

Totalizator Regulation 1998

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New South Wales

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Totalizator Regulation 1998



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Totalizator Regulation 1998*.

2 Definition

In this Regulation:

the Act means the *Totalizator Act 1997*.

3 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

Part 2 Relevant interests in shares

4 Exemption from prohibited shareholding interest provisions: section 31 (7)

In accordance with section 31 (7) of the Act, if a stockbroker purchases (or agrees to purchase) shares in the licensee in accordance with an approved purchase and resale arrangement (as referred to in the *Totalizator Agency Board Privatisation Regulation 1998*), the stockbroker's interest in the shares is to be disregarded for the purposes of determining whether the stockbroker has a prohibited shareholding interest (as referred to in section 33 of the Act) in the licensee.

4A Exemption from prohibited shareholding interest provisions: section 31 (7)

(1) The relevant interest that a relevant body has in shares of a licensee is to be disregarded for the purpose of determining whether the body has a prohibited shareholding interest (as referred to in section 33 of the Act) in the licensee if:

(a) in the case of an authorised trustee corporation:

(i) the shares are held by the authorised trustee corporation in its capacity as trustee of a trust, undertaking or scheme or by a custodian on behalf of the authorised trustee corporation in that capacity, and

- (ii) the trust, undertaking or scheme is governed by an approved deed, and
 - (b) in the case of a registered scheme—the shares are held on trust by the responsible entity for the scheme, and
 - (c) neither the authorised trustee corporation, responsible entity or the custodian (if any), nor any related body corporate of the corporation, scheme or custodian determines the manner in which voting rights attached to the shares are exercised.
- (2) The Minister may, by notice in writing given to a relevant body, direct that this clause is not to apply to:
- (a) a relevant body, or
 - (b) a specified shareholding of the relevant body.
- (3) This clause does not apply to a relevant body, or a specified shareholding of a relevant body, that is the subject of a direction given in accordance with subclause (2).
- (4) In this clause:

approved deed means a deed that is an approved deed for the purposes of Division 5 of Part 7.12 of the *Corporations Law* (as it continues to apply pursuant to section 1454 of that Law and section 1408 of the *Corporations Act 2001* of the Commonwealth).

Note—

Division 5 of Part 7.12 of the *Corporations Law*, although repealed by the *Managed Investments Act 1998* of the Commonwealth, continues to apply to certain interests, undertakings and trustees pursuant to section 1454 of that Law (as continued in force by section 1408 of the *Corporations Act 2001* of the Commonwealth).

authorised trustee corporation has the meaning it had in the *Corporations Law* immediately before the commencement of the *Managed Investments Act 1998* of the Commonwealth.

registered scheme has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

related body corporate has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

relevant body means any of the following:

- (a) an authorised trustee company,
- (b) the responsible entity for a registered scheme,

(c) a related body corporate of such a company or scheme.

responsible entity of a registered scheme has the same meaning as in the [Corporations Act 2001](#) of the Commonwealth.

Part 3 Responsible gambling practices

Division 1 Problem gambling signage and information

4B Definitions

In this Division:

problem gambling information means the G-line (NSW) toll-free help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.

4C Approval of gambling information brochures

- (1) The Minister may approve one or more pamphlets or brochures containing problem gambling information in the English language (a **problem gambling information brochure**).
- (2) A problem gambling information brochure must contain advice in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
 - (a) indicates the substance of the information contained in English in the brochure, and
 - (b) advises that the information will be supplied by the licensee in the relevant language on request.
- (3) The Minister may approve one or more pamphlets or brochures containing problem gambling information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages (a **community language problem gambling information brochure**).
- (4) The Minister may vary or withdraw any approval given under this clause.

4D Provision of problem gambling information brochures

A licensee must ensure that:

- (a) copies of at least one type of problem gambling information brochure approved by the Minister under clause 4C (1) are made available in each part of the premises on which totalizator betting is being conducted under the licence, and
- (b) those copies are displayed in such a manner and in such a place that it would be

reasonable to expect that a person in the part of the premises in which the brochures are displayed would be alerted to their presence.

Maximum penalty: 50 penalty units.

4E Provision of community language problem gambling information brochures

- (1) A person may request a licensee to supply a community language problem gambling information brochure approved by the Minister under clause 4C (3) in one of the languages specified in that subclause.
- (2) A licensee must supply a community language problem gambling information brochure in accordance with a request made under subclause (1) as soon as practicable after being requested to do so.

Maximum penalty (subclause (2)): 50 penalty units.

4F Counselling signage—notice to be displayed

- (1) A licensee that conducts totalizator betting on any premises must ensure that:
 - (a) a notice that complies with this clause is displayed in each part of the premises in which the totalizator betting is conducted, and
 - (b) each such notice is displayed in such a manner that it would be reasonable to expect that a person in the part of the premises in relation to which the notice is displayed would be alerted to its contents.

Maximum penalty: 50 penalty units.

- (2) The notice must contain the following:

Is gambling a problem for you?
CALL G-line (NSW)
A confidential, anonymous & free counselling service
FREE CALL 1800 633 635

- (3) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

4G ATM and EFT signage

- (1) A licensee must ensure that a notice that complies with this clause is displayed in accordance with this clause in a prominent position on or adjacent to each automatic teller machine (ATM) and electronic funds transfer facility (EFT) located on the premises on which totalizator betting is being conducted under the licence:

Maximum penalty: 50 penalty units.

(2) The notice must contain the following:

Is gambling a problem for you?

CALL G-line (NSW)

A confidential, anonymous & free counselling service

FREE CALL 1800 633 635

(3) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.

(4) The notice may consist of a permanently visible light emitting display that forms part of the machine or facility.

(5) A notice under this clause may contain a statement in the form of a warning as to the possible effects of excessive or problem gambling.

Division 2 Gambling advertising and inducements

4H Definitions

In this Division:

gambling advertising means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities.

publish includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, electronics, television or the Internet or other on-line communications system).

4I Prohibitions on gambling-related advertising

(1) A licensee, or an employee or agent of a licensee, must not publish, or cause to be published, any gambling advertising:

(a) that encourages a breach of the law, or

(b) that depicts children gambling, or

(c) that is false, misleading or deceptive, or

(d) that suggests that winning will be a definite outcome of participating in gambling activities, or

(e) that suggests that participation in gambling activities is likely to improve a person's financial prospects, or

(f) that promotes the consumption of alcohol while engaging in gambling activities, or

(g) that is not conducted in accordance with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice as in force at

the time the gambling advertising is published.

Maximum penalty: 50 penalty units.

- (2) Any gambling advertising in writing published, or caused to be published, after the commencement of this clause in a newspaper, magazine, poster or other printed form by a licensee, or an employee or agent of a licensee, must contain the following statement in capital letters:

IS GAMBLING A PROBLEM FOR YOU?
G-LINE (NSW) IS A CONFIDENTIAL, ANONYMOUS AND FREE COUNSELLING SERVICE
FREE CALL 1800 633 635.

Maximum penalty: 50 penalty units.

- (3) A person other than a licensee, or an employee or agent of a licensee, must not publish any advertising that does any of the things referred to in subclause (1) (a)-(g) after the commencement of this clause.

Maximum penalty: 50 penalty units.

- (4) Subclause (3) does not apply if the advertising relates to a licensee and the publication of the advertising was approved in writing by the licensee or an employee or agent of the licensee.
- (5) This clause does not apply to the publication of any gambling advertising under a contract or arrangement entered into before the commencement of this clause.
- (6) A licensee, or an employee or agent of a licensee, must not after the commencement of this clause enter into or extend the duration of any contract or arrangement for the publication of gambling advertising that does not comply with this clause.

Maximum penalty (subclause (6)): 50 penalty units.

4j Gambling inducements

A licensee, or an employee or agent of a licensee, must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any totalizator betting.

Maximum penalty: 50 penalty units.

Part 4 Miscellaneous

5 Authorised payments out of Racecourse Development Fund

In accordance with clause 11 (5) (f) of Schedule 2 to the Act, payments may be made out of the Racecourse Development Fund into any fund that the Minister is satisfied is a fund that operates for the purposes of applying those payments for any one or more of the

purposes referred to in clause 11 (5) (a)–(e) of that Schedule.

6 Key employees

For the purposes of the definition of **key employee** in section 5 (1) of the Act, the following persons are prescribed:

- (a) any person (whether or not appointed under a contract of service) who is:
 - (i) employed in a managerial or supervisory capacity in relation to the conduct of a totalizator by or on behalf of a licensee, or
 - (ii) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of a licensee in relation to a totalizator conducted by or on behalf of the licensee,
 - (b) any person (whether or not appointed under a contract of service) whose duties in relation to the conduct of a totalizator by or on behalf of a licensee include any of the following:
 - (i) the taking of bets on the totalizator,
 - (ii) the calculation, determination or declaring of any dividends in the totalizator,
 - (iii) involvement in the financial or accounting aspects of the conduct of the totalizator (including any dealing with money invested on the totalizator),
 - (iv) the design, construction, creation, operation, repair or maintenance of any device, equipment or computer software that is used in connection with the conduct of the totalizator or that otherwise affects the conduct of the totalizator,
 - (v) involvement in the security requirements in respect of the totalizator,
- except such persons as are employed or engaged in positions identified by the Minister from time to time, by notice in writing served on the licensee, as being outside the scope of this definition.