

NORTHERN TERRITORY OF AUSTRALIA

TOTALISATOR LICENSING AND REGULATION REGULATIONS

As in force at 1 January 2015

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2015

TOTALISATOR LICENSING AND REGULATION REGULATIONS

Regulations under the *Totalisator Licensing and Regulation Act*

1 Citation

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

2 Information to accompany application for licence

An application for a licence under section 14 of the Act is to be accompanied by the following information:

- (a) the name of the applicant;
- (b) in the case of a natural person – the applicant's residential and business addresses;
- (c) in the case of a company:
 - (i) the address of the applicant's principal office;
 - (ii) the number of directors of the applicant;
 - (iii) the name of each director;
 - (iv) the name of the applicant's Public Officer;
 - (v) details of the operations and structure of the applicant; and
 - (vi) details of the classes of shareholding interests in the applicant and the powers and rights of the holders of those interests;
- (d) in the case of a club or body corporate other than a company:
 - (i) the address of the head office or other premises of the applicant from where the applicant controls its operations;

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- (ii) the names of the officers or members of the applicant who are concerned in the management of the applicant;
 - (iii) the name of the applicant's Public Officer, if any, or office holder who will receive on behalf of the applicant notices and other material given under the Act; and
 - (iv) details of the operations and structure of the applicant;
 - (e) any business names registered under the *Business Names Registration Act 2011* (Cth) under which the applicant is or is proposing to carrying on a business;
 - (f) the applicant's A.B.N.;
 - (g) whether the applicant pays payroll tax or any other tax in the Territory;
 - (h) an address where documents required to be given, delivered, granted or issued to the applicant under the Act may be given, delivered, granted or issued to the applicant;
 - (j) the applicant's business telephone number;
 - (k) the applicant's electronic mail transfer address;
 - (m) the applicant's internet web site, if any;
 - (n) a list of the applicant's associates;
 - (p) details of the equipment that the applicant proposes to use to operate the totalisator and the means by which the applicant proposes to monitor the operation of the totalisator and the conduct of totalisator wagering under the licence.

2A Fee for application

For section 14(2) of the Act, the prescribed fee for an application for a licence is 20 000 revenue units.

3 Wagering tax

For the purposes of section 34 of the Act, the prescribed percentage of a licensee's commission deducted for a month is:

- (a) in the case of thoroughbred and harness horse races and greyhound races (whether occurring in or outside Australia) – 40% of the licensee's commission deducted in relation to wagering on those races that occurred during the month;

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- (b) in the case of races other than those referred to in paragraph (a) and prescribed events, sports and activities occurring in Australia – 20% of the licensee's commission deducted in relation to wagering on those races, events, sports or activities that occurred during the month; and
 - (c) in the case of races other than those referred to in paragraph (a) and prescribed events, sports and activities occurring outside Australia – 10% of the licensee's commission deducted in relation to wagering on those races, events, sports or activities that occurred during the month.

4 Maximum fine Director-General may impose under section 70(2)(d) of Act

The prescribed amount for the purposes of section 70(2)(d) of the Act is 50 penalty units.

5 Person to whom information may be disclosed

For the purposes of section 101(1) of the Act, information or documents referred to in that subsection may be communicated or produced to the following persons :

- (a) an auditor carrying out an audit under Division 2 of Part 4 of the Act;
- (b) the Commissioner of Territory Revenue as defined in section 3(1) of the *Taxation Administration Act* requiring the information or documents for the purposes of that Act;
- (c) a member or officer (however described) of a police force of the Commonwealth or a State or Territory of the Commonwealth acting in the course of that person's duties as a member or officer;
- (d) an employee, officer or member (however described) of an authority, organisation or body that has powers and functions under an Act of the Commonwealth or of a State or another Territory of the Commonwealth or under a law in force in another country corresponding to those of the Director-General under the Act and that requires the information or documents for the purposes of the exercise of those powers or the performance of those functions.

6 Exemption from application of Part 10 of Act

- (1) The following persons are exempt from the application of Part 10 of the Act:
 - (a) NT TAB Pty Ltd (ABN 32 092 655 831);
 - (b) UNiTAB Limited (ABN 84 085 691 738);
 - (c) Tattersall's Limited (ABN 19 108 686 040).
- (2) Subregulation (1) applies only while UNiTAB Limited holds a wagering licence under the *Wagering Act 1998* (Qld).

7 Prescribed percentage under section 111(1) of Act

For the purposes of section 111(1) of the Act, the prescribed percentage is 5%.

8 Promotion of responsible wagering

The Director-General may promote responsible wagering in any one or more of the following ways:

- (a) by making information about what totalisator wagering is available for the public;
- (b) by providing information to persons interested in wagering about the odds available for the various bet types;
- (c) by holding public meetings to provide information about and discuss issues relating to wagering;
- (d) by requesting the public to make comments and submissions concerning wagering in any way considered appropriate by the Director-General;
- (e) by assisting community welfare organisations to counsel or otherwise help problem gamblers;
- (f) by encouraging problem gamblers to adopt the option of self-exclusion from licensee's or agent's premises and to assist a licensee or agent in excluding those persons from the premises;
- (g) by setting up or arranging courses and training in the promotion of responsible wagering and by requiring licensees, agents, operators and other persons employed by a licensee or agent to attend the courses and training sessions;

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- (h) by establishing standards, including standards designed to ensure probity in the conduct of totalisator wagering and the protection of persons who make bets, that a licensee or agent must comply with when promoting wagering or offering inducements to wager or otherwise conducting totalisator wagering under the licensee's licence;
 - (j) by imposing a condition on a licensee's licence that the licensee must comply with a standard referred to in paragraph (h).

9 Licensee etc. may control conduct on premises

- (1) If a person who is on a licensee's or agent's premises conducts himself or herself in a manner that causes disturbance or annoyance to or interferes with the comfort of other persons present on the premises, the licensee or the licensee's operator or the agent may:
 - (a) request the person to leave the premises; and
 - (b) if the person fails to leave the premises – with the assistance that is necessary, remove the person from the premises.
- (2) A person must not fail to comply with a request to leave premises under subsection (1)(a).

Maximum penalty: 20 penalty units.

ENDNOTES

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KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION***Totalisator Licensing and Regulation Regulations (SL No. 27, 2000)***

Notified	16 June 2000
Commenced	16 June 2000

Statute Law Revision Act 2002 (Act No. 18, 2002)

Assent date	7 June 2002
Commenced	7 June 2002

Totalisator Licensing and Regulation Amendment Regulations 2006 (SL No. 38, 2006)

Notified	8 November 2006
Commenced	8 November 2006

Revenue Law Reform (Budget Initiatives) Act 2008 (Act No. 23, 2008)

Assent date	30 June 2008
Commenced	pt 1, ss 3, 12(1), 18 and 19: 1 January 2008; ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

Payroll Tax Act 2009 (Act No. 18, 2009)

Assent date	25 June 2009
Commenced	1 July 2009 (s 2)

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

Assent date	18 November 2010
Commenced	1 February 2011 (Gaz S6, 1 February 2011)

Business Names (National Uniform Legislation) Implementation Act 2012 (Act No. 8, 2012)

Assent date	27 April 2012
Commenced	pts 3 and 4: 28 May 2012 (Cth proclamation F2012L00891: 19 April 2012); rem: 27 April 2012 (s 2)

Totalisator Licensing and Regulation Amendment Regulations 2013 (SL No. 12, 2013)

Notified 29 May 2013
Commenced 29 May 2013

Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)

Assent date 5 December 2014
Commenced 1 January 2015 (*Gaz S130, 19 December 2014, p 2*)

3 LIST OF AMENDMENTS

r 2 amd Act No. 18, 2009, s 115; Act No. 8, 2012, s 30
r 2A ins No. 12, 2013, r 3
r 4 amd Act No. 18, 2002, s 6; Act No. 44, 2014, s 145
r 5 amd Act No. 23, 2008, s 21; Act No. 44, 2014, s 145
r 6 sub No. 38, 2006, r 3
r 8 amd Act No. 44, 2014, s 145
r 9 amd Act No. 38, 2010, s 3