



Australian Capital Territory

Racing (Race Field Information) Regulation 2010

Subordinate Law SL2010-3

The Australian Capital Territory Executive makes the following regulation under the *Racing Act 1999*.

Dated 25 January 2010.

JON STANHOPE
Minister

JOY BURCH
Minister



Australian Capital Territory

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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1 Name of regulation

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

2 Commencement

This regulation commences on the commencement of the *Racing Amendment Act 2009*, section 4.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

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 Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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

For the Act, s 61N (a) the following are the conditions of an approval, or renewal of an approval, for a licensed wagering operator to use race field information:

- (a) the licensed wagering operator must give the commission 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 commission, allow the commission 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 of 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 specified by the commission—
 - (i) give the commission information reasonably required by the commission for an inquiry or investigation being conducted by the commission; and
 - (ii) cooperate in an inquiry or an investigation being conducted by the commission;

- (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 commission;
- (h) the licensed wagering operator must notify the commission, within 14 days after the day any of the following occurs:
 - (i) a person or entity stops having a controlling interest in the operator's business;
 - (ii) a person or 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) a person or 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 of significant change in financial circumstances—par (h) (iv)

- 1 insolvency
- 2 a change in the assessable turnover of the operator that is likely to affect whether the operator is liable to pay the race field information charge

7 Offence—failing to comply with condition on approval

A licensed wagering operator commits an offence if—

- (a) the operator has approval to use race field information; and
- (b) the operator does not comply with a condition on the approval under section 6.

Maximum penalty: 20 penalty units.

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

- (1) An approval holder must give the commission a monthly return that shows the approval holder's assessable turnover and relevant net revenue for the month that is derived from each of the following:
 - (a) greyhound racing;
 - (b) harness racing;
 - (c) thoroughbred racing.

Note If a form is approved under the *Gambling and Racing Control Act 1999*, s 53D for this provision, the form must be used.

- (2) An approval holder must—
 - (a) give the monthly return to the commission on or before the 14th day of the following month; and
 - (b) certify that the monthly return is true.
- (3) An approval holder must give the commission an adjusted monthly return if there is a variation to the approval holder's assessable turnover or relevant net revenue that is not reflected in the monthly return given to the commission.

- (4) An adjusted monthly return must—
 - (a) include an explanation for the variation; and
 - (b) be provided to the commission as soon as possible after the need for the variation becomes apparent to the approval holder.

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

- (1) This section applies to an approval holder who is liable to pay a race field information charge under the Act, section 61S (1) (a).
- (2) The commission must tell the approval holder of the required race field information charge within 7 days after the day the commission receives the approval holder's monthly return required under section 8.
- (3) The approval holder must pay the required race field information charge for a month—
 - (a) to the race field information fund; and
 - (b) on or before the 28th day of the next month; and
 - (c) by electronic funds transfer.

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

- (1) This section applies to an approval holder who is liable to pay a race field information charge under the Act, section 61S (1) (b).
- (2) The commission must tell the approval holder of the required race field information charge within 21 days after the day the commission receives the approval holder's last monthly return required under section 8 for the financial year.
- (3) The approval holder must pay the required race field information charge for a financial year—

- (a) to the race field information fund; and
- (b) on or before the 28th day of August of the next financial year; and
- (c) by electronic funds transfer.

11 Administration fee—Act, s 61U (3)

- (1) For the Act, section 61U (3) (a), the annual administration fee payable to the commission is the lesser of—
 - (a) 5% of the total amount of the charge that is paid into the fund in the year; and
 - (b) \$100 000.
- (2) For the Act, section 61U (3) (b) and (c), the annual administration fee for a controlling body or ARO is 5% of the amount of the charge that is paid into the fund in the year in relation to races for which the controlling body or ARO has responsibility.
- (3) However, if 5% of the total amount of the charge that is paid into the fund in the year is more than \$100 000, the annual administration fee for a controlling body or ARO is—

$$\$100\,000 \times \frac{A}{B}$$

- (4) In this section:

A means the charge that is paid into the fund in the year in relation to races for which the controlling body or ARO has responsibility.

B means the total amount of the charge that is paid into the fund in the year.

charge means the race field information charge.

fund means the race field information fund under the Act, section 61U.

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:

- assessable turnover
- bet back
- bets held on races conducted in the ACT
- bets paid
- commission
- controlling body
- greyhound club
- harness club
- racing club
- relevant net revenue
- 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.

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.

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

Endnotes

1 Notification

Notified under the Legislation Act on 25 January 2010.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.