NORTHERN TERRITORY OF AUSTRALIA

SOCCER FOOTBALL POOLS ACT

As in force at 25 November 2011

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Act as in force at 25 November 2011. Any amendments that commence after that date are not included.

SOCCER FOOTBALL POOLS ACT

An Act to provide for the promotion, conduct and operation of soccer football pools

Part I Preliminary

1 Short title

This Act may be cited as the *Soccer Football Pools Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by proclamation.

2A Objects

The objects of this Act are:

(a) to promote probity and integrity in gaming;

(b) to maintain the probity and integrity of persons engaged in gaming in the Territory;

(c) to promote fairness, integrity and efficiency in the operations of persons engaged in gaming in the Territory;

(d) to reduce any adverse social impact of gaming; and

(e) to promote a balanced contribution by the gaming industry to general community benefit and amenity.

3 Interpretation

In this Act, unless the contrary intention appears:

approved representative, in relation to a licensee, means a person appointed under section 14(2).

corresponding law means a law of a State or another Territory of the Commonwealth under which a person is authorized to promote, conduct or operate soccer football pools.

entry form means an entry form required by the rules to enable a person to enter a soccer football pool.

inspector means a person appointed under section 22.

licence means a licence in force under this Act.

licensee means the holder of a licence.

participating State means a State or Territory of the Commonwealth in which a person is authorized to promote, conduct or operate soccer football pools under a corresponding law.

prize fund means the fund represented by an ADI account referred to in section 21.

rules, in relation to a soccer football pool, means rules made by a licensee in relation to soccer football pools promoted, conducted or operated by him and in force under section 12.

soccer football pool means a game the results of which depend on the outcome of soccer football matches.

Part II Licences

4 Application

(1) A person may apply to the Minister for a licence to promote, conduct and operate soccer football pools.

(2) An application must be in a form approved by the Minister and must be accompanied by the prescribed fee.

(3) An application must contain or be accompanied by any additional information that the Minister requests.

(4) If this section is not complied with, the Minister may refuse to consider the application.

(5) The Minister may refund the whole or part of the application fee.

5 Minister may require bond or reject

(1) The Minister may, by instrument in writing:

(a) require a person who makes an application under section 4 to lodge a bond with the Minister within the time specified in the instrument;

(b) grant, either conditionally or unconditionally, a licence; or

(c) refuse to grant an application under section 4.

(1A) In determining whether to grant or refuse to grant a licence, the Minister must have regard to whether:

(a) the person is of good repute, having regard to character, honesty and integrity;

(b) the person is of sound and stable financial background;

(c) in respect of a corporation – it has or has arranged a satisfactory ownership, trust or corporate structure;

(d) the person has or is able to obtain financial resources that are adequate to ensure the financial viability of the business proposed to be conducted and to obtain the services of persons who have sufficient experience in the management and operation of the business;

(e) the person has sufficient business ability to establish and maintain the business proposed to be conducted;

(f) the person or any person to be involved in the management or operation of the business proposed to be conducted has any association with any person, body or association who or which, in the opinion of the Minister, is not of good repute having regard to character, honesty and integrity or has undesirable or unsatisfactory financial resources; and

(g) each director, partner, trustee, executive officer and secretary and any other officer or person determined by the Minister to be associated or connected with the ownership, administration or management of the operations or business of the person is a suitable person to act in that capacity.

(2) The Minister may extend the time for lodgment of the bond under subsection (1).

(3) The bond referred to in subsection (1) is a bond:

(a) in a form; and

(b) executed by an insurer,

approved by the Minister, binding the insurer:

(c) to pay to the Minister any amount of duty required under section 19(1)(b) that the licensee fails to pay; and

(d) in addition, if the licence is revoked under section 11, to pay to the Minister such amount as may be demanded by the Minister not exceeding an amount equal to the amount that became payable (whether or not it was paid) to the Minister under section 19(1)(b) during the period of 2 months that last preceded the revocation of the licence,

but so that the insurer will not be required under the bond to meet a totally liability in respect of the matters referred to in paragraphs (c) and (d) that exceeds $100,000.

6 Duty to maintain bond

A licensee shall not do any thing which causes a bond lodged in accordance with section 5 not to be in force during any period while his licence is in force.

Maximum penalty: 85 penalty units.

7 Minister shall grant licence

(1) Subject to this section, the Minister shall grant a licence to a person who:

(a) made an application under section 4;

(b) was required under section 5(1)(a) to lodge a bond with the Minister; and

(c) lodged the bond required within the time specified under section 5(1)(a) or (2).

(2) The Minister shall not, while a licence is in force, grant another licence.

8 Conditions

(1) A licence granted under this Act shall be subject to such conditions as the Minister considers appropriate to control the conduct of the soccer football pool.

(2) Without limiting the generality of subsection (1), the conditions of a licence may include conditions relating to:

(a) the opening by the licensee of an office in the Territory and the days on which and the times between which that office shall be open for business;

(b) the subsidizing by the licensee of the prize fund, to the extent necessary to enable prizes to be maintained at such level as the Minister specifies, for a period not exceeding 5 years from the day of commencement of the period the licence is in force;

(c) the rate of commission to be paid by the licensee to approved representatives;

(d) the rules in accordance with which soccer football pools shall be promoted, conducted or operated by the licensee;

(e) the maximum amount that a person may subscribe in respect of one entry in a soccer football pool promoted, conducted or operated by the licensee;

(f) the printing in entry forms for a soccer football pool promoted, conducted or operated by the licensee of such of the rules, or extracts from the rules, as are specified in the conditions; and

(g) the frequency with which soccer football pools shall be promoted, conducted or operated by the licensee.

9 Life of licence

Subject to this Act, a licence document is in force for 10 years from the date on which it was granted or such lesser period as is specified in the licence.

10 Alteration of conditions

(1) Subject to this section, the Minister may alter the conditions to which a licence is subject by:

(a) imposing an additional condition on that licence;

(b) amending a condition of that licence;

(c) substituting one condition for another condition in that licence; or

(d) revoking any condition of that licence.

(2) The Minister shall, before altering the conditions of a licence under this section:

(a) give the licensee a notice in writing:

(i) setting out the terms of the proposed alteration; and

(ii) inviting the licensee to make representations to the Minister concerning the proposed alteration within the period specified in the notice; and

(b) after the expiration of that period, consider any representations made to him by or on behalf of the licensee.

11 Revocation of licence

(1) The Minister may, by notice in writing given to a licensee, revoke a licence if the licensee:

(a) fails to comply with:

(i) this Act or a regulation;

(ii) the rules; or

(iii) any condition of the licence; or

(b) applies to the Minister for the revocation of the licence; or

(c) is a corporation and a dealing with or in respect of shares of, or other instruments issued by, the corporation that, in the opinion of the Minister, affects the control of the corporation, takes place without the consent in writing of the Minister.

(2) The revocation of a licence under subsection (1) takes effect:

(a) subject to paragraph (b), on the day on which the notice of revocation is given to the licensee; or

(b) if a later day is specified in the notice of revocation, that later day.

11A Licence not transferable

A licence is not transferable by the licensee.

Part III Conduct of pools

12 Rules

(1) A licensee may make rules not inconsistent with this Act for or with respect to the promotion, conduct and operation by him of soccer football pools.

(2) A rule made pursuant to subsection (1) shall be approved in writing by the Minister.

(3) A rule made under subsection (1) shall:

(a) be notified in the *Gazette*; and

(b) take effect on and from:

(i) the date of notification in the *Gazette*; or

(ii) a later date specified in the rule.

13 Persons not to conduct pools unless licensed

A person shall not promote, conduct or operate a soccer football pool unless he is a licensee.

Maximum penalty: 17 penalty units.

14 Approved representatives

(1) The Minister may by notice in writing approve of:

(a) a person; or

(b) a class of persons,

being appointed under subsection (2) as approved representatives of a licensee.

(2) A licensee may, by instrument in writing, appoint a person:

(a) approved under subsection (1); or

(b) within a class of persons so approved,

to be an approved representative of the licensee for the collection of entry forms for, and subscriptions in respect of, soccer football pools promoted, conducted or operated by that licensee.

15 Persons not to receive entry forms, &c.

A person who is not an approved representative of a licensee shall not receive on behalf of the licensee entry forms for, and subscriptions in respect of, soccer football pools promoted, conducted or operated by that licensee.

16 Commission

A licensee shall not pay a commission to a person unless that person is an approved representative of the licensee.

17 Infants

(1) A licensee or an approved representative of a licensee shall not accept from a person who is an infant an entry form for, and a subscription in respect of, a soccer football pool.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant:

(a) had no reason to believe; and

(b) did not believe,

that the person from whom he accepted an entry form and subscription was an infant.

(3) An infant shall not enter a soccer football pool.

Maximum penalty: 0.8 penalty unit.

18 Exculpation from other offences

(1) A person is not guilty of an offence under any law other than this Act by reason only that:

(a) he enters a soccer football pool by means of an entry form;

(b) if he is a licensee, he promotes, conducts or operates a soccer football pool in accordance with this Act and with the conditions of his licence;

(c) he is concerned in the promotion, conduct or operation of a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of his licence;

(d) he prints or publishes any thing relating to a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of his licence;

(e) he is the owner or occupier of any house, office, room or other place used for the purpose of, or in connection with, a soccer football pool promoted, conducted or operated by a licensee in accordance with this Act and with the conditions of his licence; or

(f) he prints or publishes the results of, or information as to the prize money payable in respect of, a soccer football pool promoted, conducted or operated under a corresponding law.

Part IV Application of subscriptions

19 Application of subscriptions

(1) Out of the subscriptions received by him in respect of soccer football pools promoted, conducted or operated by him, whether in the Territory or elsewhere, the licensee shall:

(a) pay into the prize fund an amount equal to:

(i) 37 per cent; or

(ii) if a greater percentage is prescribed, that greater percentage; and

(b) subject to section 20(2), pay to the Minister as duty an amount equal to:

(i) where in a financial year total subscriptions to soccer football pools held in that year are not more than $104,000,000 and have never been more than $104,000,000 in any preceding financial year and:

(A) total subscriptions to the pool do not exceed $1,000,000:

$0.34 \times T$; or

(B) total subscriptions to the pool exceed $1,000,000:

$$0.34 \times T + 0.01 \times T \frac{(N - 1{,}000{,}000)}{N}$$; and

(ii) in all other cases – $0.35 \times T$,

where:

T = the amount subscribed in the Territory to the pool; and

N = total subscriptions to the pool.

(2) A licensee shall, within 7 days of the end of each month:

(a) pay to the Minister the amount of duty owed under this Act by that licensee in respect of subscriptions received by that licensee during that month; and

(b) forward with that payment such financial, statistical or other statements relating to the soccer football pool as the Minister directs, either generally or in respect of a particular soccer football pool, in a notice in writing given to the licensee.

(3) If payment of the duty referred to in subsection (1) is not made within the time specified in subsection (2) the licensee shall, in addition to that duty, pay to the Minister as additional duty an amount that is equal to 10 per cent of the amount of the unpaid duty in respect of each month, calculated from the expiration of the time referred to in subsection (2), during which the duty remains unpaid.

(4) Notwithstanding subsection (3), the Minister may in any case in which he sees fit to do so, forgo the whole or any part of the additional duty referred to in that subsection, or allow further time for the payment thereof.

20 Agreements

(1) If a licensee proposes to promote, conduct and operate soccer football pools in the Territory and also in a participating State, the Minister may enter into an agreement with the appropriate Minister or other appropriate authority of that participating State with respect to:

(a) the division between him and that appropriate Minister or authority of the amount referred to in section 19(1)(b); or

(b) the exclusion from the subscriptions by reference to which the amount referred to in section 19(1)(b) is to be calculated of such subscriptions as are specified in the agreement.

(2) Where an agreement referred to in subsection (1)(b) provides for the exclusion of subscriptions by reference to which the amount of duty under section 19(1)(b) is to be calculated, the amount of duty to be paid by the licensee under that section shall be calculated on the subscriptions that are not specified by the agreement as being excluded.

21 Prize fund

(1) The part of the subscriptions referred to in section 19(1)(a) shall:

(a) subject to paragraph (b), be paid into an ADI account kept by the licensee at a bank in the Territory being an account and an ADI approved in writing by the Minister; or

(b) if the licensee by whom the subscriptions are received also promotes, conducts or operates soccer football pools in a participating State and the Minister in writing approves of that part of the subscriptions being paid into an ADI account kept by the licensee in a bank in that State, be paid into that ADI account.

(2) Any moneys kept in an ADI account referred to in subsection (1)(a) that are not immediately required for the payment of prizes may be invested by the licensee in such manner as the Minister in writing approves, and any interest accruing therefrom shall be paid into that account and form part of the prize fund.

(3) Subject to subsection (2), the moneys kept in an ADI account referred to in subsection (1) may be applied only:

(a) towards the payment by the licensee of prizes won in soccer football pools promoted, conducted and operated by him in the Territory or, if a soccer football pool is promoted, conducted and operated by him in the Territory and in a participating State, in the Territory and in that participating State;

(b) if the licence granted to the licensee contains a condition referred to in section 8(2)(b), towards the reimbursement of the licensee for any amount by which he subsidizes the prize fund; and

(c) if the Minister so approves in writing, towards the reimbursement of the licensee for any amount which before the commencement of this Act, he paid, under a corresponding law under which he was authorized to promote, conduct or operate soccer football pools, as a subsidy into a prize fund kept under that law.

Part V Inspection and audit

22 Appointment of inspectors

The Minister may appoint an employee, as defined in the *Public Sector Employment and Management Act*, to be an inspector for the purposes of this Act.

23 Powers of inspector

(1) For the purposes of this Act and the regulations, an inspector may, at any reasonable time:

(a) enter any part of the premises of a licensee;

(b) enter any part of the premises (other than a dwelling-house) of an approved representative;

(c) enter any part of the premises (other than a dwelling-house) of a person who is not a licensee and whom the inspector reasonably suspects of promoting, conducting or operating a soccer football pool;

(d) enter any part of the premises (other than a dwelling-house) of a person:

(i) who is not an approved representative; but

(ii) whom the inspector reasonably suspects of receiving entry forms for, or subscriptions in respect of, a soccer football pool;

(e) require any person whom the inspector reasonably suspects of having the custody, possession or control of any registers, books, records or documents which relate to, or which the inspector reasonably suspects relate to, the promotion, conduct or operation of a soccer football pool to:

(i) produce to him those registers, books, records or documents; and

(ii) answer any question with respect to those registers, books, records or documents, within such reasonable time as may be specified in the requirement; or

(f) make copies of, or take extracts from, any entries in any such register, book, record or document.

(2) A person shall not:

(a) prevent an inspector from exercising any power conferred on him by subsection (1);

(b) hinder or obstruct an inspector in the exercise of any such power;

(c) fail to comply with a requirement of an inspector under subsection (1)(e); or

(d) wilfully furnish to an inspector information which is false or misleading in a material particular.

(3) It is a defence to a prosecution for an offence against subsection (2)(c) by reason of the failure of the defendant to answer a question referred to in subsection (1)(e)(ii) if he proves that he did not know, and could not with reasonable diligence ascertain, the answer to the question.

(4) A person is not excused from answering any question if required to do so under subsection (1)(e) on the ground that the answer might tend to incriminate him or make him liable to a penalty but the information furnished by him shall not be admissible against him in any proceedings, civil or criminal, other than proceedings for an offence under subsection (2).

(5) If an answer to a question referred to in subsection (1)(e)(ii), or any information whatsoever, is given to an inspector by an officer of a corporation within the meaning of the Corporations Act 2001, that is concerned in the promotion, conduct or operation of a soccer football pool, the answer and information are, for the purposes of any proceedings against the corporation under this Act, binding upon and admissible in evidence against the corporation unless it is proved that the answer or information was given in relation to a matter in respect of which the officer had no authority to bind the corporation.

(6) Subsection (5) is in addition to and not in derogation of any rule of law relating to the binding effect and admissibility in evidence of statements made by any officer or employee of a corporation.

24 Protection of inspectors

Any matter or thing done by an inspector bona fide for the purpose or purported purpose of executing this Act shall not subject the inspector personally to any action, liability, claim or demand.

25 Audit

(1) The Minister may request the Auditor-General to audit or inspect such of the accounts of a licensee as relate to the application of subscriptions and the payment of prizes and to furnish him with a report thereon.

(2) The Auditor-General may appoint some other person to carry out an audit or inspection referred to in subsection (1).

(3) For the purposes of an audit or inspection referred to in subsection (1), the person carrying out the audit or inspection shall be deemed to be an inspector and shall have all the powers and

authorities of an inspector except those powers and authorities that relate to persons who are not licensees or approved representatives.

Part VI Miscellaneous

26 Recoveries

(1) An amount that is payable by a person to the Minister under this Act but is not paid may be recovered from that person as a debt due to the Territory in any court of competent jurisdiction.

(2) For the purpose of any action to recover any such amount a certificate of the Minister certifying the amount alleged to be payable by a person and that that amount has not been paid is evidence that the amount so specified is payable to the Minister in accordance with this Act and has not been paid.

27 Service

A notice or order that is required to be served on or given to a licensee under this Act may:

(a) except in the case of a notice or revocation, be served by post on the licensee; or

(b) be left for the licensee with some person apparently in the service of the licensee and apparently over the age of 16 years,

at the address at which the licensee carries on business in the Territory or, if the licensee carries on business at more than one place in the Territory, at the address that is, in the opinion of the Minister, the principal place of business of the licensee in the Territory.

28 Offences

(1) A person who contravenes or fails to comply with this Act is guilty of an offence.

(2) Except where some other penalty is in this Act provided:

(a) a licensee who is found guilty of an offence against this Act is liable to a penalty not exceeding 17 penalty units; and

(b) a person, not being a licensee, who is found guilty of an offence against this Act is liable to a penalty not exceeding 4 penalty units.

(3) It is a defence to a prosecution for an offence against this Act (section 23(2) excepted) if the defendant:

(a) was employed by a licensee or an approved representative of a licensee; and

(b) committed the offence in the course of his employment,

and the licensee or approved representative is guilty of that offence.

28A Regulatory offences

Subject to section 28(3), an offence of contravening or failing to comply with section 17(3) or 19(2) is a regulatory offence.

28B Codes of practice

(1) For the purpose of providing practical guidance to a licensee on any matter relating to this Act, the Minister may, by notice in the *Gazette*, approve a code of practice.

(2) A code of practice may consist of a code, standard, rule, specification or provision relating to matters in this Act formulated, prepared or adopted by the Minister and may apply, incorporate or refer to a document formulated or published by a body or authority as in force at the time the code of practice is approved or as amended, formulated or published from time to time.

(3) A notice under subsection (1) must indicate where a copy of the code of practice to which it relates, and all documents incorporated or referred to in the code, may be inspected by members of the public and the times during which they may be inspected.

(4) A licensee must not contravene or fail to comply with a code of practice approved under this section.

Maximum penalty: 85 penalty units or imprisonment for 2 years.

29 Regulations

(1) The Administrator may make regulations for or with respect to:

(a) the displaying in those parts to which the public has access of the premises of a licensee or an approved representative of the rules relating to soccer football pools or of extracts from those rules;

(b) the days on which and the hours between which a licensee or an approved representative may not accept entry forms for, or subscriptions in respect of, a soccer football pool;

(c) advertisements relating to soccer football pools; and

(d) any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations may be made so as to apply differently according to such factors as are specified in the regulations.

(3) A regulation may impose a penalty not exceeding 2 penalty units for any breach thereof.

ENDNOTES

1 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

2 LIST OF LEGISLATION

Soccer Football Pools Act 1978 (Act No. 79, 1978)

Assent date	23 August 1978
Commenced	25 August 1978 (*Gaz* No. 34, 25 August 1978, p 4)

Soccer Football Pools Amendment Act 1983 (Act No. 9, 1983)

Assent date	27 April 1983
Commenced	27 April 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Soccer Football Pools Amendment Act 1989 (Act No. 31, 1988)

Assent date	14 September 1988
Commenced	s 4: 20 April 1986; rem: 19 April 1989 (*Gaz* S19, 19 April 1989)

Corporations (Consequential Amendments) Act 1990 (Act No. 59, 1990)

Assent date	14 December 1990
Commenced	1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and *Gaz* S76, 21 December 1990)

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)

Assent date	13 September 2002
Commenced	30 October 2002 (*Gaz* G43, 3 October 2002, p 3)

Soccer Football Pools Amendment Act 2004 (Act No. 43, 2004)

Assent date	14 July 2004
Commenced	1 September 2004 (*Gaz* G35, 1 September 2004, p 8)

Personal Property Securities (National Uniform Legislation) Implementation Act 2010 (Act No. 30, 2010)

Assent date	9 September 2010
Commenced	ss 58 to 60: nc; rem: 25 November 2011 (*Gaz* S68, 25 November 2011)

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)

3 LIST OF AMENDMENTS

s 2A	ins No. 43, 2004, s 4
s 3	amd No. 31, 1988, s 6; No. 38, 2002, s 6
s 4	amd No. 43, 2004, s 5
s 5	amd No. 43, 2004, s 6
s 6	amd No. 38, 2010, s 3
ss 8 – 9	amd No. 31, 1988, s 6
s 11A	ins No. 30, 2010, s 48
s 13	amd No. 38, 2010, s 3
s 17	amd No. 38, 2010, s 3
s 19	amd No. 9, 1983, s 2; No. 31, 1988, s 4
s 20	amd No. 9, 1983, s 3; No. 31, 1988, ss 5 and 6
s 21	amd No. 38, 2002, s 6
s 22	amd No. 31, 1988, s 6; No. 28, 1993, s 3
s 23	amd No. 31, 1988, s 6; No. 59, 1990, s 4; No. 17, 2001 s 21
s 25	amd No. 31, 1988, s 6
s 28	amd No. 31, 1988, s 6; No. 17, 1996, s 6; No. 38, 2010, s 3
s 28A	ins No. 68, 1983, s 96
s 28B	ins No. 43, 2004, s 7
	amd No. 38, 2010, s 3
s 29	amd No. 38, 2010, s 3