

**2013**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**SL 2013–3**

**Racing (Race Field Information) Amendment Regulation 2013 (No 1)**

**EXPLANATORY STATEMENT**

**Presented by  
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## Overview

Controlling bodies for thoroughbred, harness and greyhound racing across Australia charge a fee for the use of race field information (e.g. list of entries running in a particular race) by wagering operators, such as bookmakers.

The Racing Amendment Act 2013 ('the Act') amended the *Racing Act 1999* and the *Racing (Race Field Information) Regulation 2010* to provide that:

- a) the three controlling bodies (i.e. the thoroughbred racing, harness racing and greyhound racing clubs) have the ability to directly set and collect race field information charges from wagering operators; and
- b) a controlling body has the discretion to set the quantum of a race field information charge to be paid by a wagering operator.

The Act also provides that any one of the three ACT controlling bodies may act as an agent for the other bodies in relation to the race field information charge.

Under section 104, the Act provides that transitional regulations may be developed to ensure that any other matters arising from the enactment of the Act may be addressed. Subsection 104 (2) specifically provides that the regulation may modify Part 10 of the Act for transitional matters.

The Racing (Race Field Information) Amendment Regulation 2013 (No 1) provides for these transitional matters to ensure that the handover of responsibility for the race field information charge to the racing industry operates smoothly.

The Regulation provides for the methodology to apply to the calculation of the race field information charge for the transitional period, which is from commencement of the Act until 30 June 2013. To do so, the Regulation modifies the Act by adding new sections 100 and 101A to 101F which provide for different situations applicable to existing approval holders in relation to charges pre- and post-amendment of the Act.

The Regulation also provides a number of provisions to clarify existing transitional provisions of the Act or which are consequential on the above.

The Regulation and Part 10 of the Act will expire one year after its commencement, which will ensure that all matters relating to transactions during the transitional period can be finalised by the ACT Gambling and Racing Commission (the Commission) acting as an agent for the controlling bodies during that period.

It is considered that the Regulation does not raise any human rights issues.

## **Details of the Racing (Race Field Information) Amendment Regulation 2013 (No 1)**

### **Clause 1 Name of Regulation**

This clause is a formal provision setting out the name of the Regulation as the *Racing (Race Field Information) Amendment Regulation 2013 (No 1)*.

### **Clause 2 Commencement**

The regulation is scheduled to commence on the same day that the *Racing Amendment Act 2013* commences. The Act commences on a day fixed by the Minister by written notice, which is 1 March 2013.

### **Clause 3 Legislation amended**

This clause provides that the Regulation amends the *Racing (Race Field Information) Regulation 2010*.

### **Clause 4 New section 20**

This clause inserts a new section into the Regulation which modifies Part 10 of the Act. The clause also provides that new section 20 and schedule 1 will expire on the same day that Part 10 of the Act expires (i.e. one year after commencement).

### **Clause 5 New schedule 1**

This clause inserts a new schedule into the Regulation which sets out the modifications to Part 10 of the Act. The details of these modifications are set out below.

## **SCHEDULE 1 MODIFICATION OF ACT**

### **Modification 1.1 Section 100, new definitions**

This clause provides new definitions of *existing approval holder*, *existing race field information fund*, *pre-amendment period*, *pre-amendment regulation* and *transitional period*. The inclusion of these definitions is necessary for the operation of the other provisions of the Regulation.

### **Modification 1.2 New sections 101A to 101F**

This clause inserts new sections 101A to 101F in the *Racing Amendment Act 2013*.

These sections outline the transitional arrangements that apply for the race field information charge during the period from commencement of the Act until 30 June 2013. To assist the racing industry during this transition period, the ACT Gambling and Racing Commission (the Commission) will administer the race field information charge on behalf of the racing industry.

After the transitional period, the administration of the charge will be carried out by the relevant controlling bodies.

New approval holders granted approval by the relevant controlling bodies on or after the commencement date until 30 June 2013 will be subject to the provisions of sections 61M and 102, and will be required to pay the race field information charge as a condition of their approval, with the Commission acting as an agent for the invoicing and collection of the charge on behalf of the relevant controlling bodies during the transitional period. The controlling bodies may specify information required from approval holders to enable the calculation of the charge payable as a condition of their approval under section 61N of the Act.

The provisions below distinguish between the 'new' race field information charge and the 'old' monthly charge payable under pre-amendment part 5B.

#### *Section 101A*

This section ensures that the Commission has the information it requires to calculate the race field information charge payable by existing approval holders. It provides that existing approval holders must continue to send the Commission a monthly return (and an adjusted monthly return where a variation occurs) detailing their assessable turnover and relevant net revenue for any month before commencement of the regulation, and a monthly return detailing assessable turnover for each month of the transitional period. This requirement applies to turnover and revenue derived from greyhound racing, harness racing and thoroughbred racing.

#### *Section 101B*

This section applies to existing approval holders who are liable for the race field information charge under the 'old' provisions. It provides that these approval holders must continue to pay the 'old' monthly charge for the period up until commencement of the Act.

#### *Section 101C*

This section applies to existing approval holders who are liable for the race field information charge on a monthly basis under the 'old' provisions, because they had previously reached the threshold amount, and who are also liable under the 'new' provisions. It provides that these approval holders have until the 28<sup>th</sup> of the next month to pay the 'new' race field information charge for each month.

### *Section 101D*

This section applies to existing approval holders who were not liable to pay the 'old' race field information charge on a monthly basis but who then reached the threshold under the 'old' scheme, and who will be liable to pay the 'new' race field information charge under the 'new' scheme. It provides that these approval holders have until 28 August 2013 to pay any liability under the 'old' race field information charge, and until the 28<sup>th</sup> of the next month to pay the 'new' charge for each month.

### *Section 101E*

This section provides for existing approval holders to be given a refund of any 'old' race field information charge paid to the Commission, where they have not met the threshold for the charge.

### *Section 101F*

This section provides for the continuation of the existing race field information fund during the transitional period. This section is necessary to ensure that monies collected under the race field information charge scheme are separately accounted for within the ACT Gambling and Racing Commission.

### **Modification 1.3      Section 102 (1) (a)**

This clause clarifies that the invoice issued by the Commission to approval holders for the race field information charge is calculated using the information provided by the relevant controlling bodies on how the charge is to be worked out.

### **Modification 1.4      Section 102 (1) (b)**

This clause clarifies that the provisions of section 102 regarding the Commission acting as an agent for the relevant controlling bodies to collect the race field information charge during the transitional period apply only to new approval holders that are charged under the 'new' scheme, as existing approval holders are addressed by the provisions above.

### **Modification 1.5      New section 102 (1) (ba)**

This clause clarifies that amounts collected by the Commission as an agent for the controlling bodies during the transitional period are payable into the race field information fund.

**Modification 1.6      Section 102 (1) (c)**

This clause clarifies that the sub-section applies to actions carried out in accordance with the Commission acting as the relevant controlling bodies' agent.

**Modification 1.7      Section 102 (2) and (3)**

This clause omits the existing sections 102 (2) and (3) as they are no longer required. The payment of an administration fee to the Commission is now addressed under new section 101F (3) (b). Section 104 has an earlier expiry date than Part 10 of the Act. This clause changes the expiry date so that section 104 expires at the same time as Part 10. This modification allows the Commission to ensure that all matters relating to transactions in the period up to 30 June 2013 are finalised.