

NORTHERN TERRITORY OF AUSTRALIA

LOTTERIES AND GAMING REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 32*

Regulations under the *Lotteries and Gaming Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Lotteries and Gaming Act*.

Dated 27 June 1991.

J.H. MUIRHEAD
Administrator

LOTTERIES AND GAMING REGULATIONS

PART 1 - PRELIMINARY

1. CITATION

These Regulations may be cited as the Lotteries and Gaming Regulations.

2. COMMENCEMENT

These Regulations come into operation on 1 July 1991.

3. DEFINITIONS

In these Regulations, unless the contrary intention appears -

"financial year" means a period of 12 months ending with 30 June;

"liable permit holder" means the holder of a permit liable, under regulation 6(1), to pay gaming machine turnover levy;

* Notified in the *Northern Territory Government Gazette* on 28 June 1991.

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"non-commercial gaming machine" means a gaming machine which, in the opinion of the Commission, is of historical or novelty value or interest, is not operated (if at all) for the purposes of gain and is kept in a private dwelling house or in a museum or like place;

"party", in relation to any proceedings before the Commission, includes the Director;

"quarter" means a consecutive period of 3 months ending with the last days of September, December, March and June respectively;

"trust account" means a trust account opened by the Treasurer in pursuance of section 37AB(1) of the Act.

PART 2 - GAMING MACHINES AND LEVY

4. PERMITS AND FEES

(1) A permit for a purpose referred to in section 37(1) of the Act shall, subject to the Act, be valid for the financial year in respect of which it is granted, and may be renewed upon application made under section 37A of the Act before, but within 30 days of, the end of that financial year.

(2) The fees to accompany an application for a permit or the renewal of a permit are -

- (a) for a purpose referred to in section 37(1)(a) of the Act \$50.00
- (b) for a purpose referred to in section 37(1)(b) of the Act \$200.00
- (c) for a purpose referred to in section 37(1)(c) of the Act \$50.00
- (d) for a non-commercial gaming machine Nil.

(3) Where a first application for a permit is made other than during the first quarter of a financial year, the fee payable under subregulation (2) shall be reduced in inverse proportion to the number of quarters or parts of quarters remaining during the financial year for which the permit, if granted, is valid.

5. REDEEMABLE CREDITS

(1) The player of a gaming machine wishing to redeem any credits indicated on the machine shall accept, in exchange, goods or services or vouchers representing goods or services, whether dispensed or provided by the holder of the permit relating to the machine or otherwise.

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(2) Where goods referred to in subregulation (1) comprises or includes liquor within the meaning of the *Liquor Act*, it shall be dispensed or provided to the player in accordance with the conditions of the licence of a person licensed under that Act.

(3) A permit holder who operates a gaming machine shall have affixed on or in close proximity to it an approved notice displayed in a conspicuous position setting out -

- (a) the scale of; and
- (b) the method of dispensing or providing,

the goods or services or vouchers representing goods or services relating to the gaming machine.

Penalty: \$500.

(4) A permit holder who operates a gaming machine -

- (a) shall dispense or provide the goods, services or vouchers in accordance with the scale and method referred to in subregulation (3); and
- (b) shall not exchange, barter or trade any goods, services or vouchers resulting from the use of a machine by a player.

Penalty: \$500.

(5) A person who provides or causes to be provided cash or any sort of cash benefit or cash award (including making up in cash the difference in value between any goods and services provided and the value of the redeemable credits) in relation to the use of a gaming machine is guilty of an offence.

Penalty: \$500.

(6) The Commission may promulgate guidelines under section 37C(1)(d) of the Act as to the size, contents and format of a notice to be displayed pursuant to subregulation (3), and the holder of a permit who displays a notice in general conformity with the guidelines shall be taken to have displayed an approved notice.

6. GAMING MACHINE TURNOVER LEVY

(1) The holder of a permit issued pursuant to section 41(2) of the Act in relation to a gaming machine for a purpose specified in section 37(1)(a) of the

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Act shall, where the gaming machine is on premises licenced under section 35(1)(b) of the *Liquor Act* as an hotel or tavern, pay 6% of the total value of coins, tokens or credits used to play or operate the gaming machine as gaming machine turnover levy (within the meaning of the *Lotteries and Gaming Act*).

(2) Within 21 days after the expiry of the last day of each quarter during which a liable permit holder operates a gaming machine, a return in an approved form shall be forwarded to the Director by or on behalf of the liable permit holder -

- (a) setting out the total value of coins, tokens or credits used to play each gaming machine during the previous quarter;
- (b) setting out a computation of the amount of turnover levy payable in relation to the return;
- (c) containing such other information as the Director may require; and
- (d) certified by the signature of the liable permit holder.

(3) Any turnover levy disclosed on a return under subregulation (2)(b) shall be payable, in the time specified in subregulation (2), to the Director, by or on behalf of the liable permit holder who, or on whose behalf, the return was made.

(4) The Director shall, in the first instance, account for any turnover levy received in accordance with and in the proportions specified in section 37AB(2)(a) of the Act.

(5) A liable permit holder who does not comply with subregulation (2) within the period specified, or as may be extended by the Director in writing before the expiry of that period, is guilty of an offence.

Penalty: \$500 and a further \$500 for each week or part of a week during which the offence continues.

7. ENFORCEMENT OF TURNOVER LEVY

Subject to these Regulations, the *Taxation (Administration) Act* applies, with the necessary changes, to and in respect of the turnover levy as if -

- (a) the turnover levy were a duty payable under that Act;
- (b) a return under these Regulations were a return required under that Act;

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- (c) a permit holder liable to pay turnover levy were a person liable to pay duty under that Act; and
- (d) the Treasurer, the Commission or the Director of Gaming, as the case may be, were the Commissioner of Taxes.

8. TREASURER MAY APPOINT TRUSTEES

(1) The Treasurer may, in writing, appoint such number of persons as trustees as is thought appropriate for the purpose of -

- (a) advising the Treasurer on establishing rules and procedures for the administration of any funds in the trust account; and
- (b) administering the funds in accordance with rules and procedures approved by the Treasurer.

(2) A trustee shall hold office for such term not exceeding 3 years as the Treasurer determines, but may be reappointed.

9. SPECIFIED ASSOCIATIONS

Without limiting the generality of section 37AB(1)(b) of the Act or the discretion of the Treasurer or any trustee appointed under regulation 7 in applying funds from the trust account, funds from the trust account may be applied to a non-profit making association the activities of which are charitable, benevolent or philanthropic and are of benefit to the community, notwithstanding that the activities of or the benefits derived from the association are not restricted to a local area.

PART 3 - REVIEW OF DECISIONS OF DIRECTOR

10. APPLICATIONS FOR REVIEW

(1) A person aggrieved by a decision of the Director, whether the decision was made pursuant to a power delegated by the Minister or the Commission or otherwise, may apply to the Commission for a review of that decision.

- (2) An application under this regulation shall -
 - (a) be made within 28 days after the day of the making of the decision complained of; and
 - (b) be made on an approved form accompanied by an administration fee of \$200.

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(3) For the purposes of the administration fee in subregulation 2(b), the Commission may, if it thinks fit, in determining the application, refund the whole or part of the fee to the applicant.

(4) The Commission shall not accept an application which, in its opinion, is frivolous or vexatious.

11. COMMISSION TO APPOINT TIME AND PLACE

As soon as practicable after receiving an application under regulation 10, the Commission shall appoint a convenient time and place to consider and determine the application, and shall advise the parties accordingly.

12. REPRESENTATION

(1) A party to any proceedings may be represented by their counsel, agent or another person.

(2) The Commission may appoint a legal practitioner to assist it in any proceedings, and the legal practitioner may administer an oath and may examine witnesses on behalf of the Commission.

13. PROCEDURE

(1) Subject to these Regulations, the Commission may regulate its own procedure.

(2) All proceedings before the Commission shall be held in private.

(3) Upon a request of a party, or of its own volition, the Commission may, if it thinks fit, direct that any persons -

(a) who, in its opinion, are not directly interested in the proceedings; or

(b) who have not been authorized by the Commission to be present at the proceedings,

are to be excluded from the place where the proceedings are being or are to be heard.

(4) The Commission may receive in evidence any statement, document, information, or matter that may in its opinion assist it to deal effectively with the matters before it, whether or not that evidence would be otherwise admissible in a court of law.

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14. DETERMINATION

(1) In its determination of an application the Commission may -

- (a) confirm, modify, or reverse the decision reviewed or any part of that decision; and
- (b) make any order as to costs or other matter that the case requires.

(2) Subject to regulation 15, the determination of the Commission is final.

15. COMMISSION MAY REFER MATTER BACK TO DIRECTOR

(1) Notwithstanding regulation 14, the Commission may, in any case, instead of determining an application under that regulation, direct the Director to reconsider, either generally or in respect of specified matters, the whole or any specified part of the matter to which the application relates.

(2) In giving a direction under subregulation (1) the Commission shall -

- (a) advise the Director of its reasons for doing so; and
- (b) give to the Director such directions as it thinks fit as to the reconsideration or otherwise of the whole or any part of the matter that is referred back for reconsideration.

(3) The Director shall, in reconsidering a matter referred back to it under this section, have regard to the Commission's reasons for giving a direction under subregulation (1) and to the actual directions under subregulation (2).

PART 4 - REPEAL

16. REPEAL

The Lotteries and Gaming (Gaming Machines) Regulations (being Regulations 1982, No. 73 and 1983, No. 49) are repealed.
