



New South Wales

Racing Administration Regulation 2005

under the

Racing Administration Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Racing Administration Act 1998*.

GRANT McBRIDE, M.P.,
Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to remake, with one addition but otherwise without substantive changes, the *Racing Administration Regulation 1999*. That Regulation will be repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The additional matter is a clause prescribing certain offences for the purposes of section 35A (Remedial orders) of the *Racing Administration Act 1998*. That section permits a court that finds a person guilty of an offence so prescribed to make certain orders in respect of the person (in addition, or as an alternative, to any penalty that it may impose for the offence). The orders may require, for example, the person to undertake a specified course of training that the court considers will promote responsible practices in the conduct of betting activities by the person.

This Regulation is made under the *Racing Administration Act 1998*, including section 35A and the other sections referred to in the Regulation and section 37 (the general regulation-making power—in particular, section 37 (3) and (4), which are concerned with the adoption of responsible practices in the conduct of betting authorised by or under the *Racing Administration Act 1998*).

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Racing Administration Regulation 2005

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Racing Administration Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Racing Administration Regulation 1999* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Racing Administration Act 1998*.

(2) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Racing Administration Regulation 2005

Part 2 Responsible gambling practices

Part 2 Responsible gambling practices

Division 1 Problem gambling signage and information

4 Definition

In this Division:

problem gambling information means the G-line (NSW) help line phone number operated under contractual arrangements made by the Department of Gaming and Racing.

5 Approval of gambling information brochures

- (1) The Minister 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, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages that:
 - (a) indicates the substance of the information contained in English in the brochure, and
 - (b) advises that, on request, the information will be supplied in the relevant language by a non-proprietary association that conducts a race meeting at a licensed racecourse.
- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The Minister may approve one or more pamphlets or brochures containing problem gambling information in the Arabic, Croatian, Chinese, Greek, Italian, Korean, Macedonian, Maltese, Serbian, Spanish, Turkish and Vietnamese languages (a *community language problem gambling information brochure*).
- (5) The Minister may vary or withdraw any approval given under this clause.

6 Provision of problem gambling information brochures

A non-proprietary association that conducts a race meeting at a licensed racecourse must ensure that:

- (a) copies of at least one type of problem gambling information brochure approved by the Minister under clause 5 (1) are made available in each part of the racecourse on which betting is conducted, and

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- (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 racecourse in which the brochures are displayed would be alerted to their presence.

Maximum penalty: 50 penalty units.

7 Provision of community language problem gambling information brochures

- (1) A person may request a non-proprietary association that conducts a race meeting at a licensed racecourse to supply a community language problem gambling information brochure approved by the Minister under clause 5 (4) in one of the languages specified in that subclause.
- (2) A non-proprietary association 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.

8 Gambling information and warnings

A licensed bookmaker must ensure that each betting ticket supplied by the bookmaker to a person contains the following:

Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635

Maximum penalty: 50 penalty units.

9 Counselling signage—notice to be displayed

- (1) A non-proprietary association that conducts a race meeting at a licensed racecourse must:
- (a) display a notice that complies with this clause in the vicinity of the main entrance to the racecourse and in each part of the racecourse on which betting is conducted, 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.

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- (2) The notice must contain the following:
Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (3) Subclause (2) does not prevent a notice under this clause containing other information.
- (4) The notice must be at least 42 centimetres by 29.5 centimetres in size, and the matter contained in the notice must be in letters and figures of not less than 0.6 centimetres in height.

10 ATM and EFT signage

- (1) A non-proprietary association that conducts a race meeting at a licensed racecourse 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 at the racecourse.
Maximum penalty: 50 penalty units.
- (2) The notice must contain the following:
Is gambling a problem for you?
CALL G-line (NSW)
counselling service
1800 633 635
- (3) Subclause (2) does not prevent a notice under this clause 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.

Division 2 Gambling advertising and inducements

11 Definitions

In this Division:

gambling advertising means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities.

publish has the same meaning as it has in section 27 of the Act.

12 Prohibitions on gambling-related advertising

- (1) A non-proprietary association or licensed bookmaker, or an employee or agent of a non-proprietary association or licensed bookmaker, must not publish any gambling advertising:
- (a) that encourages a breach of the law, or
 - (b) that depicts children gambling, or
 - (c) that is false, misleading or deceptive, or
 - (d) that suggests that winning will be a definite outcome of participating in gambling activities, or
 - (e) that suggests that participation in gambling activities is likely to improve a person's financial prospects, or
 - (f) that promotes the consumption of alcohol while engaging in gambling activities, or
 - (g) that is not published in accordance with decency, dignity and good taste and (in the case of a television commercial) in accordance with the *Commercial Television Industry Code of Practice* as in force at the time the gambling advertising is published.

Maximum penalty: 50 penalty units.

- (2) A non-proprietary association or licensed bookmaker, or an employee or agent of a non-proprietary association or licensed bookmaker, must not publish any gambling advertising in writing in a newspaper, magazine, poster or other printed form that does not contain the following in capital letters:

IS GAMBLING A PROBLEM FOR YOU?
G-LINE (NSW) IS A COUNSELLING SERVICE
CALL 1800 633 635

Maximum penalty: 50 penalty units.

- (3) A person other than a non-proprietary association or licensed bookmaker, or an employee or agent of a non-proprietary association or licensed bookmaker, must not publish any advertising that does any of the things referred to in subclause (1) (a)–(g).

Maximum penalty: 50 penalty units.

- (4) Subclause (3) does not apply if the advertising relates to a non-proprietary association or licensed bookmaker and the publication of the advertising was approved in writing by the non-proprietary association or licensed bookmaker or an employee or agent of the non-proprietary association or licensed bookmaker.

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- (5) This clause does not apply to the publication of any gambling advertising under a contract or arrangement entered into before 2 February 2001.
- (6) A non-proprietary association or licensed bookmaker, or an employee or agent of a non-proprietary association or licensed bookmaker, must not enter into or extend the duration of any contract or arrangement for the publication of gambling advertising that does not comply with this clause.

Maximum penalty (subclause (6)): 50 penalty units.

13 Gambling inducements

A non-proprietary association or licensed bookmaker, or an employee or agent of a non-proprietary association or licensed bookmaker, must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in any gambling activity conducted at a racecourse.

Maximum penalty: 50 penalty units.

Part 3 Miscellaneous

14 Exemption from prohibition on publication of information relating to dividends or betting odds: section 28 (2) and (3)

The following are prescribed for the purposes of section 28 (2) and (3) of the Act:

- (a) TAB Limited,
- (b) Seven Network Limited,
- (c) 2KY Broadcasters Pty Ltd,
- (d) Network 10 Limited,
- (e) Sky Channel Pty Ltd,
- (f) TCN Channel Nine Pty Ltd,
- (g) Australian Capital Television Pty Limited,
- (h) WIN Television,
- (i) Prime Television Limited,
- (j) Australian Broadcasting Corporation.

15 Exemption from offence provision relating to on-line service providers: section 30 (4)

- (1) Any person who:
 - (a) is a member of the Internet Industry Association, and
 - (b) is bound by the codes of practice prepared by that Association, is exempt from the operation of section 30 (3) of the Act.
- (2) If the Minister is satisfied that any such member has failed to comply with a code referred to in subclause (1), the Minister may, by notice in writing given to the member, exclude the member from the exemption under this clause for such period as is specified in the notice.

16 Remedial orders

The following offences are prescribed for the purposes of section 35A of the Act:

- (a) offences against sections 29, 30 and 33 of the Act,
- (b) offences against clauses 6, 7, 9, 10, 12 and 13 of this Regulation.

17 Saving

Any act, matter or thing that, immediately before the repeal of the *Racing Administration Regulation 1999*, had effect under that Regulation is taken to have effect under this Regulation.