip of road extending north from Depot Road, Kings Forest as SECRET LANE. Authorised by resolution of the Council on 3 December 2003. GENERAL MANAGER, Tweed Shire Council, Civic Centre, Tumbulgum Road, Murwillumbah, NSW 2484.

[1004]

## ESTATE NOTICES

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of PETER GRITZALIS, late of 26 Milroy Avenue, Kensington, in the State of New South Wales, who died on 12 October 2003, must send



particulars of their claim to the executor, Leon Gritzalis, c.o. Simpson & Co., Solicitors, 103A Anzac Parade, Kensington, NSW 2033, within one (1) calendar month from publication of this notice. After that time the assets of the estate and the property may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 11 December 2003. SIMPSON & CO., Solicitors, 103A Anzac Parade, Kensington, NSW 2033 (PO Box 340, Kensington 1465), tel.: (02) 9662 4381. [0995]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of HAZEL MARY NICHOLS, late of Unit 8, Lakeview Lodge, Dalmeny Nursing Home, Dalmeny, in the State of New South Wales, who died on 1 July 2003, must send particulars of his claim to the executor, Ross David Charles Murray, c.o. Colin J. Duff, Solicitor, 7 Morts Road, Mortdale, NSW 2223, within one (1) calendar month from publication of this notice. After that time the assets of the estate may be conveyed and distributed having regard only to the claims of which at the time of conveyance or distribution the executor has notice. Probate was granted in New South Wales on 22 September 2003. COLIN J. DUFF, Solicitor, 7 Morts Road, Mortdale, NSW 2223 (DX11307 Hurstville), tel.: (02) 9570 2022. [0996]

NOTICE of intended distribution of estate.—Any person having any claim upon the estate of EDITH MARY KERVILLE (in the will called Edyth Mary Kerville), late of Wingham, in the State of New South Wales, dressmaker/home duties, who died on 12 September 2003, must send particulars of the claim to the executors, Irene Joyce Wann and Paul Graham Wann, c.o. McKerns, Lawyers, 43 Isabella Street, Wingham, NSW 2429, within one (1) calendar month from publication of this notice. After that time the executors may distribute the assets of the estate having regard only to the claims of which at the time of distribution the trustees has notice. Probate was granted in New South Wales on 22 December 2003. McKERNS, Lawyers, 43 Isabella Street (PO Box 34), Wingham, NSW 2429 (DX7021 Taree), tel.: (02) 6557 0922. [1006]

## COMPANY NOTICES

NOTICE of voluntary winding up.—ALIMAX PROPRIETARY LIMITED, ACN 001 778 196.—Notice is hereby given that by a special resolution passed at a meeting of shareholders of ALIMAX PROPRIETARY LIMITED, ACN 001 778 196, duly convened and held on the 22 December 2003, it was resolved that the company be wound up voluntarily and that Roger Lynch and Stuart Horsburgh of Walker Lynch Petersen, PO Box 124, Forster, NSW, be appointed as joint and several liquidators. Notice is also hereby given that creditors having a claim against the company should furnish the particulars to the liquidators within 21 days of this date, otherwise distribution of the assets will take place without regard to such claims. Dated 5 January 2004. ROGER IRWIN LYNCH and STUART WILLIAM HORSBURGH, Joint and Several Liquidators, c.o. Walker Lynch Petersen, Chartered Accountants, 20 Wallis Street, Forster, NSW 2428, tel.: (02) 6554 7566. [1000]

NOTICE of final meeting.—LAGOONA GALONG PTY LTD, ACN 000 244 217 (in voluntary liquidation).—Notice is hereby given that pursuant to section 509 of the Corporations Law, the final meeting of members of the company will be held at 92 Cooper Street, Cootamundra, on 30 January 2004, at 10:00 a.m., for the purpose of the liquidator laying before the meeting an account of the winding up and the giving of any explanation thereof. Dated this 29th day of December, 2003. DAWSON & PARTNERS, Chartered Accountants, 92 Cooper Street (PO Box 201), Cootamundra, NSW 2590, tel.: (02) 6942 1711. [1001]

## OTHER NOTICES

IN the Local Courts of New South Wales TOTAL LEISURE PTY LTD vs RICKIE GRIVAS (a female).—On Saturday, 7 February 2004, at 10:00, unless the Writ of Execution herein be previously satisfied, the Sheriff will cause to be sold by public auction at 5 Fawcett Drive, Lake Wyangan, NSW 2680, all the right, title and interest of Rickie Grivas (a female), the defendant herein, of, in and to: All that equity of redemption and all other right, title and interest (if any) of the said defendant of, and to all the piece of land situated at 5 Fawcett Drive, Lake Wyangan, NSW 2680, being described as Lot 4 in Deposited Plan 852393, at Lake Wyangan in the Local Government Area of Griffith, Parish of Wyangan, County of Cooper. Title Folio Identifier: 4/852393. Intending purchasers should make their own searches and enquiries. Dated 22 December 2003. Senior Sergeant W. WHITE.

[0997]

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