

South Australia

# Authorised Betting Operations Regulations 2016

under the *Authorised Betting Operations Act 2000*

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### 1—Short title

These regulations may be cited as the *Authorised Betting Operations Regulations 2016*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Interpretation

In these regulations—

*Act* means the *Authorised Betting Operations Act 2000*;

*GST* means the tax payable under the GST law;

*GST law* means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

#### 4—Meaning of fixed-odds betting

- (1) Pursuant to section 91(2)(ab) of the Act, the following forms of betting on races held by licensed racing clubs, or races that are the subject of approved contingencies, are declared to be fixed-odds betting for the purposes of the Act:
- (a) the form of betting where a person makes a bet on a race result at starting price odds;
  - (b) the form of betting where a person makes a bet on a race result at best price odds;
  - (c) the form of betting where a person makes a bet on a race result on the basis that the amount payable on a winning bet is the amount that would be payable if the bet had been made as a totalisator bet with—
    - (i) the holder of the major betting operations licence; or
    - (ii) if the holder of the major betting operations licence is not conducting off-course totalisator betting in respect of the race, the body authorised to conduct off-course totalisator betting on the race in the jurisdiction in which the race is held,(ignoring any adjustment to the totalisator dividend that would have resulted if the bet had actually been made as a totalisator bet).

- (2) In this regulation—

**best price odds** means the odds determined—

- (a) in the case of a race held by a licensed racing club—by the betting price information service in attendance at the race or, in the absence of that service, by the club; or
- (b) in the case of any other race—by the body holding the race,

to be the best price for the race result (the most favourable odds available on the race result at any time);

**betting price information service** means a body holding an approval under section 61(3) of the Act to communicate betting price information for races held by licensed racing clubs;

**starting price odds** means the odds determined—

- (a) in the case of a race held by a licensed racing club—by the betting price information service in attendance at the race or, in the absence of that service, by the club; or
- (b) in the case of any other race—by the body holding the race,

to be the starting price for the race result (the odds available on the race result immediately before the start of the race).

#### 5—Prescribed races for classes of licence under Part 3

For the purposes of section 34(1)(a), (b) and (d) of the Act, a race conducted in the course of a business for which a licence is required under the *Racing (Proprietary Business Licensing) Act 2000* is a race of a prescribed kind.

## 6—Renewal of licences under Part 3

- (1) An application for renewal of a licence granted under Part 3 of the Act must be made before the date on which the licence would expire in the absence of an application for renewal but may not be made earlier than 6 months before that date.
- (2) If the licensing authority grants an application for renewal of a licence under Part 3 of the Act, the licence will continue to have effect for a period specified by the licensing authority in granting the application.

## 7—Liability of licensed bookmaker to pay duty (section 39 of Act)

- (1) A bookmaker must, not later than 3.00 p.m. on each Thursday, pay to the Treasurer for the credit of the Consolidated Account in respect of bets made with the bookmaker by persons outside Australia on events other than prescribed races during the week that ended at midnight on the Saturday next preceding that Thursday an amount of duty equal to 0.25% of the amount paid or payable to the bookmaker in respect of those bets.
- (2) The Treasurer must, on application by a bookmaker in writing and on being satisfied that the bookmaker has paid an amount to the Treasurer under subregulation (1) in respect of a bet on an event other than a prescribed race that has been abandoned or a bet that has been declared off, refund to the bookmaker from the Consolidated Account (which is appropriated to the necessary extent) the amount paid to the Treasurer in respect of that bet.
- (3) For the purposes of this regulation, a bet made with a group of bookmakers will be taken to have been made with a single bookmaker and the amount of the bet will be taken to have been paid, or to be payable, to a single bookmaker.
- (4) In this regulation—

*prescribed race* means a race other than a race conducted in the course of a business for which a licence is required under the *Racing (Proprietary Business Licensing) Act 2000*.

## 8—Unclaimed winnings on bets made with licensed bookmaker

- (1) A licensed bookmaker must, on or before 30 September in every year, pay to the Treasurer to be credited to the Consolidated Account the amount of any unclaimed winnings on bets the outcome of which was determined during the preceding financial year.
- (2) If a payment has been made under subregulation (1) in respect of unclaimed winnings on a bet, the Treasurer may pay the amount of the winnings from the Consolidated Account (which is appropriated to the necessary extent) to the licensed bookmaker with whom the bet was made or the person entitled to be paid the winnings if—
  - (a) in the case of payment to the licensed bookmaker—the Treasurer is satisfied that the bookmaker has, since the payment to the Treasurer in respect of the bet, paid the amount of the winnings to the person entitled to be paid the winnings on the bet; and

- (b) in the case of payment to the person entitled to be paid the winnings—the Treasurer is satisfied that the person is so entitled and has not made a claim to the licensed bookmaker for payment of the winnings or has made such a claim but payment has been refused; and
- (c) in any case—
  - (i) the Treasurer has not made payment of the amount of the winnings to any other person; and
  - (ii) the Treasurer is satisfied that no other person has a valid claim to be paid the winnings.

(3) In this regulation—

*licensed bookmaker* includes a person who was formerly a licensed bookmaker.

### **9—Unclaimed dividends on bets made with licensed racing club**

A licensed racing club must, on or before 30 September in every year, pay to the Treasurer for the credit of the Consolidated Account an amount being the sum of the amounts accruing to the club as unclaimed dividends during the preceding financial year.

### **10—Contributions payable under section 62E of Act**

- (1) For the purposes of section 62E(12) of the Act, the amount that may be recovered as a debt due to the relevant racing controlling authority by an operator who conducts SA race betting operations when a contribution agreement is not in force is 20% of the gross proceeds of those betting operations.
- (2) For the purposes of subregulation (1)—
  - (a) subject to paragraph (b), the following amounts are to be included in the calculation of gross proceeds of betting operations:
    - (i) any amount (excluding GST) paid to the betting operator as a bet on an SA race;
    - (ii) any amount (excluding GST) paid to the betting operator in respect of a relevant lay-off bet made by the operator;
    - (iii) any amount (excluding GST) paid to the betting operator as a fee or commission relating to a bet or an offer to make a bet on an SA race on a betting exchange operated by the operator; and
  - (b) the following amounts are not to be included in the calculation of gross proceeds of betting operations:
    - (i) any amount (excluding GST) paid out by the betting operator in respect of a bet on an SA race made with the operator;
    - (ii) any amount (excluding GST) paid out by the betting operator as a relevant lay-off bet.

**Note—**

In summary, gross proceeds are calculated as the total amount received as bets, dividends on relevant lay-off bets and commission less amounts paid out in respect of bets and relevant lay-off bets.

- (3) For the purposes of this regulation—
- (a) a bet is a *lay-off bet* if—
    - (i) it is a bet made by a betting operator with a person authorised under the law of this State, another State or a Territory of Australia to conduct betting; and
    - (ii) the bet is made by the betting operator to off-set the operator's liability in respect of amounts paid to the betting operator as fixed-odds bets on SA races; and
    - (iii) the bet relates to the same contingencies as the fixed-odds bets referred to in subparagraph (ii); and
  - (b) a lay-off bet is a *relevant lay-off bet* if the amount that the betting operator stands to win on the lay-off bet and any other lay-off bets relating to the same contingencies does not exceed the amount the betting operator stands to lose on the fixed-odds bets in respect of which the operator's liability is off-set.
- (4) In this regulation—
- SA race* means a race held in this State by a racing club.

## 11—Prescribed agreements, arrangements or instruments

For the purposes of the definition of *prescribed agreement, arrangement or instrument* in section 81(2) of the Act, the following agreements, arrangements or instruments are prescribed:

- (a) the Intercode Agreement, within the meaning of the Government Agreement, entered into between Racing SA Pty Limited (ACN 095 660 058), Thoroughbred Racing SA Limited (ACN 094 475 939), Harness Racing SA Limited (ACN 094 559 930) and Greyhound Racing SA Limited (ACN 094 569 525) as amended by amending deed dated 15 August 2001;
- (b) the constitution of Racing SA Pty Limited (ACN 095 660 058) as at the commencement of this regulation;
- (c) the constitution of Thoroughbred Racing SA Limited (ACN 094 475 939) as at the commencement of this regulation;
- (d) the constitution of Harness Racing SA Limited (ACN 094 559 930) as at the commencement of this regulation;
- (e) the constitution of Greyhound Racing SA Limited (ACN 094 569 525) as at the commencement of this regulation.

## 12—Fees and default penalties

- (1) The fees and default penalties fixed by Schedule 1 are payable to the licensing authority for the purposes set out in Schedule 1.
- (2) The licensee must pay to the Commissioner, before the Commissioner grants an approval of systems, procedures or equipment that the Authority has determined under section 41(1)(c) of the Act to be subject to that section, a fee of the amount determined by the Commissioner to be the costs incurred in respect of examination of the systems, procedures or equipment for the purpose of determining whether or not such an approval should be granted.

- (3) The Commissioner may waive the whole or a part of a fee payable to the Commissioner under subregulation (2).

### **Schedule 1—Fees and default penalties**

1	Application for grant of bookmaker's licence	\$247.00
2	Application for renewal of bookmaker's licence	\$161.00
3	Application for grant or renewal of agent's licence	\$47.50
4	Application for variation of a condition of a licence under Part 3	\$80.50
5	Application for renewal of betting shop licence	\$161.00
6	Penalty for default in lodging annual return or payment of annual fee by authorised interstate betting operator (section 40B)	\$5 000.00

### **Schedule 2—Revocation of *Authorised Betting Operations Regulations 2001***

The *Authorised Betting Operations Regulations 2001* are revoked.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2016	203	<i>Gazette 25.8.2016 p3465</i>	25.8.2016: r 2
2017	127	<i>Gazette 22.6.2017 p2341</i>	1.7.2017: r 2
2017	194	<i>Gazette 27.6.2017 p2637</i>	1.7.2017: r 2