

BOOKMAKER TELEPHONE, ELECTRONIC BETTING AND APPROVED BETTING PREMISE OR AUTHORISED BETTING OFFICE

RACING NSW STANDARD CONDITIONS

1 INTRODUCTION

These Racing NSW standard conditions apply to bookmakers who have been authorised by the Minister and approved by Racing NSW:

- to transact bets by telephone or electronically pursuant to section 16 of the Act; and/or
- to carry on bookmaking at an approved betting premises pursuant to section 16A of the Act; and/or
- to carry on bookmaking at an authorized betting office pursuant to section 16 of the Act.

These conditions are independent to any conditions imposed by the Minister or the OLGR and replace the previous Racing NSW Telephone, Electronic Betting and Approved Betting Premise or Authorised Betting Office Standard Conditions.

Any breach of these conditions may result in action against a bookmaker in respect of approvals issued to the bookmaker in respect of telephone betting, electronic betting or betting from an approved betting premises or authorised betting office under the relevant legislation or the Rules of Racing.

2 DEFINITIONS

For the purposes of these conditions:

“Act” means the *Racing Administration Act 1998*.

“approved betting premises” means premises away from a racecourse, approved by Racing NSW under Section 16A of

the Act, at which a bookmaker with the relevant authorisation may conduct telephone or electronic betting.

“approved laptop” means a Racing NSW approved personal computer designed for mobile use or other device approved by Racing NSW capable of accessing electronic betting by whatever means approved by Racing NSW.

“authorised betting office” means an office located on a NSW thoroughbred racecourse, approved by Racing NSW at which a bookmaker with the relevant authorisation may conduct telephone or electronic betting.

“authorised electronic betting bookmaker” means a licensed bookmaker authorised by the Minister under section 16 of the Act to transact electronic bets.

“authorised telephone bookmaker” means a licensed bookmaker authorised by the Minister under section 16 of the Act to transact bets by telephone.

“bookmakers’ telephone betting system” also referred to as BTBS) means the system approved by the Racing Controlling Bodies to facilitate telephone betting transactions executed by authorised telephone bookmakers;

“electronic betting system/software” means betting systems and/or software that are approved by Racing NSW to facilitate electronic betting transactions by an authorised electronic betting bookmaker.

“electronic betting monitoring system” means the system approved by Racing NSW to monitor electronic betting activity by an authorised electronic betting bookmaker.

“electronic device” means a device approved by Racing NSW capable of accessing electronic betting by whatever means approved by Racing NSW.

“licensed wagering operator” means a wagering operator that holds a licence or authority (however described) under the legislation of New South Wales or any other State or Territory to carry out its wagering operations (whether in that State or Territory or elsewhere).

“Minister” means the Minister for Gaming and Racing.

"OLGR" means the NSW Office of Liquor, Gaming and Racing.

"race meeting" means a race meeting for thoroughbred racing.

“Rules of Racing” means the Rules of Racing of Racing NSW consisting of the Australian Rules of Racing, the Local Rules of Racing and the Rules of Betting.

“transact” means to accept or lay a wager, to place a wager or to bet back.

3 MONITORING OF BOOKMAKER BETTING ACTIVITY

3.1 Unless otherwise approved by Racing NSW, an authorised electronic betting bookmaker acknowledges and agrees that the only electronic betting system/software that will be used to transact bets is one approved by Racing NSW and provides Racing NSW with remote access to monitor betting activities and, if required, will be installed with the electronic betting Monitoring System.

3.2 Unless otherwise approved by Racing NSW, an authorised telephone bookmaker acknowledges and agrees that all telephone bets will be transacted only via an approved telephone connected to the Racing NSW approved Bookmakers Telephone Betting System “BTBS”.

3.3 All authorised electronic betting bookmakers and authorised telephone bookmakers acknowledge and agree that Racing NSW, NSW Police or any other authorised person or body may have access to their approved betting premises or authorised betting office and have access to and take

possession of all equipment, telephones, records and documents held at or operated in connection with betting activity at those premises or office and will provide such access and possession upon the request of any of those persons.

- 3.4 All authorised electronic betting bookmakers and authorised telephone bookmakers must provide Racing NSW with the details and location of all approved laptop/s, electronic devices or telephones used to transact bets.

4 CONDUCT OF TRANSACTING BETS ELECTRONICALLY

- 4.1 Subject to the Rules of Racing, the *Racing Administration Act 1998* and the *Unlawful Gambling Act 1998*, an authorised electronic betting bookmaker may operate:

- (a) on a licensed racecourse in NSW when betting may lawfully take place at the racecourse while fielding at a race meeting, in a betting auditorium or authorised betting office; or
- (b) in an approved betting premise,

from the start of a race meeting at which the bookmaker is fielding until the conclusion of the meeting except when at approved betting premises or authorised betting office which may operate all hours.

For the purposes of these conditions, a race meeting is considered to have started when the racecourse is opened to the public, and to have concluded when the racecourse is closed to the public.

- 4.2 Subject to condition (4.1), an authorised electronic betting bookmaker may use an approved laptop, electronic device or approved betting system/software for the following purposes:

- (a) to accept bets from clients who hold a betting account with the bookmaker;

- (b) to transact bets and bet backs with licensed wagering operators with whom the bookmaker has a betting account;
- (c) to view betting prices of licensed wagering operators;
- (d) any other use specifically approved in writing by Racing NSW.

5 RECORDING AND REPORTING OF BETS

5.1 All bets transacted by an authorised electronic betting bookmaker or authorised telephone bookmaker must be recorded electronically in the prescribed written manner in a betting system or recording system approved by Racing NSW. In addition to the details of the bet, all bets must include a notation for each transaction with:

- “I” for an Internet bet;
- “T” for a telephone bet;
- “BB” for Bet Back;
- “BE Lay” for a “lay” bet transacted on a betting exchange;
- “B” for a Bet placed by the bookmaker;
- the name of the client or Licensed Wagering Operator;
- such other notation as advised by Racing NSW from time to time.

5.2 A bookmaker authorised to conduct telephone or electronic betting from an approved betting premise or authorised betting office shall record the total meeting transactions and bet backs and the means the bets were transacted in a weekly report submitted electronically to Racing NSW in a format approved by Racing NSW.

5.3 Transactions completed at a race meeting or betting auditorium are to be included in the bookmaker’s race club betting return.

6 REQUIREMENT TO ATTEND RACE MEETINGS AND ACCEPT FACE-TO-FACE BETS AND COMPLY TO CONDITIONS OF A RACE CLUB

6.1 An authorised electronic or telephone betting bookmaker and/or a bookmaker authorised to operate from an approved betting premise or authorised betting office:

(a) acknowledges and agrees that the bookmaker will field and accept face-to-face bets at a prescribed number of NSW thoroughbred race meetings as reasonably required by Racing NSW. In setting that prescribed number, Racing NSW will give consideration to the frequency and quantity of bookmaker's fielding at race meetings prior to the advent of the betting premise, betting office or electronic betting authority being approved;

(b) shall comply with any reasonable conditions set by a race club at which that bookmaker customarily fields including but not limited to pay the race club a fee in respect of bets transacted at an approved betting premise or authorized betting office that the bookmaker would have otherwise transacted at a racecourse.

7 EMPLOYEES

7.1 All employees who process, record or approve bets, set or alter markets while working in approved betting premises or authorised betting office must be licensed by Racing NSW.

8 BETTING LIMITS AND GUARANTEES

8.1 An authorised electronic betting bookmaker or authorised telephone bookmaker is required to adhere to minimum betting limits as set out in Schedule 1 in respect of any bets received by telephone at approved betting premises or authorised betting office and all bets received electronically (wherever located).

- 8.2 An authorised electronic betting bookmaker is required to hold the level of bookmaker's guarantee as per Schedule 2.

9. OPERATION

- 9.1 An approved betting premise or authorised betting office must not be open to, or available for use by, the public or a section of the public.
- 9.2 An authorised electronic betting bookmaker or authorised telephone bookmaker shall make available to Racing NSW when required the names and addresses of all clients from whom a bookmaker accepts bets and bets back with.
- 9.3 An authorised electronic betting bookmaker or authorised telephone bookmaker is required to operate in accordance with the Rules of Racing, any conditions, policies or directions issued by Racing NSW and any conditions of approval issued by the Minister or OLGR.
- 9.4 The bookmaker acknowledges and agrees that Racing NSW may suspend or cancel the bookmaker's approvals upon any breach by him/her or his/her licensed clerk/employee of these conditions, the Rules of Racing, any conditions, policies or directions issued by Racing NSW or any conditions of approval issued by the Minister or OLGR.
- 9.5 An authorised electronic betting bookmaker agrees an approved laptop will only be accessed at those times specified in Clause 4 of these Conditions unless otherwise approved by Racing NSW.
- 9.6 An authorised electronic betting bookmaker agrees the only websites which will be accessed via an approved laptop are those approved by Racing NSW.

10 RESOLUTION OF DISPUTES

- 10.1 When a bet is placed by a person with a bookmaker, the acceptance of the bet by the bookmaker as recorded by the approved electronic betting system/software is deemed to be the formation of a betting contract which is binding on the parties unless otherwise excluded by any conditions imposed by Racing NSW.
- 10.2 Disputes or claims in respect of bets accepted may, with the consent of the parties, be mediated by Racing NSW stewards.
- 10.3 A bookmaker or client may refer to Racing NSW stewards any issue or dispute relating to the outcome of a bet accepted which:
- a) is not provided for in these conditions, the Rules of Racing, policies or any conditions imposed by the Minister or OLGR; or
 - b) Relates to the interpretation of these conditions.
- 10.4 Before referring any matter to Racing NSW stewards, a bookmaker must endeavour to resolve the matter directly with the client.
- 10.5 Referrals to Racing NSW stewards must be within twenty-eight (28) days of the date of completion of the race to which the disputed bet relates.

SCHEDULE 1 – MINIMUM BETTING LIMITS – BOOKMAKERS

An authorised electronic betting bookmaker or authorised telephone bookmaker that accepts a bet is obliged to lay the fixed odds displayed if demanded by the backer, except that the bookmaker is not compelled to lose on any one fixed odds bet, when the bet is accepted via the telephone at approved betting premises or authorised betting office or electronically (wherever located), more than:

For NSW Licensed Bookmakers with Net Assessable Turnover on NSW Thoroughbred Races greater than or equal to \$5 million

Race type	Bet (Win and/or Each Way/*Win & Place)
Metropolitan Thoroughbred races	\$2,000 (*place component \$800)
Non-metropolitan Thoroughbred races	\$1,000 (*place component \$400)

For NSW Licensed Bookmakers with Net Assessable Turnover on NSW Thoroughbred Races less than \$5 million

Race type	Bet (Win and/or Each Way/*Win & Place)
All Thoroughbred races	\$1,000 (*place component \$400)

Note: When the backer claims the Bookmaker for a win and place bet which is greater than the limits prescribed by this rule, the bookmaker must bet the backer the proportional equivalent of an each-way wager.

- (a) The Bookmaker must display the relevant betting limits to which they are bound.
- (b) The Bookmaker must not do any act or refuse to do any act to avoid complying with Schedule 1 including but not limited to:

- (1) Refusing to accept a fixed odds bet;
 - (2) Closing a backer's account;
 - (3) Refusing to open a backer's account;
 - (4) Placing any restrictions on a backer's account;
 - (5) Refusing to offer fixed odds to any backer when those fixed odds are displayed by the Bookmaker.
- (c) The Bookmaker is not required to comply with its obligations in Schedule 1 if:
- (1) the backer has not provided the Bookmaker with sufficient funds to pay for the bet;
 - (2) the bet is placed prior to 9am on the day of the NSW Thoroughbred Race or 2pm for a night race meeting;
 - (3) the Bookmaker has already accepted a fixed odds bet or number of fixed odds bets up to the limit in Schedule 1 on that horse from the backer and/or another backer (or other backers) as agent for that backer;
 - (4) there has been an official price fluctuation or the Bookmaker own price fluctuation has changed, the Bookmaker is not compelled to accept any bet at the pre-changed price;
 - (5) where the backer is not the beneficial owner of the bet with the Bookmaker and:
 - i. the backer has not provided the Bookmaker with details of the beneficial owner; or
 - ii. the Bookmaker has already accepted a fixed odds bet or number of fixed odds bets up to the limit in

Schedule 1 on that horse from the beneficial owner and/or another backer (or other backers) with the same beneficial owner;

- (6) the Bookmaker has refused to accept the bet, done an act or refused to do any act due to:
 - i. the backer being warned off or disqualified;
 - ii. the backer has engaged in fraudulent activity;
 - iii. the backer has breached a material condition of the agreement with the Approval Holder;
 - iv. the Bookmaker's statutory obligations including but not limited to *The Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) and any responsible gambling legislation;
 - v. any other integrity related reason.

- (7) Schedule 1 applies from 15 October 2014 or such later date notified to the Bookmaker by Racing NSW.

SCHEDULE 2 – GUARANTEES –BOOKMAKERS

Minimum Financial Guarantee required for a Bookmaker accepting a bet by electronic means:

<u>Location of Bookmaker/Premises or Office</u>	<u>Annual Turnover</u>	<u>Guarantee</u>
Metropolitan	\$0 - \$5 m	\$100,000
	\$5 - \$10 m	\$150,000
	\$10 m Plus	As per Metropolitan Rails
Provincial	\$0 to \$3 m	\$75,000
	\$3 to \$5m	\$100,000
	\$5 m Plus	As per Metropolitan
Country	\$0 to \$3 m	\$50,000
	\$3 to \$5 m	\$75,000
	\$5 m Plus	As per Metropolitan