

South Australia

Authorised Betting Operations Variation Regulations 2009

under the *Authorised Betting Operations Act 2000*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Authorised Betting Operations Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Betting Operations) Act 2008* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Authorised Betting Operations Regulations 2001*

4—Insertion of regulation 12A

After regulation 12 insert:

12A—Contributions payable under section 62E or 62G 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) and section 62G(4) of the Act—
 - (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 a 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 a 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 a 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 section 62G(4) of the Act—
 - (a) subject to paragraph (b), any amount (excluding GST) paid to a betting operator as a bet on a SA race is to be included in the calculation of gross turnover of totalisator betting operations; and

- (b) any amount (excluding GST) paid to a betting operator as a bet on a SA race that is refunded by the operator is not to be included in the calculation of gross turnover of totalisator betting operations.

Note—

In summary, gross turnover is calculated as the total amount received as bets less any amounts refunded in respect of those bets.

- (4) 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.
- (5) In this regulation—

SA race means a race held in this State by a racing club.

5—Variation of regulation 13—Fees and default penalties

Regulation 13(1)—after "fees" insert:

and default penalties

6—Variation of Schedule 1—Fees and default penalties

Schedule 1—after item 5 insert:

6	Penalty for default in lodging annual return or payment of annual fee by authorised interstate betting operator (section 40B)	\$5 000
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Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 February 2009

No 19 of 2009

MGA09/001CS