

# Totalizator Regulation 2012

[2012-414]



New South Wales

## Status Information

### Currency of version

Repealed version for 22 January 2021 to 31 August 2022 (accessed 27 November 2024 at 8:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Repeal**

This Regulation was repealed by the [Subordinate Legislation Act 1989 No 146](#), sec 10(2) with effect from 1.9.2022.

### 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](#).

File last modified 1 September 2022

# Totalizator Regulation 2012



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3 Definitions .....	4
<b>Part 2 Relevant interests in shares</b> .....	5
4 Exemption from prohibited shareholding interest provisions .....	5
<b>Part 3 Responsible gambling practices</b> .....	6
<b>Division 1 Problem gambling signage and information</b> .....	6
5 Approval of gambling information brochures .....	6
6 Provision of problem gambling information brochures .....	7
7 Provision of community language problem gambling information brochures .....	7
8 Gambling information and warnings .....	7
9 Counselling signage—notice to be displayed .....	7
10 ATM and EFT signage .....	8
10A Advisory statement .....	8
<b>Division 2 (Repealed)</b> .....	8
<b>Part 4 Miscellaneous</b> .....	9
14 Key employees .....	9
15 Remedial orders .....	9
15A Apportionment of tax reduction amount .....	9

15B (Repealed) .....	10
15C Penalty notices .....	10
16 Savings provision.....	10
17 Transitional—Gambling Legislation Amendment Regulation 2021.....	10

# Totalizator Regulation 2012



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Totalizator Regulation 2012*.

### 2 Commencement

This Regulation commences on 1 September 2012 and is required to be published on the NSW legislation website.

**Note—**

This Regulation replaces the *Totalizator Regulation 2005* which is repealed on 1 September 2012 by section 10(2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation—

**Liquor & Gaming NSW** means that part of the Department of Customer Service known as Liquor & Gaming NSW.

**problem gambling information** means the Gambling Help line phone number operated under contractual arrangements made by Liquor & Gaming NSW.

**Secretary** means the Secretary of the Department of Customer Service.

**the Act** means the *Totalizator Act 1997*.

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 Relevant interests in shares

### 4 Exemption from prohibited shareholding interest provisions

- (1) For the purposes of section 31(7) of the Act, 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 corporation,
- (b) the responsible entity for a registered scheme,
- (c) a related body corporate of such a corporation 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**

##### **5 Approval of gambling information brochures**

- (1) The Secretary may approve one or more pamphlets or brochures containing problem gambling information in the English language (a **problem gambling information brochure**).
- (2) The Secretary may approve one or more pamphlets or brochures in a language other than English—
  - (a) indicating the substance of the information contained in English in a problem gambling information brochure, and
  - (b) advising that the information will be supplied by the licensee in the relevant language on request.
- (3) A pamphlet or brochure approved under subclause (2) may be combined with the problem gambling information brochure to which it relates.
- (4) Without limiting subclause (2), the Secretary may approve one or more pamphlets or brochures containing problem gambling information in a language other than English (a **community language problem gambling information brochure**).
- (5) The Secretary may vary or withdraw any approval given under this clause.

## **6 Provision of problem gambling information brochures**

- (1) A licensee must ensure that—
  - (a) copies of at least one type of problem gambling information brochure approved by the Secretary under clause 5(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.

- (2) The brochure must be in a form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.

## **7 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 Secretary under clause 5(4).
- (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—50 penalty units.

- (3) The brochure must be in a form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.

## **8 Gambling information and warnings**

A licensee must ensure that each printed entry form (however described) and betting ticket in a totalizator conducted by the licensee contains the following—

Help is close at hand

[www.gambleaware.nsw.gov.au](http://www.gambleaware.nsw.gov.au)

1800 858 858

Maximum penalty—50 penalty units.

## **9 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 a statement about problem gambling help options approved by the Secretary.
- (3) The notice must be in a form approved by the Secretary and published on a website maintained by Liquor & Gaming NSW.

### **10 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 a statement about problem gambling help options approved by the Secretary.
- (3) Subclause (2) does not prevent a notice under this clause from containing other information.
- (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.

### **10A Advisory statement**

The following advisory statement is prescribed for the purposes of section 80(4) of the Act—

Help is close at hand

[www.gambleaware.nsw.gov.au](http://www.gambleaware.nsw.gov.au)

1800 858 858

## **Division 2**

### **11-13 (Repealed)**



## **Part 4 Miscellaneous**

### **14 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.

### **15 Remedial orders**

The following offences are prescribed for the purposes of section 103A of the Act—

- (a) offences against sections 80, 80B, 81(1), 82(1) and 84(3) of the Act,
- (b) offences against clauses 6, 7 and 9 of this Regulation.

### **15A Apportionment of tax reduction amount**

For the purposes of section 70 of the Act, the following percentages of the tax reduction amount are prescribed—

- (a) in respect of Racing New South Wales—77.3%,
- (b) in respect of Harness Racing New South Wales—12.7%,
- (c) in respect of Greyhound Racing New South Wales—10%.

**15B (Repealed)**

**15C Penalty notices**

For the purposes of section 100A of the Act, an offence under section 34(1) or (4) of the GALA Act as applied by section 91E of the Act is prescribed as an offence for which a penalty notice may be issued and the prescribed penalty for any such offence is \$1,100.

**16 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Totalizator Regulation 2005*, had effect under that Regulation continues to have effect under this Regulation.

**17 Transitional—*Gambling Legislation Amendment Regulation 2021***

- (1) A person is not required to comply with the new provisions during the transition period, and does not commit an offence against the Act or this Regulation because of the non-compliance, if the person instead complies with the old provisions.
- (2) In this clause—

**amending Regulation** means the *Gambling Legislation Amendment Regulation 2021*.

**new provisions** means clauses 6–10A as in force on the commencement of the amending Regulation.

**old provisions** means clauses 6–10A as in force immediately before the commencement of the amending Regulation.

**transition period** means the period of 6 months from the commencement of the amending Regulation.