



New South Wales

# Racing Administration Amendment Regulation 2015

under the

Racing Administration Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Racing Administration Act 1998*.

TROY GRANT, MP  
Minister for Racing

## Explanatory note

The *Racing Administration Act 1998* (as amended by the *Racing Administration Amendment (Sports Betting National Operational Model) Act 2014*) provides for the Minister for Racing (the **Minister**) to make (on application by a licensed bookmaker or licensee under the *Totalizator Act 1997*) an order prescribing a sporting event as a declared betting event (or permitting a new type of bet on a sporting event that has been so prescribed). If there is a sports controlling body for the sporting event, the Minister is not to make the order unless satisfied that an integrity agreement is in place between the sports controlling body and the bookmaker or licensee who applied for the order. The Minister must also be satisfied that the sports controlling body has been consulted and does not oppose the making of the order.

The objects of this Regulation are:

- (a) to set out the procedures by which a person or body may be approved as the sports controlling body for a sporting event, and
- (b) to provide that a person or body who has been so approved (or has been approved under similar legislation in another Australian jurisdiction) may be prescribed as the sports controlling body for the sporting event, and
- (c) to require a sports controlling body to give notice of certain changes in circumstances, and
- (d) to provide for the publication of a notice that a sports controlling body and a bookmaker or licensee have entered an integrity agreement, and
- (e) to prescribe a fee in relation to the prescription of an event or class of events as a declared betting event, and
- (f) to clarify that any inducement to participate in gambling activities is prohibited in gambling advertising, and
- (g) to prohibit the publishing of gambling advertising in relation to certain sporting fixtures during those sporting fixtures.

This Regulation is made under the *Racing Administration Act 1998*, including sections 17B (3), 18 (6) and 37 (the general regulation-making power).

## **Racing Administration Amendment Regulation 2015**

under the

Racing Administration Act 1998

### **1 Name of Regulation**

This Regulation is the *Racing Administration Amendment Regulation 2015*.

### **2 Commencement**

This Regulation commences on 18 December 2015 except as follows:

- (a) Schedule 1 [5] commences on 4 January 2016,
- (b) Schedule 1 [6] commences on 1 March 2016.

## Schedule 1 Amendment of Racing Administration Regulation 2012

[1] **Clause 1 Name of Regulation**

Omit “*Racing Administration*”. Insert instead “*Betting and Racing*”.

[2] **Clause 3 Definitions**

Insert in alphabetical order in clause 3 (1):

*sports controlling body* for a sporting event means the sports controlling body prescribed for the sporting event under section 17B of the Act.

[3] **Clause 3 (1), definition of “the Act”**

Omit “*Racing Administration*”. Insert instead “*Betting and Racing*”.

[4] **Clause 11 Definitions**

Omit the definition of *gambling advertising*. Insert instead:

*gambling advertising* means advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities, but does not include totalizator advertising within the meaning of section 80 of the *Totalizator Act 1997*.

**Note.** See Division 2 of Part 3 of the *Totalizator Regulation 2012* for requirements in relation to totalizator advertising.

[5] **Clause 12 Prohibitions on gambling-related advertising**

Omit clause 12 (1) (h). Insert instead:

- (h) that offers any inducement to participate, or to participate frequently, in any gambling activity (including an inducement to open a betting account).

[6] **Clause 12A**

Insert after clause 12:

**12A Gambling-related advertising during sporting fixtures**

- (1) This clause applies to a sporting fixture that is, or is part of, a sporting event for which there is a sports controlling body.
- (2) A person must not publish gambling advertising in relation to a sporting fixture during the sporting fixture including during any breaks in the sporting fixture.  
Maximum penalty: 50 penalty units.
- (3) This clause does not apply to an extended sporting fixture unless the Minister has published a notice in the Gazette that provides that this clause is to apply to that fixture. The Minister may publish a notice if the Minister considers it to be in the public interest.
- (4) This clause does not apply to the following advertisements:
  - (a) an advertisement to the extent that it is published on the internet,
  - (b) an advertisement to the extent that it is published in gambling premises.
- (5) For the avoidance of doubt, an advertisement that is in place before a sporting fixture commences (such as an advertisement on a billboard) is taken, for the purposes of this clause, not to be published during the sporting fixture.

- (6) In this clause:
- extended sporting fixture*** means:
- (a) a sporting fixture that is scheduled to take place over a period exceeding 4 hours, or
  - (b) a sporting fixture that takes place on multiple days.
- gambling premises*** means a hotel, racing club or registered club within the meaning of the *Liquor Act 2007*, premises operated by a licensee (or an agent of a licensee) under the *Totalizator Act 1997* for the purposes of the conduct of a totalizator under that Act.
- sporting fixture*** means a single match, game, contest, race (but not a race within the meaning of the Act) or fight, whether taking place on a single day or multiple days.

[7] **Part 3A**

Insert after Part 3:

### **Part 3A Sports controlling bodies**

#### **20A Sports controlling body to be prescribed by Minister**

The Minister is not to prescribe a person or body as a sports controlling body in respect of a sporting event unless that person or body:

- (a) is approved as the sports controlling body in respect of the event under this Part or the *Gambling Regulation Act 2003* of Victoria, or
- (b) is approved as the sports controlling body (however described) in respect of the event under an Act or law of another Australian jurisdiction.

#### **20B Application for approval in New South Wales**

- (1) A person or body may apply to the Minister for approval under this Part in respect of a sporting event.
- (2) The application must:
  - (a) be in the form approved by the Minister, and
  - (b) specify the sporting event to which the application relates, and
  - (c) be accompanied by a fee of \$2,600, and
  - (d) be accompanied by any additional information that the Minister may require.
- (3) In determining the application, the Minister is to determine whether the applicant is the most appropriate person or body to be the sports controlling body for the sporting event, having regard to the following:
  - (a) the degree to which the applicant controls, organises or administers the event,
  - (b) the means by which the applicant can ensure the integrity of the event,
  - (c) the expertise and resources of the applicant,
  - (d) whether the approval of the applicant is in the public interest,
  - (e) any other matter that the Minister considers to be relevant.

**20C Change in circumstances of sports controlling body**

- (1) The Minister may, by notice in writing, require a sports controlling body to notify the Minister of any change in circumstances specified by the Minister in the notice.
- (2) A sports controlling body that has been so notified (and in the case of a sports controlling body that is not an individual or incorporated, each member of the governing body of the sports controlling body) must ensure that the Minister is notified in writing of any such specified change no later than 14 days after the change occurs.  
Maximum penalty: 50 penalty units.

**[8] Clauses 21A and 21B**

Insert after clause 21:

**21A Application fee to prescribe declared betting event**

The fee prescribed for an application under section 18 (4) of the Act is \$5,000.

**21B Notice of integrity agreement**

- (1) A sports controlling body must notify the Minister in writing when an integrity agreement referred to in section 18A or 18C of the Act is entered into.
- (2) The Minister may require a sports controlling body to cause a notice to be published (in any manner that the Minister sees fit) that the sports controlling body has entered into an integrity agreement referred to in section 18A of the Act.