

NORTHERN TERRITORY OF AUSTRALIA

TOTALISATOR LICENSING AND REGULATION (HEARINGS) REGULATIONS

As in force at 1 March 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 March 2011. Any amendments that commence after that date are not included.

TOTALISATOR LICENSING AND REGULATION (HEARINGS) REGULATIONS

Regulations under the *Totalisator Licensing and Regulation Act*

1 Citation

These Regulations may be cited as the *Totalisator Licensing and Regulation (Hearings) Regulations*.

2 Definition

In these Regulations, *party*, in relation to a hearing, means:

- (a) a person who makes a complaint under section 69 of the Act whether the hearing is conducted under section 70(2) of the Act or on the request of the person under section 82 of the Act;
- (b) a licensee who is the subject of a complaint referred to in paragraph (a);
- (c) a licensee who requests the conduct of a hearing under section 83 of the Act against a direction or decision to suspend or vary the licensee's licence; or
- (d) a licensee in respect of whom an application has been made to the authority under section 73 of the Act for an order to cancel the licensee's licence.

3 Notification of time and place of hearing

- (1) As soon as possible after the authority determines to conduct a hearing under section 70 or 74 of the Act or the authority receives a request to conduct a hearing under section 82 or 83 of the Act, the Director must set the time and date when and the place where the hearing will be conducted.
- (2) The Director must notify the parties of the time and date when and the place where the hearing will be conducted.

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- (3) In notifying the parties under subregulation (2) the Director must give each party at least 14 days notice of the time and date of the conduct of the hearing.

4 Representation of parties

A party to a hearing may:

- (a) attend before the authority personally;
- (b) if a body corporate – be represented before the authority by a director, officer, member or employee approved by the authority; or
- (c) be represented before the authority by another person (who may be a legal practitioner) approved by the authority.

5 Proceedings not open to public

- (1) A hearing is not to be open to the public unless the authority determines that the hearing or a part of the hearing is to be open to the public.
- (2) If the authority does not determine the hearing to be open to the public, a person who is not:
 - (a) a party to the hearing;
 - (b) a person representing a party to the hearing;
 - (c) a person, who the authority has requested to attend and to answer questions put by the authority or by a party to the hearing, while being questioned;
 - (d) a person, who the authority has requested to attend the hearing to produce a document or to provide information, while producing the document or providing the information;
 - (e) a member of the authority constituting the authority for the purposes of the conduct of the hearing; or
 - (f) a person assisting the authority,

may not be present at the hearing unless the authority determines that he or she may be present.

6 Conduct of hearing

- (1) The authority may conduct a hearing or any part of a hearing in the absence of a party who fails to attend the hearing without reasonable excuse.

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- (2) The authority may adjourn a hearing until another time and, if appropriate, another date.
 - (3) The authority may receive submissions orally or in writing as it considers appropriate.
 - (4) The authority may:
 - (a) request in writing a person (who may or may not be a party to the hearing) to attend before the authority; or
 - (b) request a person (who may or may not be a party to the hearing) to answer truthfully questions put by the authority or a party to the hearing or to make submissions that are relevant to the hearing; or
 - (c) request a person mentioned in paragraph (b) to take an oath to answer truthfully all such questions; or
 - (d) request a person (who may or may not be a party to the hearing) to produce a specified document or provide specified information in writing relevant to the hearing to the authority; or
 - (e) request in writing a person referred to in paragraph (d) to produce a document or provide information within a specified time; or
 - (f) copy or take extracts from a document or information referred to in paragraph (d) and retain possession of the document or information for as long as is reasonably necessary to do so.
 - (4) In giving notice of its determination of a hearing under section 87 of the Act, the authority must give the notice to each party to the hearing as soon as possible after making the determination.

7 Non-disclosure of identity or evidence

- (1) If it appears to the authority that it is desirable to prohibit the publication of:
 - (a) the name of a party to a hearing;
 - (b) the name of a person who has been requested to attend a hearing and to answer questions put at a hearing;
 - (c) the name of a person who has been requested to attend a hearing to produce a document or to provide information; or

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- (d) any document produced or information provided to the authority at a hearing,

the authority may make a determination prohibiting the publication of the name of the party or witness or the document or information or any report or account of the document or information produced or provided to the authority.

- (2) A determination under subregulation (1) may be subject to conditions.
- (3) A person must comply with a determination under subregulation (1).

Maximum penalty: 50 penalty units.

8 Costs

- (1) On determining a hearing, the authority may make an order as to costs in respect of the hearing.
- (2) If the authority does not make an order as to costs or to the extent that any order as to costs made by the authority does not deal with the costs of each party to the hearing, each party to the hearing must pay the party's own costs in respect of the hearing.

9 Offences relating to provision of information

A person must, in the absence of reasonable excuse (proof of which lies on the person) comply with a request of the authority that the person:

- (a) attend before it; or
- (b) take an oath to answer truthfully all questions put by the authority or a party that are relevant to the hearing; or
- (c) answer truthfully questions put by the authority or a party that are relevant to the hearing; or
- (d) produce a specified document or provide specified information in writing to the authority that is relevant to the hearing; or
- (e) produce a document or provide information referred to in paragraph (d) within a specified time.

Maximum penalty: 50 penalty units.

10 Offences relating to obstruction etc. of authority

A person must not without reasonable excuse (proof of which lies on the person) obstruct, hinder, resist or improperly influence the authority when exercising a power or performing a function for the purposes of conducting a hearing.

Maximum penalty: 100 penalty units.

11 Preservation of confidentiality

A person must not record, disclose or use information about another person's affairs gained by the person in the course of a hearing or because of an opportunity provided by being involved in the administration of these Regulations unless for the purposes of the administration of the Act, regulations made under the Act or the Rules.

Maximum penalty: 100 penalty units.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
<i>Gaz</i> = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

***Totalisator Licensing and Regulation (Hearings) Regulations* (SL No. 29, 2000)**

Notified	16 June 2000
Commenced	16 June 2000

***Penalties Amendment (Justice and Treasury Legislation) Act 2010* (Act No. 38, 2010)**

Assent date	18 November 2010
Commenced	1 February 2011 (<i>Gaz</i> S6, 1 February 2011)

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010* (Act No. 40, 2010)**

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and <i>Gaz</i> G7, 16 February 2011, p 4)

3 LIST OF AMENDMENTS

r 6	amd Act No. 40, 2010, s 202
r 7	amd Act No. 38, 2010, s 3
r 9	amd Act No. 38, 2010, s 3; Act No. 40, 2010, s 202
rr 10 – 11	amd Act No. 38, 2010, s 3