

Totalizator Regulation 1998

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New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**

[Totalizator Agency Board Privatisation Amendment Bill 2002](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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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.

4AB Exemption from prohibited shareholding interest provisions—TAB Share Buy-Back: section 31 (7)

- (1) If the TAB share buy-back results in a person having a prohibited shareholding interest in TAB, a relevant interest in such number of voting shares as constitutes the person's buy-back allowable excess is to be disregarded for the purpose of determining whether the person has a prohibited shareholding interest (as referred to in section 33 of the Act) in a licensee.
- (2) For the purposes of this clause, a person's **buy-back allowable excess** means the number of voting shares in TAB that a person was entitled to, immediately after the TAB share buy-back, in excess of the number of voting shares that constituted, immediately after the TAB share buy-back, 5% of the total number of voting shares in TAB.
- (3) This clause does not apply to a person who had a prohibited shareholding interest in TAB immediately before the TAB share buy-back.
- (4) A person's buy-back allowable excess is to be calculated as a whole number (rounding up to the next whole number if the excess would otherwise not be a whole number).
- (5) In this clause:

TAB share buy-back means the cancellation of the voting shares in TAB bought back by TAB from shareholders of TAB under the buy-back offer with a record date of 7.00 pm 3 April 2002.

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) 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.

4EA Gambling information and warnings

- (1) On and after 1 May 2002, a licensee must ensure that each printed entry form (however described) and betting ticket in a totalizator conducted by the licensee

contains the following:

Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635

Maximum penalty: 50 penalty units.

- (2) Subclause (1) does not apply to any printed entry form or betting ticket supplied to the licensee concerned under a contract or arrangement entered into before 1 May 2002.
- (3) A licensee or agent of a licensee must not, on or after 1 May 2002, extend the duration of any contract or arrangement entered into before that date for the supply of entry forms or betting tickets that do not contain the matter required by subclause (1).

Maximum penalty (subclause (3)): 50 penalty units.

4F Counselling signage—notice to be displayed

- (1) A licensee must:
- (a) display a notice that complies with this clause in each part of the premises in which totalizator betting is conducted by the licensee, and
 - (b) display the notice in such a manner and in such a place that it would be reasonable to expect that a person using 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)
counselling service
1800 633 635

- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) 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 display a notice 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)
counselling service
1800 633 635

- (3) Subclause (2) does not prevent a notice under this clause containing other information, including a statement in the form of a warning as to the possible effects of excessive or problem gambling.
- (4) The matter contained in the notice must be in letters and figures of not less than 0.2 centimetres in height.
- (5) The notice may consist of a permanently visible light emitting display that forms part of the machine or facility.

Division 2 Totalizator advertising and inducements

4H Definitions

In this Division:

publish includes disseminate in any way, whether by oral, visual, written, electronic or other means (for example, disseminate by means of cinema, video, radio, television or the Internet).

totalizator advertising means advertising that is directly related to the conduct of a totalizator.

4I Prohibitions on totalizator advertising

- (1) The requirements of subclauses (2), (3) and (4) are prescribed as requirements for the purposes of section 80 (1) of the Act.

Note—

Section 80 (1) of the Act makes it an offence for a licensee or other person to publish, or cause to be published, any totalizator advertising that is in contravention of a requirement of the regulations or the rules. The maximum penalty for the offence is 50 penalty units.

- (2) A licensee, or an employee or agent of a licensee, must not publish, or cause to be

published, any totalizator advertising that:

- (a) encourages a breach of the law, or
- (b) depicts children gambling, or
- (c) that is false, misleading or deceptive, or
- (d) suggests that winning will be a definite outcome of participating in gambling activities, or
- (e) suggests that participation in gambling activities is likely to improve a person's financial prospects, or
- (f) promotes the consumption of alcohol while engaging in gambling activities, or
- (g) 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 totalizator advertising is published.

- (3) A licensee, or an employee or agent of a licensee, is not to publish, or cause to be published, any totalizator advertising in writing in a newspaper, magazine, poster or other printed form that does not contain the following in capital letters:

IS GAMBLING A PROBLEM FOR YOU?
G-LINE (NSW) IS A COUNSELLING SERVICE
CALL 1800 633 635

- (4) A person other than a licensee, or an employee or agent of a licensee, must not publish any totalizator advertising that does any of the things referred to in subclause (2) (a)-(g).
- (4A) Subclause (4) does not apply if the licensee conducting the totalizator to which the advertising relates, or an employee or agent of the licensee, approved in writing of the publication of the advertising.
- (5) This clause does not apply to the publication of any totalizator 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 totalizator 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.