



Racing Administration Amendment (Fees) Regulation 2013

under the

Racing Administration Act 1998

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

GEORGE SOURIS, MP
Minister for Tourism, Major Events, Hospitality and Racing

Explanatory note

The objects of this Regulation are:

- (a) to increase the maximum amount of the fee that a relevant racing control body may impose for the use of NSW race field information at certain premium race meetings (the maximum amount of the fee is increased from 1.5% to 2% of the approval holder's wagering turnover that relates to the race), and
- (b) to permit race field information use approvals to be varied, as a consequence of the change in that maximum amount, if the purpose of the variation is to change the fee imposed by the relevant racing control body.

This Regulation is made under the *Racing Administration Act 1998*, including sections 33A (2) and (4) and 37 (the general regulation-making power).

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Clause 1 Racing Administration Amendment (Fees) Regulation 2013

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1 Name of Regulation

This Regulation is the *Racing Administration Amendment (Fees) Regulation 2013*.

2 Commencement

This Regulation commences on 1 March 2013 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Racing Administration Regulation 2012

**[1] Clause 16 Fees for race field information use approvals:
section 33A (2) (a)**

Omit clause 16 (2) (a). Insert instead:

- (a) in relation to a use in Australia of NSW race field information made in the course of the wagering operations of a licensed wagering operator—a fee that does not exceed:
 - (i) in respect of any race covered by the approval held at a premium race meeting, 2% of the holder's wagering turnover that relates to that race plus any amount of GST payable in respect of the fee, or
 - (ii) in respect of any other race, 1.5% of the wagering turnover that relates to that race plus any amount of GST payable in respect of the fee,

[2] Clause 16 (3)

Omit the subclause. Insert instead:

- (3) In this clause:
 - GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.
 - premium race meeting* means a race meeting at which any of the following races is held:
 - (a) a horse race (other than a harness race) offering prize money of \$150,000 or more,
 - (b) a harness race offering prize money of \$30,000 or more,
 - (c) a greyhound race offering prize money of \$25,000 or more.

**[3] Clause 18 Grounds for cancellation or variation of approvals:
section 33A (4)**

Insert at the end of the clause:

- (3) Without limiting subclause (1), a change in the maximum race field information use fee is prescribed as a ground for the variation of an approval if the purpose of the variation is to give effect to a change in the race field information use fee.

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(4) In this clause:

maximum race field information use fee means the amount prescribed by clause 16 (2) (a).

race field information use fee means any fee imposed by a relevant racing control body in relation to a use in Australia of NSW race field information made in the course of the wagering operations of a licensed wagering operator.

[4] Clause 24

Insert after clause 23:

24 Transitional

The amendment of clause 16 by the *Racing Administration Amendment (Fees) Regulation 2013* does not apply to a race held before the commencement of that amendment.