

South Australia

AUTHORISED BETTING OPERATIONS REGULATIONS 2001

REGULATIONS UNDER THE AUTHORISED BETTING OPERATIONS ACT 2000

Authorised Betting Operations Regulations 2001

being

No. 255 of 2001: *Gaz.* 6 December 2001, p. 5302¹

as varied by

No. 2 of 2002: *Gaz.* 10 January 2002, p. 22²

¹ Came into operation 14 December 2001: reg. 2.

² Came into operation 10 January 2002: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix.*

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Citation

1. These regulations may be cited as the *Authorised Betting Operations Regulations 2001*.

Commencement

2. These regulations will come into operation on 14 December 2001.

Interpretation

3. 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.

Trade Practices Act authorisations

4. 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.

Prescribed races for classes of licence under Part 3

5. 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.

Renewal of licences under Part 3

6. (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 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 Authority in granting the application.

Liability of licensed racing club to pay duty

7. (1) Subject to this regulation, a licensed racing club must, within 7 days after the end of each calendar month, pay to the Treasurer for the credit of the Consolidated Account an amount of duty for each day during that month on which it conducted totalisator betting calculated in accordance with this regulation.

(2) For each day on which the racing club conducted a race meeting, the amount of duty is—

- (a) if the sum of the amounts of bets made with it on that day does not exceed \$30 000—an amount equal to 1 per cent of that sum; or
- (b) if the sum of the amounts of bets made with it on that day exceeds \$30 000 but does not exceed \$60 000—\$300 plus 2 per cent of the amount in excess of \$30 000; or
- (c) if the sum of the amounts of bets made with it on that day exceeds \$60 000 but does not exceed \$120 000—\$900 plus 3 per cent of the amount in excess of \$60 000; or
- (d) if the sum of the amounts of bets made with it on that day exceeds \$120 000—\$2 700 plus 5.25 per cent of the amount in excess of \$120 000.

(3) For each day on which the racing club did not conduct a race meeting, the amount of duty is—

- (a) the amount of duty that would be payable for that day by a licensed racing club that held a race meeting on that day if all the totalisator bets made on that day with licensed racing clubs that held race meetings and with the licensed racing club that did not conduct a race meeting had been made with it; less
- (b) the sum of the amounts of duty payable by licensed racing clubs that held race meetings on that day.

(4) A racing club that has cancelled a race meeting because of unforeseen circumstances but conducts totalisator betting during the period that the cancelled race meeting would have been held will be taken, for the purposes of this regulation, to have held the race meeting as originally planned.

(5) Where the Treasurer is satisfied that a licensed racing club pays its net proceeds (if any) from a race meeting on any day towards charitable purposes that the Treasurer approves, the Treasurer may authorise that club to pay towards those charitable purposes an amount equal to the amount otherwise payable to the Treasurer under this regulation.

5.

(6) Despite the other provisions of this regulation, where a licensed racing club pays, in accordance with the authority of the Treasurer given under subregulation (5), towards charitable purposes an amount equal to the amount that it is liable to pay to the Treasurer under this regulation, the club is discharged from the liability to pay that amount to the Treasurer.

Refunds of GST to licensed racing clubs

8. (1) The Treasurer must pay to a licensed racing club an amount equivalent to the GST paid by the club in respect of—

- (a) amounts deducted by the club pursuant to section 68 of the repealed *Racing Act 1976*; and
- (b) totalisator bets made with the club.

(2) The money required for payments under this regulation must be paid out of the Consolidated Account which is appropriated to the necessary extent.

Unclaimed dividends on bets made with licensed racing club

9. A licensed racing club must, within 7 days after the end of each calendar month, 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 that calendar month.

Liability of licensed bookmaker to pay duty

10. (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 per cent 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*.

Transitional arrangements for refunds of GST to bookmakers

11. (1) The Commissioner must pay to a bookmaker who has paid an amount to the Commissioner under section 114 of the repealed *Racing Act 1976* in respect of bets made with him or her on race-results (within the meaning of Part 4 of that Act) an amount equivalent to the GST paid by the bookmaker in respect of those bets.

(2) The money required for payments under this regulation must be paid out of the Consolidated Account which is appropriated to the necessary extent.

Unclaimed winnings on bets made with licensed bookmaker

12. (1) A licensed bookmaker must, not later than 3.00 p.m. on each Thursday, 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 7 days commencing at the beginning of the Thursday 2 weeks before.

(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.

Fees

13. (1) The fees fixed by the Schedule are payable to the Authority for the purposes set out in the Schedule.

(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
Fees

1. Application for grant of bookmaker's licence—	
(a) in the case of a bookmaker's agent	\$30
(b) in any other case	\$150
2. Application for renewal of bookmaker's licence—	
(a) in the case of a bookmaker's agent	\$30
(b) in any other case	\$100
3. Application for grant or renewal of clerk's licence	\$30
4. Application for grant or renewal of betting shop licence	\$100
5. Application for variation of a condition of a licence under Part 3	\$50

8.

APPENDIX

LEGISLATIVE HISTORY

Regulation 13:

inserted by 2, 2002, reg. 3