

# Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No 5)

Disallowable instrument DI2005—269

made under the

***Race and Sports Bookmaking Act 2001, s23(1) - Rules for sports bookmaking***

## **EXPLANATORY STATEMENT**

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

Part 3 of the Act provides for the conduct and control of sports bookmaking. In particular, section 23 of the Act provides that the Gambling and Racing Commission may determine rules for sports bookmaking. Pursuant to section 23(1)(b) the Commission may determine rules for the methods of betting including the arrangements and use of telecommunications equipment.

This Disallowable Instrument provides for the methods of betting and the use, approval and minimum specifications for telecommunications equipment operated by sports bookmakers when undertaking sports bookmaking operations. The provisions regarding methods of betting and telecommunications were previously determined under the following repealed disallowable instruments:

- Schedule A, clause 4 of DI 2005-48 and made pursuant to section 22 of the Act - Directions for Operation of Sports Bookmaking Venues;
- Part 2, clause 8 of DI2005-113 and made pursuant to section 23 of the Act – Rules for Sports Bookmaking.

The intent of the provisions for the methods of betting and telecommunication equipment remain the same as previous requirements, namely the protection of consumers when placing or disputing bets made through the use of telecommunications equipment.

The previous provisions have been revised and clarified to ensure that the obligations and responsibilities for sports bookmakers are clearly articulated. Requirements regarding telecommunications equipment, previously contained in DI2005-48 and DI2005-113, have now been subsumed into this instrument. The instrument is now divided into four main clauses, namely, methods of betting and use, approval and specifications for telecommunications equipment.

Previous Part 2, clause 8.1 has been relocated to new clause 1 and provides for the methods that sports bookmakers may accept bets. New clause 1.2 has been inserted to ensure that sports bookmakers are aware that their activities may be subject to instruments made pursuant to section 22 of the Act, Directions for the Operation of Sports Bookmaking Venues, and section 23 of the Act, Rules for Sports Bookmaking.

Previous Schedule A, clause 4.1 and 4.2 has been removed as the requirement that sports bookmakers utilise the ACT Government InTACT telecommunication system is not consistent with Government neutrality principles and is unnecessarily restrictive on commercial operators. Clause 2 of this instrument provides for the use of telecommunications equipment, previously located at Schedule A, clause 4.3 to clause 4.5. Previous Schedule A, clause 4.1.1 and 4.32 provided for the telecommunication equipment that was not to be utilised. These provision have not been retained as the new clause 2 incorporates the concept of “approved” telecommunications equipment thereby making these provisions obsolete. Previous Schedule A, clause 12.4 has been incorporated into new clause 2.3(2) as the provision specifically relates to the placement of a prohibition warning notice on internet web pages when offering Australian racing products.

Clause 3 subsumes the previous provision contained in Part 2, clause 8 (excluding clause 8.1) for the approval of telecommunications equipment. Clause 3 provides the necessary administrative machinery for the concept of “approved” telecommunications contained in clause 2.

New clause 4 reaffirms the intent that all telecommunications equipment must meet specific criteria. This clause reaffirms the requirement that telephone systems must be capable of electronically recording and retrieving all incoming and outgoing calls. The requirement under clause 4.2 (2) that the storage of such material must be for a minimum 28 day period, is consistent with the time period provided for under the Act, that allows for a person to lodge a betting dispute with the Commission. Clause 4.3 (4) and (5) ensures that the regulatory and evidential obligations of the Commission may be satisfied if there is a betting dispute with a licensed sports bookmaker.