



Australian Capital Territory

# **Racing (Race Field Information) Regulation 2010**

**SL2010-3**

made under the

**Racing Act 1999**

**Republication No 2**

**Effective: 1 March 2013 – 1 March 2014**

Republication date: 1 March 2013

Last amendment made by [SL2013-3](#)  
(republication for amendments by [A2013-1](#) and [SL2013-3](#))

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Racing (Race Field Information) Regulation 2010*, made under the *Racing Act 1999* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 March 2013. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 March 2013.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

# Racing (Race Field Information) Regulation 2010

made under the

**Racing Act 1999**

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R2  
01/03/13

Racing (Race Field Information) Regulation 2010  
Effective: 01/03/13-01/03/14

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Australian Capital Territory

# Racing (Race Field Information) Regulation 2010

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made under the

**Racing Act 1999**

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**1 Name of regulation**

This regulation is the *Racing (Race Field Information) Regulation 2010*.

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Prescribed information for application for, or renewal of, approval—Act, s 61J (2) (b) and s 61P (3) (b)**

- (1) The following information is prescribed:
- (a) the name and contact details of the applicant;
  - (b) details of the proposed use of race field information (including the race to which the approval is to relate and the time and manner of use);
  - (c) details of the applicant's licence or authority to conduct a wagering business—
    - (i) under a law of the Territory, a State or an external territory; or

- (ii) issued by a controlling body, a corresponding body, or a racing authority of the Territory, a State or an external territory;

*Note* **State** includes the Northern Territory—see the [Legislation Act](#), dict, pt 1.

- (d) details of the kinds of wagering offered by the applicant;
- (e) details of the applicant’s history of wagering operations and use of race field information (including details of the applicant’s past wagering turnover in relation to races conducted in the ACT);
- (f) details of the criminal history (if any) of—
  - (i) if the applicant is an individual—the applicant, key employees and close associates of the applicant that are known to the applicant; or
  - (ii) if the applicant is a corporation—key employees and close associates of the applicant that are known to the applicant;
- (g) details of any disciplinary action under any legislation or any rules of racing or betting (whether in the ACT or elsewhere) that have been taken against—
  - (i) if the applicant is an individual—the applicant, key employees and close associates of the applicant that are known to the applicant; or
  - (ii) if the applicant is a corporation—key employees and close associates of the applicant that are known to the applicant;

- (h) details of the applicant's policy and procedure for dealing with racing integrity issues relating to races conducted in the ACT.

**Examples—racing integrity issues**

suspect betting transactions, fraud

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) In this section:

**key employee**, in relation to an applicant for an approval, means a person (whether or not engaged under a contract of service) who is—

- (a) employed in a managerial or supervisory capacity in relation to the conduct of a wagering business by the applicant; or
- (b) authorised to make decisions, involving the exercise of his or her discretion, that regulate the operations of the applicant in relation to the conduct of a wagering business; or
- (c) concerned or engaged, in any way, in the conduct of a wagering business by the applicant.

**6 Prescribed matters to be considered or disregarded in deciding application for, or renewal of, approval—Act, s 61K (2) (b) and s 61Q (2) (b)**

- (1) A relevant controlling body must consider whether issuing, or renewing, the approval will undermine the integrity of the conduct of races in the ACT for which the relevant controlling body has responsibility.
- (2) A relevant controlling body must disregard—
  - (a) the location in Australia in which the applicant—
    - (i) for an individual—lives or carries out his or her activities; or



- (ii) for a corporation—has its head office or principal place of business; and
- (b) the jurisdiction under which the applicant is licensed or authorised to conduct a wagering business.

**7 Prescribed conditions of approval or renewal—Act, s 61N (a)**

- (1) The following conditions are prescribed:
  - (a) the licensed wagering operator must give the relevant controlling body access to all the operator's betting information and analyses in relation to the race field information covered by the approval;
  - (b) the licensed wagering operator must, if reasonably required by the relevant controlling body, allow the body to monitor wagering activity, including activity relating to—
    - (i) bets held on races conducted in the ACT; and
    - (ii) bets paid; and
    - (iii) bet backs; and
    - (iv) any betting account that is used for betting on an authorised race meeting in the ACT;
  - (c) the licensed wagering operator must use an operating and recording system, whether computerised or not, that—
    - (i) includes measures to prevent unauthorised access and unauthorised changes to data; and
    - (ii) provides an audit trail for all wagering activity that relates to authorised race meetings in the ACT;

- (d) the licensed wagering operator must not open an account for betting for a person unless the person has properly established their identity;

**Example—properly establishing identity**

providing 100 points of identification as commonly required by authorised deposit-taking institutions

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (e) the licensed wagering operator must not open or maintain an account for betting if the operator knows the account is for a person who—
  - (i) is disqualified or suspended from participation in racing under racing, gaming or wagering legislation or a rule of racing or betting (in the ACT or elsewhere); or
  - (ii) is subject to a warning-off notice issued by a defined entity;
- (f) the licensed wagering operator must, within a reasonable time stated by the relevant controlling body—
  - (i) give information to an inquiry or investigation; and
  - (ii) cooperate with an inquiry or investigation;
- (g) if any part of a licensed wagering operator's business involves online wagering—the operator must participate in an online wagering monitoring system if reasonably required to do so by the relevant controlling body;
- (h) the licensed wagering operator must notify the relevant controlling body of any of the following happening, within 14 days after the day it happens:
  - (i) an entity stops having a controlling interest in the operator's business;

- (ii) an entity starts having a controlling interest in the operator's business;
- (iii) a prosecution or disciplinary action is started under racing, gaming or wagering legislation or a rule of racing or betting (in the ACT or elsewhere) against—
  - (A) the operator; or
  - (B) an entity with a controlling interest in the operator; or
  - (C) an employee of the operator;
- (iv) a significant change in the financial circumstances of the operator.

**Example—significant change in financial circumstances**

- 1 insolvency
- 2 a significant change in the wagering turnover

- (2) In this section:

***warning-off notice*** means a notice stating that a person is not permitted to enter a racecourse.

## **20 Modification of Act, pt 10—Act, s 104**

- (1) The Act, part 10 is modified by schedule 1.
- (2) This section, and schedule 1, expire on the day the Act, part 10 expires.

## Schedule 1      Modification of Act

(see s 20)

### [1.1]      Section 100, new definitions

*insert*

***existing approval holder*** means a licensed wagering operator who holds an approval to use race field information—

- (a) issued, or renewed, under pre-amendment part 5B; and
- (b) which is in force immediately before the commencement day.

***existing race field information fund*** means the race field information fund established under pre-amendment part 5B, section 61U.

***pre-amendment period*** means the period from 1 July 2012 until the day before the commencement day.

***pre-amendment regulation*** means the *Racing (Race Field Information) Regulation 2010* as in effect immediately before the commencement day.

***transitional period*** means the period starting on the commencement day until 30 June 2013.

### [1.2]      New sections 101A to 101F

*insert*

#### **101A      Existing approval holders must continue to give monthly returns to commission**

- (1) An existing approval holder must give the commission a monthly return—
  - (a) for any month before the commencement day for which the existing approval holder has not already given the commission a return under pre-amendment part 5B; and

- (b) for each month in the transitional period.
- (2) The existing approval holder must—
  - (a) for each month mentioned in subsection (1) (a)—give the commission the monthly return on or before 14 March 2013; and
  - (b) for each month mentioned in subsection (1) (b)—give the commission the monthly return on or before the 14th day of the following month; and
  - (c) certify that the monthly return is true.
- (3) The existing approval holder must give the commission an adjusted monthly return for a month if a variation to information required in the monthly return for the month under this section is not reflected in the monthly return.
- (4) An adjusted monthly return must—
  - (a) include an explanation for the variation; and
  - (b) be given to the commission as soon as practicable after the existing approval holder becomes aware of the variation.
- (5) If a form is approved under the *Gambling and Racing Control Act 1999*, section 53D immediately before the commencement day for this provision, the form must be used.
- (6) In this section:
  - assessable turnover***—see pre-amendment part 5B, section 61E.
  - monthly return*** means a statement stating—
    - (a) for a month mentioned in subsection (1) (a)—the existing approval holder’s assessable turnover and relevant net revenue for the month that is derived from each prescribed kind of racing; and

- (b) for a month mentioned in subsection (1) (b)—the existing approval holder's assessable turnover for the month that is derived from each prescribed kind of racing.

*prescribed kind of racing* means the following:

- (a) greyhound racing;
- (b) harness racing;
- (c) thoroughbred racing.

*relevant net revenue*—see pre-amendment part 5B, section 61E.

**101B Certain existing approval holders must continue to pay old monthly charge for the pre-amendment period**

- (1) This section applies—
  - (a) to an existing approval holder who is liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending 30 June 2013; and
  - (b) for the pre-amendment period.
- (2) The existing approval holder must continue to pay the race field information charge for each month in the pre-amendment period as if pre-amendment part 5B had not been amended.

**101C Certain existing approval holders must pay new monthly charge in transitional period**

- (1) This section applies—
  - (a) to an existing approval holder who is liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending on 30 June 2013; and
  - (b) for the transitional period.

- 
- (2) A relevant controlling body must, before 7 March 2013, give the commission written notice of how to work out the amount of the race field information charge (the *new race field information charge*) that applies to an existing approval holder for each month in the transitional period.
  - (3) The commission must give the existing approval holder written notice of the new race field information charge for a month within 7 days after the day the commission receives the existing approval holder's monthly return required under section 101A for the month.
  - (4) The existing approval holder must pay the new race field information charge for a month—
    - (a) to the existing race field information fund; and
    - (b) on or before the 28th day of the next month; and
    - (c) by electronic funds transfer.

**101D Certain existing approval holders must pay pre-amendment and new race field information charge**

- (1) This section applies to an existing approval holder who—
  - (a) was not liable under pre-amendment part 5B, section 61S (1) (a) to pay a race field information charge for the financial year ending on 30 June 2013; but
  - (b) if pre-amendment part 5B had not been amended—would have been liable under pre-amendment part 5B, section 61S (1) (b) to pay a race field information charge for the financial year ending on 30 June 2013.
- (2) A relevant controlling body must, before 7 March 2013, give the commission written notice of how to work out the amount of the race field information charge (the *new race field information charge*) that applies to an existing approval holder for each month in the transitional period.

- (3) The commission must give the existing approval holder written notice of the new race field information charge for a month within 7 days after the day the commission receives the existing approval holder's monthly return required under section 101A for the month.
- (4) The existing approval holder must pay—
  - (a) the pre-amendment charge on or before 28 August 2013; and
  - (b) the new race field information charge for a month on or before the 28th day of the next month; and
  - (c) each charge—
    - (i) to the existing race field information fund; and
    - (ii) by electronic funds transfer.
- (5) In this section:

*pre-amendment charge* means the race field information charge the existing approval holder would have been liable to pay under pre-amendment part 5B, section 61S (1) (b) for the pre-amendment period if pre-amendment part 5B had not been amended.

**101E Commission must refund charge if existing approval holder does not meet threshold**

- (1) This section applies if—
  - (a) an existing approval holder has paid a race field information charge under either of the following provisions:
    - (i) pre-amendment part 5B for the financial year ending on 30 June 2013;
    - (ii) section 101B; and
  - (b) the existing approval holder's assessable turnover for the financial year is not more than the amount determined immediately before the commencement day for pre-amendment part 5B, section 61S (4).



- (2) The commission must pay to the existing approval holder each amount to which subsection (1) (a) applies.
- (3) In this section:  
*assessable turnover*—see pre-amendment part 5B, section 61E.

#### **101F Existing race field information fund**

- (1) The existing race field information fund continues in existence as if pre-amendment part 5B had not been amended.
- (2) Amounts payable into and from the fund under pre-amendment part 5B continue to be payable as if pre-amendment part 5B had not been amended.
- (3) For an amount paid into the fund under this part—
  - (a) the amount is taken to be an amount paid into the fund under pre-amendment part 5B; and
  - (b) pre-amendment part 5B, section 61U (3) continues to apply to the fund as if pre-amendment part 5B and the pre-amendment regulation had not been amended.

*Note* Pre-amendment part 5B, s 61U (3) (a) allows an administration fee prescribed under the pre-amendment regulation to be paid to the commission.

#### **[1.3] Section 102 (1) (a)**

*after*

charge

*insert*

for the amount of the charge worked out in the way notified in writing by the relevant controlling body

**[1.4]        Section 102 (1) (b)**

*after*

commission

*insert*

under this section

**[1.5]        New section 102 (1) (ba)**

*insert*

(ba) pay amounts collected under paragraph (b) into the existing  
race field information fund;

**[1.6]        Section 102 (1) (c)**

*after*

behalf

*insert*

under this section

**[1.7]        Section 102 (2) and (3)**

*omit*

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- entity
- external territory
- person
- State.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Racing Act 1999](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Racing Act 1999](#), dict:

- betting exchange
- greyhound club
- harness club
- racing club
- rules of greyhound racing
- rules of harness racing
- rules of thoroughbred racing
- tribunal.

***approval holder*** means a licensed wagering operator who has an approval to use race field information.

***bet back*** means a bet by a bookmaker on 1 or more runners in a race if the bet is made to offset, completely or partly, the bookmaker's liability for bets made with the bookmaker on the race.

***bets held on races conducted in the ACT***, by a licensed wagering operator—

(a) means—

- (i) all bets and wagers accepted by the operator for any race conducted in the ACT whether or not the actual amount owing has been paid; and

- (ii) the aggregate of all bets or wagers placed by the operator's customers on a betting exchange for any race conducted in the ACT; but

*Note* Aggregate bets on a betting exchange, is the backer's side of wagers made by the licensed wagering operator's customers through the operation of the betting exchange, whether or not the betting exchange is a party to the wagering contract.

- (b) does not include—

- (i) free or complimentary bets taken for a race conducted in the ACT; or
- (ii) multi-leg bets that include at least 1 race conducted outside the ACT.

***bets paid***, in relation to a licensed wagering operator—

- (a) means all bets and wagers paid or settled by the operator for any race conducted in the ACT; but
- (b) does not include—
  - (i) payments made by the operator on any free or complimentary bets that were accepted; or
  - (ii) payments made by the operator on multi-leg bets that include at least 1 race conducted outside the ACT; or
- (iii) unclaimed bets or dividends of the operator.

***defined entity*** means any of the following:

- (a) Greyhounds Australasia Ltd (ACN 106 879 903);
- (b) Harness Racing Australia Incorporated;
- (c) the Australian Racing Board Ltd (ACN 104 986 334);
- (d) the greyhound club;
- (e) the harness club;

- (f) the racing club;
- (g) the tribunal;
- (h) another entity that controls, supervises or regulates racing in the ACT, a State or external territory.

***rule of racing or betting*** includes a rule from any of the following:

- (a) the rules of greyhound racing;
- (b) the rules of harness racing;
- (c) the rules of thoroughbred racing.

***wagering turnover***, of a licensed wagering operator, for a financial year means—

- (a) the total amount of bets held on races conducted in the ACT; less
- (b) the amount of any bet back on any race conducted in the ACT in the year.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

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### 3 Legislation history

**Racing (Race Field Information) Regulation 2010 SL2010-3**

notified LR 25 January 2010

s 1, s 2 commenced 25 January 2010

remainder commenced 1 March 2010 (s 2 and see [Racing Amendment Act 2009](#) A2009-53 s 2)

as amended by

**[Racing Amendment Act 2013](#) A2013-1 pt 3**

notified LR 20 February 2013

s 1, s 2 commenced 20 February 2013

pt 3 commenced 1 March 2013 (s 2 and [CN2013-1](#))

**[Racing \(Race Field Information\) Amendment Regulation 2013 \(No 1\)](#) SL2013-3**

notified LR 28 February 2013 February 2013

s 1, s 2 commenced 28 February 2013 February 2013

remainder commenced 1 March 2013 (s 2 and see [Racing Amendment Act 2013](#) A2013-1, s 2 and [CN2013-1](#)))

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Prescribed information for application for, or renewal of, approval—Act, s 61J (2) (b) and s 61P (3) (b)

s 5 sub [A2013-1](#) s 34

#### Prescribed matters to be considered or disregarded in deciding application for, or renewal of, approval—Act, s 61K (2) (b) and s 61Q (2) (b)

s 6 sub [A2013-1](#) s 34

#### Prescribed conditions of approval or renewal—Act, s 61N (a)

s 7 sub [A2013-1](#) s 34

#### Monthly return on assessable turnover and relevant net revenue—Act, s 61V

s 8 om [A2013-1](#) s 34

#### Monthly payment of race field information charge—Act, s 61S (3)

s 9 om [A2013-1](#) s 34

#### Annual payment of race field information charge—Act, s 61S (3)

s 10 om [A2013-1](#) s 34

#### Administration fee—Act, s 61U (3)

s 11 om [A2013-1](#) s 34

#### Modification of Act, pt 10—Act, s 104

s 20 ins [SL2013-3](#) s 4  
exp 1 March 2014 (s 20 (2))

#### Modification of Act

sch 1 ins [SL2013-3](#) s 5  
exp 1 March 2014 (s 20 (2))

#### Dictionary

dict am [A2013-1](#) s 35, s 36  
def **bet back** ins [A2013-1](#) s 37  
def **bets held on races conducted in the ACT** ins [A2013-1](#) s 37  
def **bets paid** ins [A2013-1](#) s 37  
def **wagering turnover** ins [A2013-1](#) s 37  
def **warning-off notice** om [A2013-1](#) s 38



## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 Mar 2010	1 Mar 2010– 28 Feb 2013	not amended	new regulation

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