

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2007 (No 1)

Disallowable Instrument DI2007 — 183

EXPLANATORY STATEMENT

The *Race and Sports Bookmaking Act 2001* (the Act) regulates the activities of sports bookmakers in the Australian Capital Territory.

Subsection 20(1) of the Act provides that the Commission may determine a sporting or other event to be a sports bookmaking event for the purpose of the Act.

This determination commences on 1 August 2007 and revokes DI2006-207 dated 31 August 2006 and notified under the Legislation Register on 4 September 2006.

Amendments have been made to this Instrument to ensure that the sporting events offered as betting markets by licensed sports bookmakers in the Australian Capital Territory are harmonised more closely with similar regulatory arrangements in New South Wales (NSW) and Victoria. Further amendments have also been made to align sporting events with the sanctioning body in preference to naming events by corporate sponsorship details. It is anticipated that these changes will reduce the requirement to amend this instrument when a change to the event or sponsorship name occurs. To assist licensees and the general public the Schedules to the new determination have also been reformatted into tabular form.

All events covered by the previous approval DI2006-207 have been included in this new instrument together with additional events that are currently available in other Australian jurisdictions.

This instrument has been divided into two discrete Schedules. Schedule 1 provides for sports bookmaking events. Events determined under Schedule 1 only authorise sports bookmaking events that are conducted at the senior competition level.

The new determination includes a description of what constitutes a “senior level event” for the purposes of Schedule 1 of the determination. A “senior level event” includes all professional, top level competitions and Masters type events. It does not include school or junior competitions where a condition of participation requires the competitors to be less than 18 years of age.

Schedule 2 now contains all Australian and overseas racing events for Greyhound, Harness, Quarter Horse and Thoroughbred racing.

Schedule 1

Clause 2, Schedule 1, provides for American and Canadian Football events. The All American Football League has been included to provide for a new professional league that was founded in 2007 and will commence major competitions in the 2008 season. For consistency with events offered by other jurisdictions, player awards and medals at the senior level are now included as sports bookmaking events.

Former clause 3(3) provides that athletic events scheduled and sanctioned by the International Association of Athletics Federations (IAAF) are determined events. As the IAAF schedules and sanctions World Championship events former clause 3(1) is redundant. New clause 3(i) clearly reflects that events sanctioned by IAAF and Athletics Australia are determined events. The Oceania Athletic Association has been included as regional professional events that are sanctioned and scheduled by this Association are not contained within the program of scheduled events offered by IAAF and Athletics Australia. Former clause 3(2) is now at new clause 3(iii).

New clause 4 provides for Australian Rules Football. Former clauses 4(1) and 4(4), now clause 4.1, have been combined and now reflect that the Australian Football League Commission (AFLC) is the appropriate sanctioning body. New clause 4.2, formerly clause 4(3), clearly indicates the full title of each State and Territory sanctioning body for each premier event for the Australian Football League. Former clauses 4(5), (6) and (7) have been replaced by new clause 4.3. The amendment provided by new clause 4.3 does not require that individual player awards and medals at the senior level be specifically nominated as such medals and awards are valid sports bookmaking events if sanctioned by the AFLC.

New clause 5.1 combines former clauses 5(1) and 5(3) as the Major League Baseball is the sanctioning body for both baseball events. The Australian Baseball Federation, new clause 5.1(iii), the International Baseball Federation, new clause 5.1(iv) and clause 5.2, player awards at the senior level, have been included to harmonise determined events with other jurisdictions.

Clause 6.1(iii) now reflects that the Fédération Internationale de Basketball (FIBA) is the overall sanctioning body for basketball. Former clauses 6(4) to 6(9), 6(12) and 6(13) are therefore redundant. Former clause 6(1) is now provided for at 6.1(iv). New clause 6.1(v) has been inserted to provide for women’s basketball events. Former clause 6(11) is now at new clause 6.1(vi). New clauses 6.1(vii), 6.1(viii) and 6.3 includes FIBA Europe and the Union of

European Leagues of Basketball and provides for the Premier Leagues of FIBA Europe's Federation members. New 6.4 provides for player awards at the senior level and medals. The new provisions are consistent with sports bookmaking events determined by other jurisdictions.

To harmonise boxing events with other Australian jurisdictions, clause 7 has been amended to include the International Boxing Organisation, International Boxing Association and Boxing Australia Inc.

Clause 8 has been amended to include official Commonwealth Games Federation medal tallies as an event for the Commonwealth Games. This is consistent with other Australian jurisdictions determined events for the Commonwealth Games.

Clause 9 has been amended to reflect that Cricket Australia and the International Cricket Council and co-sanctioning Council Members are the appropriate sanctioning bodies for cricket events. First-class domestic Australian cricket matches and one-day series within Australia are sanctioned and scheduled by Cricket Australia. New clauses 9.2 and 9.3 provide for first-class domestic cricket events by the International Council Members and senior level player awards. These new clauses have been included to ensure consistency with other jurisdictions determined events.

New clause 10.1 reflects that the international sanctioning body for cycling is the Union Cycliste Internationale. This amendment makes former clauses 10(1) and 10(5) redundant. New clause 10.2 also reflects that Cycling Australia is the sanctioning body for National, Championship and Tours within Australia. These events were formerly contained at clauses 10(2) to 10(4) and have been superseded by this amendment.

To harmonise events with other Australian jurisdictions for darts competitions clause 11 has been amended to include the Professional Darts Corporation and the British Darts Federation.

Clause 12 provides for the sporting event of golf. New clause 12 has been amended to reflect the professional golfing association or tour that schedules and sanctions professional golf. Individual events included in former clauses 12(3) to (7) and clauses 12(9) to (11) are now encompassed within the tours offered under new clause 12.3 and are therefore redundant. The amendments to new clause 12.3 also ensure that professional golfing associations and tours for female golfers are also included.

Clause 13, formerly clause 15, has been amended to include field hockey as a determined sporting event. New clause 13 now provides for both ice hockey and field hockey. Former clause 15(3) has been amended by new clause 13.A.1(i) to reflect that the International Ice Hockey Federation is the scheduling and sanctioning body for World Cup events. New clause 13.A.1(ii) amends former clause 15(1) to reflect the appropriate sanctioning body as the American Hockey League. Former clause 15(2) provided for events scheduled by the Canadian Hockey League (CHL). This clause has been replaced by new

clause 13.A.1(iii) to 13.A.1.(v) to provide for ice hockey events associated with the National Hockey League, Central Hockey League and ECHL. To provide consistency with other Australian jurisdictions determined events, new clause 13.A.2 has been inserted to provide for State and National ice hockey championship events scheduled by Ice Hockey Australia. Similarly senior level player awards and medals sanctioned by the governing bodies have also been included at new clause 13.A.4. Former clauses 15(4) and 15(5) are now provided at new clause 13.A.3.

New clause 13.B has been inserted to include field hockey as a determined sporting event. This clause is consistent with other Australian jurisdictions' field hockey events and provides for International Championships through the International Hockey Federation, National events sanctioned by Hockey Australia and the Australian Hockey League at clause 13.B.1. Senior level player awards and medals sanctioned by these sanctioning bodies have also been included at clause 13.B.2.

New clause 14, formerly clause 16, provides for events scheduled and sanctioned by Surf Lifesaving Australia and the International Life Saving Federation. The title has been amended to include 'surf lifesaving' to make it clear that these iron man events only apply in relation to those events. Former clauses 16(1) and 16(2) have been subsumed into new clause 14(i). New clause 14(ii) provides for the events formerly included in clause 16(3).

New clause 15 inserts lawn bowls as a new determined sporting event. This new clause is consistent with sporting events that are determined in other Australian jurisdictions. New clause 15.1 also reflects the current practice of determining elite sanctioning bodies that are responsible for scheduling and sanctioning international and world cup events namely, Bowls Australia, the World Bowls Tour and World Bowls Limited.

New clause 16, formerly clause 17, has been reformatted to clarify which events apply to motor cars and motor bikes. Former clause 17(5) and 17(7) have been subsumed into new clause 16.A.1. Former clause 17(2), new clause 16.A.2(iii), has been amended to reflect that Champ Car is now the sanctioning body. Former clauses 17(8) and 17(9) have been subsumed into new clause 16.B.1. New clause 16.B.2 has been included to provide consistency with other Australian jurisdictions for motor bike betting events that may be offered.

Former clauses 18(2) and 18(3) for netball have been encompassed within new clause 17.1. Former clause 18(1) is contained in new clause 17.2 and now also includes Premier National Competition events for Netball New Zealand. New clause 17.3 provides for international netball competitions between Australia and New Zealand. New clauses 17.2 and 17.3 are consistent with other Australian jurisdictions. Also for consistency with other team sports, player awards and medals at the senior level for netball have been included as a determined event at new clause 17.4.

Former clause 19 is now at clause 18. New clause 18.1 has been included to reflect that official International Olympic Committee medal tallies may be offered

as a betting market for the Olympic Games. This is consistent with other Australian jurisdictions' determined events for the Olympic Games.

Clause 19.1(ii), formerly clauses 20(2) and 20(3), have been amended to reflect the appropriate title of the Australian Electoral Commission, the Commissions for the States and Territories and the South Australian Electoral Office. Former clause 20(4) is now provided for at new clause 19.1(iii). New clause 19.1(iv) now provides for national elections in New Zealand.

Rowing events are now provided at new clause 20, formerly at clause 22.

New clause 21.1(i) has been included to reflect that the Australian Rugby League (ARL) is the sanctioning rugby body for "New South Wales Country v City" and the "State of Origin" series events. The ARL has also been included in this determination to ensure that National events involving the "Kangaroos" may be offered as a sports bookmaking event. These provisions were formerly at clauses 23(2) and 23(3). Former clauses 23(1), (4) and (5) are now provided for at new clauses 21.1(ii) to 21.1 (iv) respectively. Senior level player awards and medals have been included in clause 21.2 to ensure consistency with sports bookmaking events determined in other Australian jurisdictions.

Former clause 24, relating to Rugby Union, is now contained at new clause 22. Former clause 24(1) regarding International Rugby Board "Sevens Tournaments", clauses 24(3) and 24(4), have been combined and are now provided for at new clause 22.1(i). Former clause 24(1) regarding the "Tri Nations Series" conducted by SANZAR, and clause 24(2) are now contained at new clause 22.1(ii). Events scheduled and sanctioned by the Australian Rugby Union, formerly clause 24(1), are now provided for at new clause 22.1(iii). New clause 22.1(iii) will also provide for the new Australian Provincial Championship competition sanctioned and scheduled by the Australian Rugby Union. Former clause 24(5), now clause 22.1(v), has been amended to reflect that the "Six Nations" rugby series is scheduled and sanctioned by Rugby Union Football. New clause 22.1(iv) provides for the world-class rugby championship known as the ERC (formerly known as the European Rugby Cup Limited). New clause 22.2 provides for National Provincial Championships and Premier Domestic Competition rugby union events of the First Tier National Rugby Unions of the International Rugby Board (Argentina, Australia, England, France, Ireland, Italy, New Zealand, Scotland, South Africa and Wales), as these competitions are directly related to participation in the ERC. Former clauses 24(6) and 24(7) are made redundant by new clause 22.2. New clause 22.3 provides for Rugby Union events that are unable to be described by just the details of a sanctioning authority due to the structure of the event. Therefore, new clause 22.3 also includes the event details. Clause 22.3(i), formerly clause 24(8), new clauses 22.1(iv) and (v) and clause 22.2 have been included to provide consistency with other jurisdictions' determined events. Similarly, for consistency with other sports bookmaking jurisdictions, new clause 22.4 now provides for player awards and medals at the senior level.

Former clause 25 provided for showjumping as a sports bookmaking event. This is now at new clause 23.

Clause 24 relating to snooker, formerly clause 26, has been amended to include events sanctioned by the Australian Billiards and Snooker Council Inc. This change will harmonise sports bookmaking events for snooker in other Australian betting jurisdictions.

New clause 25, formerly clause 27, provides for soccer events that may be offered by ACT licensed sports bookmakers. New clause 25.1 includes former clauses contained at 27(1), 27(6) to (9), and 27(13). New clause 25.2 has been inserted to provide for National team events scheduled and sanctioned by the Union of European Football Associations (UEFA) and the Asian Football Confederation (AFC). New clause 25.3, formerly clauses 27 (3) - English Premier League, 25(5) and 25(11) reflects Premier Leagues and Main Cup events sanctioned and scheduled by UEFA and AFC National Association members in conjunction with the appropriate scheduling and co-sanctioning Leagues. Former clause 27(3), now clauses 25.4(i) to (iii), in relation to Divisions 1 to 4 has been amended to reflect a reorganisation of the Divisions into three distinct Football Leagues. New clause 25.4(iv) and (v), formerly contained within clause 27(4) provides for the appropriate details of the First and Second Division of the Scottish Football League. Due to the nature of the competition, new clause 25.5, formerly clause 27(12), retains the details of the event, 'Copa América', as well as the sanctioning authority. New clause 25.6 has been included to provide for Major League Soccer that is co-scheduled and co-sanctioned in conjunction with the United States Soccer Federation and the Canadian Soccer Association and is consistent with determined events in other Australian jurisdictions. New clause 25.7 has also been included to provide for the NSW Premier League (senior division only) to ensure consistency with other sports betting jurisdictions. Similarly, player awards and medals at the senior level have also been included at new clause 25.8.

New clause 26(i) provides for surfing events scheduled and sanctioned by the Association of Surfing Professionals (ASP). Former clauses 28(3) and 28(4) have been subsumed into new clause 26(i). Similarly former clauses 28(1) and 28(2), relating to surfing events sanctioned and scheduled by Surfing Australia, are now at new clause 26(ii). New clause 26(iii) has been included to clarify that Surfing Australia operates the ASP Australasia regional licence which schedules and sanctions professional surfing events in the Australasia region.

Former clause 29 is now contained at new clause 27.

New clause 28, formerly clause 30, provides for tennis sporting events. Former clauses 30(1), 30(2) and 30(5) are now contained in new clause 28(i). This amendment reflects that the International Tennis Federation is the scheduling and sanctioning body for the three major national competitions (Davis Cup, Fed Cup and Hopman Cup) and four Grand Slams consisting of the Australian Open, French Open, Wimbledon and the US Open. Former clause 30(3), now clause 28(ii), has been amended to reflect that the ATP Tour is the scheduling and sanctioning body for professional tennis tournaments for men. Similarly new clause 28(iii), formerly clause 30(4), now clearly indicates that the WTA Tour is the sanctioning and scheduling body for professional tennis tournaments

for women. New clause 28(iv) has been included as Tennis Australia conducts national tournaments and is consistent with the other Australian jurisdictions determined sports bookmaking events.

Former clause 32(2) is now at new clause 29(i). Former clause 32(3) is now provided for at new clause 29(ii). Former clause 32(1) provided for the Hawaiian Triathlon and is now contained at 29(iii) as the World Triathlon Corporation sanctions and schedules the Hawaii Ironman Triathlon World Championships.

New clause 30 includes Volleyball as a new determined sporting event to ensure consistency with other Australian jurisdictions determined sporting events. This new provision reflects that the Fédération Internationale de Volleyball is the sanctioning and scheduling body for volleyball and includes such events as the World Cup, World Championship, World League, Grand Prix and the Olympic Tournament.

New clause 31, Formerly clause 33, provides for yacht racing events that may be offered by ACT licensed sports bookmakers. New clause 31.2 has been included to provide for events scheduled and sanctioned by Yachting NSW for the 18 Foot Skiff Championships. This amendment ensures consistency for betting products that may be offered for yacht racing in other Australian betting jurisdictions. Former clause 33(3), new clause 31.4, has been amended to clearly reflect that it is the America's Cup Defender's Event Authority that schedules and sanctions events for the America's Cup.

Schedule 2

Former clauses 13, 14 and 21, relating to greyhound, harness and quarter horse racing, are now contained in new clauses 1, 2 and 3 of Schedule 2 respectively. There are no amendments to these clauses.

Former clause 31 is now contained at new clause 4 of Schedule 2 and provides for thoroughbred racing events. This clause has been reformatted only. Former clause 31(1) is now provided for at new clause 4.1. New clause 4.2 now contains former clauses 31(3) to 31(9). Former clause 31(10) and 31(11) are now provided at clauses 4.3 and 4.4 respectively. New clause 4.5 provides for former clause 31(2).