



Australian Capital Territory

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

Subordinate Law SL2013-3

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

Dated 26 February 2013.

JOY BURCH
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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

Subordinate Law SL2013-3

made under the

[Racing Act 1999](#)

1	Name of regulation
---	--------------------

This regulation is the *Racing (Race Field Information) Amendment Regulation 2013 (No 1)*.

2 Commencement

This regulation commences on the commencement of the *Racing Amendment Act 2013*, section 28.

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

3 Legislation amended

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

4 New section 20

insert

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.

5 New schedule 1

insert

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

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 28 February 2013.

2 Republications of amended laws

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

© Australian Capital Territory 2013