



# NORTHERN TERRITORY OF AUSTRALIA

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No. 14 of 2000

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## AN ACT

to enable the sale of the business known as the NT TAB and for related purposes

[Assented to 6 June 2000]

[Second reading 20 October 1999]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Sale of NT TAB Act 2000*.

**2. Commencement and expiration**

(1) The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

(2) A notice under subsection (1) may, if the notice provides, have retrospective effect.

(3) This Act expires on the date fixed by the Administrator by notice in the *Gazette*.

**3. Act binds Crown**

This Act binds the Crown not only in right of the Northern Territory but, to the extent that the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

**4. Definitions**

In this Act, unless the contrary intention appears –

"Commission" means the Racing Commission established by the *Racing and Betting Act*;

"NT TAB" means the business or any component of the business of conducting betting by means of a totalisator system known as the NT TAB and administered by the Commission and includes the arrangements entered into and the assets and related facilities used by the Commission in administering the business;

"purchaser" means a person with whom the Minister engages in negotiations or enters into an agreement for the sale and purchase of the NT TAB.

**5. Power to sell NT TAB**

(1) The Minister may, on behalf of the Territory, sell the business and the assets that comprise the NT TAB.

(2) For the purposes of effecting the sale of the NT TAB, the Minister may engage in negotiations and enter into agreements.

(3) The Minister and the Commission have power to do all things necessary and convenient to be done for or incidental to the proper conduct of the sale of the NT TAB.

**6. Confidentiality**

(1) In the course of negotiating the sale of the NT TAB, the Minister and the Commission may communicate, disclose or divulge, including by the production of a document or the provision of a copy of or extract from a document, details of the contracts and other arrangements entered into by the Commission, the accounts and financial records and records relating to financial transactions of and assets and other facilities used in and any other information that explains the operations of the NT TAB to a purchaser or a person authorised to act for and on behalf of the purchaser.

(2) The Minister may authorise discussions on information communicated, disclosed or divulged under subsection (1) between a purchaser or a person authorised by the Minister to act for and on behalf of the purchaser and a person or a person nominated by the Minister to represent the person with whom the Commission has entered into an agreement or other arrangement for the purpose of the conduct of the business of the NT TAB.

*Sale of NT TAB Act 2000*

(3) The Minister may impose conditions on his or her authorisation under subsection (2) and the persons discussing the information must comply with those conditions.

(4) A person to whom information is communicated, disclosed or divulged under subsection (1) or because of discussions authorised under subsection (2) must not communicate, disclose or divulge that information to another person unless in the course of deliberating and negotiating an offer to purchase the NT TAB and any prospective agreement for the sale and purchase of the NT TAB.

(5) The Minister or a member of the Commission must not communicate, disclose or divulge information received from a purchaser in the course of negotiations for the sale of the NT TAB to another person except in the course of deliberating any offer from or prospective agreement with the purchaser or consideration of the sale of the NT TAB by the Territory Cabinet a committee of the Territory Cabinet.

Penalty: 200 penalty units or imprisonment for 12 months.

**7. Payment of taxes**

Nothing in this Act relieves the purchaser from liability to pay Territory taxes, rates and duties in respect of the purchase of the NT TAB and the purchaser's subsequent conduct of the business purchased.

**8. Purchaser to be granted licence under *Totalisator Licensing and Regulation Act***

(1) Before the sale of the NT TAB is completed, the authority, within the meaning of the *Totalisator Licensing and Regulation Act*, must grant under that Act a totalisator licence to the purchaser authorising the purchaser to conduct the business purchased.

(2) Sections 12 to 17 (inclusive) and section 18(1), (2) and (4) of the *Totalisator Licensing and Regulation Act* do not apply in relation to the grant of the totalisator licence to the purchaser.

(3) The totalisator licence granted to the purchaser is to take effect on the completion of the sale of the NT TAB.

**9. Purchaser to be granted licence under *Racing and Betting Act***

(1) In this section, "*Racing and Betting Act*" means the *Racing and Betting Act* or an Act enacted in substitution for that Act as in force from time to time.

(2) If the purchaser makes a request to the authority for the grant of a licence referred to in section 89A of the *Racing and Betting Act*—

*Sale of NT TAB Act 2000*

- (a) the purchaser must be granted the licence;
- (b) the licence granted to the purchaser is not to have effect before 1 January 2001 or after 30 June 2005; and
- (c) that Act applies to and in relation to the licence granted to the purchaser, but not so as to require the purchaser to apply for the licence or to be otherwise inconsistent with this subsection.

**10. Liabilities of Commission after sale**

- (1) On the sale of the NT TAB, the Territory remains liable for –
  - (a) the payment of all outstanding fees, taxes and charges payable in relation to the operations of the NT TAB before the sale;
  - (b) the payment of any dividends or other payments or prizes that are unclaimed from or unpaid by the Commission at the time of the sale;
  - (c) any other liability incurred by or obligation imposed on the Commission in administering the NT TAB before the sale; and
  - (d) an act or omission done, caused, permitted or made by or on behalf of the Commission in administering the NT TAB before the sale.

(2) Any term of an agreement for the sale and purchase of the NT TAB that is inconsistent with subsection (1) has no effect.

**11. Protection of Minister and Commission**

No action or proceeding, civil or criminal, lies against the Minister or a member of the Commission for or in respect of an act or thing done or omitted to be done in good faith by the Minister or the member under this Act.

**12. Repeal**

The Acts specified in the Schedule are repealed.

**13. Continuation of administration of NT TAB after repeal of Acts under section 12**

(1) If, on the repeal of the Acts specified in the Schedule, the NT TAB has not been sold and a totalisator licence has not been granted to the purchaser of the NT TAB, the Commission must continue to administer the NT TAB until the NT TAB is sold and the totalisator licence is granted in the same manner as if those Acts were not repealed.

*Sale of NT TAB Act 2000*

(2) For the purposes of subsection (1), the Commission is to be taken to have the same powers and functions and liabilities and obligations that it would have had under the *Totalizator Administration and Betting Act* as in force immediately before the repeal of those Acts and as if those Acts were not repealed.

**14. Validation**

To avoid doubt, the decisions and actions made or taken by the Commission before the commencement of this Act for the administration of the NT TAB in the purported exercise of its powers or the purported performance of its functions under the *Totalizator Administration and Betting Act*, and the consequences of the decisions or actions, are declared to be and to always have been valid and effectual.

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**SCHEDULE**

Section 12

<i>Totalizator Administration and Betting Act 1985</i>	No. 21, 1985
<i>Totalizator Administration and Betting Amendment Act 1986</i>	No. 42, 1986
<i>Totalizator Administration and Betting Amendment Act (No. 2) 1986</i>	No. 72, 1986
<i>Totalizator Administration and Betting Amendment Act 1991</i>	No. 19, 1991
<i>Totalizator Administration and Betting Amendment Act 1993</i>	No. 41, 1993

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