

Totalizator Regulation 2012

[2012-414]



New South Wales

Status information

Currency of version

Current version for 21 October 2019 to date (accessed 20 May 2020 at 11:00)

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. See [Historical Notes](#)

Editorial note

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

This version has been updated.

Staged repeal status

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2020

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 21 October 2019.

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 This Regulation replaces the *Totalizator Regulation 2005* which is repealed on 1 September 2012 by section 10(2) of the *Subordinate Legislation Act 1989*.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

Authority means the Independent Liquor and Gaming Authority constituted under the *Gaming and Liquor Administration Act 2007*.

problem gambling information means the Gambling Help line phone number operated under contractual arrangements made by the NSW Office of Liquor, Gaming and Racing.

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 Authority may approve one or more pamphlets or brochures containing problem gambling information in the English language (a *problem gambling information brochure*).
- (2) A problem gambling information brochure must contain advice in the Arabic, Chinese, Korean, Turkish and Vietnamese languages that—
 - (a) indicates the substance of the information contained in English in the brochure, and
 - (b) advises that the information will be supplied by the licensee in the relevant language on request.
- (3) Subclause (2) does not prevent a problem gambling information brochure under this clause from containing other information.
- (4) The Authority may approve one or more pamphlets or brochures containing problem gambling information in the Arabic, Chinese, Korean, Turkish and Vietnamese languages (a *community language problem gambling information brochure*).
- (5) The Authority 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 Authority 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 Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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 Authority under clause 5(4) in one of the languages specified in that subclause.
- (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 Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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—Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

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 the following—Think! About your choices

Gambling More, enjoying it less?

For free and confidential information and advice about problem gambling, please contact Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

- (3) The notice must be in a form approved by the Authority and be obtained from the NSW Office of Liquor, Gaming and Racing.

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 the following—Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

- (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—Think! About your choices

Call Gambling Help

1800 858 858

www.gamblinghelp.nsw.gov.au

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.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments

Totalizator Regulation 2012 (414). LW 24.8.2012. Date of commencement, 1.9.2012, cl 2. This Regulation has been amended as follows—

2015	No 66	<i>Betting Tax Legislation Amendment Act 2015</i> . Assented to 24.11.2015. Date of commencement, 1.7.2015, sec 2.
	(820)	<i>Totalizator Amendment Regulation 2015</i> . LW 18.12.2015. Date of commencement of Sch 1 [1], 4.1.2016, cl 2 (1); date of commencement of Sch 1 [2], 1.3.2016, cl 2 (2).
2016	(133)	<i>Totalizator Amendment (Tax Reduction Trust Fund) Regulation 2016</i> . LW 18.3.2016. Date of commencement, on publication on LW, cl 2.
2018	No 7	<i>Liquor and Gaming Legislation Amendment Act 2018</i> . Assented to 21.3.2018. Date of commencement of Sch 1.15 [1]–[4], 2.7.2018, sec 2 and 2018 (306) LW 29.6.2018; date of commencement of Sch 1.15 [5], 3.4.2018, sec 2 and 2018 (112) LW 29.3.2018.
2019	No 12	<i>Racing Legislation Amendment Act 2019</i> . Assented to 21.10.2019. Date of commencement of Sch 6, assent, sec 2(2).

Table of amendments

Cl 10A	Ins 2018 No 7, Sch 1.15 [1].
Part 3, Div 2	Rep 2018 No 7, Sch 1.15 [2].
Cl 11	Rep 2018 No 7, Sch 1.15 [2].
Cl 12	Am 2015 (820), Sch 1 [1]. Rep 2018 No 7, Sch 1.15 [2].
Cl 12A	Ins 2015 (820), Sch 1 [2]. Rep 2018 No 7, Sch 1.15 [2].
Cl 13	Rep 2018 No 7, Sch 1.15 [2].
Cl 15	Am 2018 No 7, Sch 1.15 [3] [4].
Cl 15A	Ins 2015 No 66, Sch 3.
Cl 15B	Ins 2016 (133), cl 3. Rep 2019 No 12, Sch 6.
Cl 15C	Ins 2018 No 7, Sch 1.15 [5].