
RF- AWO

**Application Fee
\$50**

(must accompany this application)



RACINGNSW
ABN: 86 281 604 417

RFIU Application
Level 7 51 Druitt St
Sydney NSW 2000

**APPLICATION TO USE
NSW THOROUGHBRED RACE FIELD INFORMATION (FY22-23)**

Australian Wagering Operators

(Only use this form if you hold a wagering licence under the laws of an Australian State or Territory)

Section 33B, Betting and Racing Act 1998

Note: Where insufficient space is provided for any section, please attach a separate sheet with additional details identifying the section to which that information relates. Each separate sheet should be signed and dated by the person signing this application for the Applicant.

Section 1: Details of Entity Seeking to Use NSW Thoroughbred Race Field Information

1.1 Name of Applicant:

(The Applicant must be the holder of the relevant Australian Wagering Licence. Each holder of an Australian Wagering Licence, even if related to other licensees, must complete a separate application)

1.2 Principal Address:

1.2 (a) Postal Address

Post Code:

1.3 Daytime contact:

Name:

Email:

Telephone: Office: Fax:

Mobile:

1.4 ABN/ACN:

Section 2: Details of wagering products and proposed use of NSW Thoroughbred Race Field Information

Please provide details of all wagering types or services intended to be offered/facilitated involving NSW Thoroughbred Race Field Information:-

2.1 Channels:

On-course face-to-face betting	Yes /No
Off-course face-to-face betting	Yes /No
Telephone betting	Yes /No
Internet	Yes /No (If Yes, provide details of all websites)

Other (e.g. interactive television, mobile App)	Yes /No	(If Yes, provide details)
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2.2 Wagering types:

Please indicate all types of wagering offered

Totalizator (Pari-mutuel)	Yes /No	
Fixed-odds	Yes /No	
Totalizator Derived Odds	Yes/No	
Betting Exchange	Yes/No	
Other	Yes/No	(If Yes, provide details)

2.3 Products: (Please circle all that apply)

Win	Doubles	Tote Odds	Jockey/Trainer Challenge
Each Way	Quinella	Concession	Multis Racing Only
Place	Futures	Head to Head	Multis including Sports and Other
Win/Place	Future Doubles	Favourite Out	
	Ante Post (early betting non feature)		

Other Products/Bet Types (provide details):

2.4 Use of NSW Thoroughbred Race Field Information: Detail the proposed use of NSW Thoroughbred Race Field Information including the time (how often) and manner of use. (e.g. whether only limited NSW thoroughbred racing events, used on betting board only, whether recorded electronically or in hard copy form; in betting ledgers or on betting tickets; used on a website and, if on a website, provide full web address; or by acknowledging or confirming NSW Race Field Information by accepting or facilitating the making of a bet).

Section 3: Wagering Turnover

3.1 Forecast NSW Thoroughbred Turnover for FY23

- (a) Provide (approx.) forecast of NSW Thoroughbred Turnover for the Financial Year ending 30 June 2023:

FY2023 \$ _____	Under the Exempt Threshold Turnover @ 1%* see below reference to Clause 2.1(a) of SC
FY2023 \$ _____	Standard Race Meetings @ 2.0%* see below reference to Clause 2.1(a) of SC
FY2023 \$ _____	Premium Race Meetings @ 2.5%* see below reference to Clause 2.1(a) of SC
FY2023 \$ _____	Premier Race Meetings @ 3%* see below reference to Clause 2.1(a) of SC

Totalisator Derived Odds

FY2023 \$ _____	Standard Race Meetings @ 2.5%* see below reference to Clause 2.1(a) of SC
FY2023 \$ _____	Premium Race Meetings @ 3%* see below reference to Clause 2.1(a) of SC
FY2023 \$ _____	Premier Race Meetings @ 3.5%* see below reference to Clause 2.1(a) of SC

***Clause 2.1(a) of the Standard Conditions 2022-23**

The Approval Holder must pay to Racing NSW a fee of an amount equal to the following percentages of the Approval Holder's Net Assessable Turnover in respect of the Approval Period:

(1) 1% of the Approval Holder's Under Exempt Threshold Turnover;

(2) as to the Approval Holder's Over Exempt Threshold Turnover:

(a) 2% in respect of any race held at a Standard Race Meeting (other than Turnover of wagers made at Totalizator Derived Odds);

(b) 2.5% in respect of any race held at a Premium Race Meeting (other than Turnover of wagers made at Totalizator Derived Odds);

(c) 3% in respect of Turnover of wagers at any race held at a Premier Race Meeting (other than Turnover of wagers made at Totalizator Derived Odds);

(d) 2.5% in respect of Turnover of wagers made at Totalizator Derived Odds on any race held at a Standard Race Meeting;

(e) 3% in respect of Turnover of wagers made at Totalizator Derived Odds on any race held at a Premium Race Meeting; and

(f) 3.5% in respect of Turnover of wagers made at Totalizator Derived Odds on any race held at a Premier Race Meeting.

(Premium/Standard race meetings: For example, if a race meeting is held at Rosehill that has at least one race with prizemoney of \$150,000 or more and other race meetings are held in NSW on the same day at say Kembla Grange and Wagga Wagga that do not have a race with prizemoney of \$150,000 or more, the fee shall be an amount equal to the applicable Premium Race Meeting fee of the Approval Holder's turnover on the Rosehill Race Meeting and the amount equal to the applicable Standard Race Meeting fee of the Approval Holder's Turnover on the Kembla Grange and Wagga Wagga race meetings (subject to the application of the Approval Holder's Exempt Turnover Amount)). The same principles apply where there is a Premier Race Meeting involved.

Is there any additional information which you consider Racing NSW should be aware of in connection with that forecast? If so, please provide details:

Notes:

- **"Turnover"** means the total amount of wagers made on the "backers" side of wagering transactions made in connection with that race of class of races. For the avoidance of doubt, in the case of a betting exchange, the "backers" side of wagering transactions made through the operation of that betting exchange is regarded as that person's "Turnover" even if that person is not a party to the contract which constitutes the wagering transaction.
- **"NSW Thoroughbred Turnover"** means Turnover in respect of wagering transactions in relation to NSW Thoroughbred Races (or contingencies related to NSW Thoroughbred Races). See "Standard Conditions" for allocation of turnover on bet-types involving multiple contingencies.
- **"Exempt Turnover Threshold"** means, in respect of a period:
 - (1) If the relevant period is a full Financial Year, an equal amount of \$5 million; or
 - (2) If the relevant period is other than a full Financial Year, an amount of \$5 million adjusted pro rata in the proportion that the relevant period bears to a full Financial Year.

3.1 Historical Turnover: In respect of each of the past 3 Financial Years (i.e. the years ended 30 June 2020, 30 June 2021, and 30 June 2022), has the applicant Used NSW Thoroughbred Race Field Information. If so provide details and why a previous application has not been submitted to Racing NSW:

3.2 Bet backs:

Note: “Bet Back” means a wager which is made by the Applicant on the “backers” side of the wagering transaction in relation to NSW Thoroughbred Races (or contingencies related to NSW Thoroughbred Races):

- (a) for the purpose of genuinely reducing or laying-off the Applicant’s liability on a fixed-odds wager which has already been accepted by the Applicant and on which the Applicant has taken risk on the “layers” side of the wagering transaction.
- (b) on the same contingency in relation to the NSW Thoroughbred Race as Applicant has already accepted risk on the ‘layers” side of the wagering transaction referred to in paragraph (a); and
- (c) in respect of which the amount which the Applicant stands to win does not exceed the amount that the Applicant stands to lose on the same contingency on the “layers” side of the wagering transaction referred to in paragraph (a).

In respect to 2022-23 what is the anticipated percentage level of bet backs? FY2023 _____%

- (a) Provide the name of all Australian Wagering Operators with whom the Applicant anticipates it will place Bet Backs more than \$100,000 total per annum.

Section 4: Compliance

4.1 Please provide details of your policies and procedures in place to:

- (a) Establish the identity of customers establishing wagering accounts:

- (b) Identify and reporting suspect wagering transactions:

-
-
-
- (c) Identify and report customers or applicants for betting accounts that may be disqualified or warned off by a racing authority:
-
-
-
-
-

Section 5: Personnel

Information regarding the applicant, key employees and close associates

All relevant personnel must be listed below (attach separate list if required)

5.1 Key Employees

Note: A **Key Employee** means in relation to an applicant for or holder of an approval, means a person (whether or not appointed under a contract of service) who is: (a) employed in a managerial or supervisory capacity in relation to the conduct of wagering by the approval applicant or holder, or (b) authorized to make decisions, involving the exercise of his or her discretion, that regulate the operations of the approval applicant or holder in relation to the conduct of the wagering operations, or (c) concerned or engaged, in any manner, in the conduct of wagering operation by the approval holder or applicant.

(a) Full Name:	Date of Birth:
Position:	Years Held:
(b) Full Name:	Date of Birth: / /
Position:	Years Held:
(c) Full Name:	Date of Birth: / /
Position:	Years Held:
(d) Full Name:	Date of Birth: / /
Position:	Years Held:

5.2 Close Associates – include Company Directors in this section

Note: A **Close Associate** is as defined by Betting and Racing Regulations as: a person is a **close associate** of an applicant for, or the holder of, an approval if the person: (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in his or her own right or on behalf of any other person), in the business of the approval applicant or holder, and by virtue of that interest or power is or will be able (in the opinion of the relevant racing control body) to exercise a significant influence over or with respect to the conduct of that business, or (b) holds or will hold any relevant position, whether in his or her own right or on behalf of any other person, in the business of the approval applicant or holder; **“relevant financial interest”** is defined as: (a) any

share in the capital of the business, or (b) any entitlement to receive any income derived from the business, whether the entitlement arises at law or in equity or otherwise.

(a) Full Name: _____ Date of Birth: / / _____

Position: _____ Years Held: _____

(b) Full Name: _____ Date of Birth: / / _____

Position: _____ Years Held: _____

(c) Full Name: _____ Date of Birth: / / _____

Position: _____ Years Held: _____

(d) Full Name: _____ Date of Birth: / / _____

Position: _____ Years Held: _____

5.3 Personal and licence history

In this section, the Applicant must provide details of the following matters in relation to the Applicant, and also in relation to key employees and close associates (as listed in sections 5.1 and 5.2) to the extent that the Applicant is aware of those details in relation to key employees and close associates after having made all reasonable enquiries:

- criminal history;
- any prosecutions which have been commenced against the Applicant, a key employee or a close associate; or
- any disciplinary action taken under any legislation or any rules of racing or betting (whether in New South Wales or elsewhere) against the Applicant, a key employee or a close associate.

5.3.1 Probity (criminal history and prosecutions) records

Has the Applicant, key employees or close associates or a company which the Applicant has been a key employee or a close associates of:

(a) in the last 10 years, been convicted of an offence, under their own name or any other name?
(If so, provide details):

(b) in the last 10 years been on, or is now on, a bond or recognizance? (If so, provide details):

(c) have any charges, criminal prosecution or civil proceedings against them now pending? (If so, provide details):

(d) in the last 10 years forfeited bail? (If so, provide details):

(e) ever been convicted of any indictable offence or banned as a director by the Australian Securities and Investments Commission ("ASIC")? (If so, provide details):

(f) ever been proceeded against for Bankruptcy and/or have you taken advantage of the laws of Bankruptcy or Insolvency in force for the time? (If so, provide details):

5.3.2 Disciplinary proceedings – rules of racing or rules of betting

Has the Applicant, key employees or close associates or a company which the Applicant, has been a key employee or a close associates of:

(a) ever had a license disqualified, revoked, suspended, withdrawn, refused, or been listed as a defaulter by any Racing Authority? (If so, provide details)

Section 6: Related Australian Wagering Operators

Note: An Australian Wagering Operator is considered “Related” to the Applicant if:

- (a) they are “related bodies corporate” within the meaning of the Corporations Act;
- (b) one Controls the other (within the meaning of the Corporations Act or Accounting Standards);
- (c) they are both Controlled by the same person or group of people;
- (d) one is a Key Employee, a director or an “associate” (within the meaning of the Corporations Act) of the other (for example: if a company has an Australian Wagering Licence and a director or key employee of that company also has an Australian Wagering Licence, then the company and the director/key employee are considered “Related”);
- (e) they have a common Key Employee or a common director (for example: if a person is a director or key employee of two companies both of which have Australian Wagering Licences, then those two companies are considered “Related”);
- (f) one is a partner in another wagering operation that is conducted as a partnership
- (g) a Key Employee or a director of one is a partner of the other;
- (h) they are acting in concert with each other in relation to activities conducted under their respective Australian Wagering Licences or the taking of wagers on NSW Thoroughbred Racing; or
- (i) they are “Related” to a common person under paragraphs (a)-(h) (for example: “Company A” and its subsidiary “Company B” are related. If “Mr X” is a director of Company B, he would be “Related” to both Company B and to Company A),

6.1 Related Australian Wagering Operators

Is the Applicant “Related” to any other Australian Wagering Operator?

Yes/No

(If No, proceed to Section 7):

If Yes, for each Australian Wagering Operator to whom the Applicant is Related, provide details of:

(a) Name of Related Australian Wagering Operator

Nature of “Relationship”

Licence Details

“Related” since

(b) Name of Related Australian Wagering Operator

Nature of “Relationship”

Licence Details

“Related” since

Note: A separate Application is required to be lodged by each Australian Wagering Operator even if they are Related to other Australian Wagering Operators.

6.2 Allocation of Exempt Turnover Threshold

For the purpose of assessing the fees payable to Racing NSW where a number of Australian Wagering Operators are “Related”, a single “exempt turnover threshold” applies to the entire “Group”.

For example, if a company and its subsidiary both hold wagering licences granted under the laws of an Australian State or Territory and each hold approvals from Racing NSW for a full financial year, in that financial year those two companies would pay fees at a rate equal to their combined Net wagering turnover (net of any bet back credits) on NSW thoroughbred race meetings exceeding the \$5 million exempt threshold at 1.5% on NSW thoroughbred Standard race meetings and 2% on NSW thoroughbred Premium races. As the companies are related they would not each be entitled to a separate exemption on their first \$5 million of turnover on NSW thoroughbred racing. Rather a single \$5 million threshold would apply to their combined turnover on NSW thoroughbred racing.

Does the Applicant and its Related Australian Wagering Operators wish to nominate the amount of the Exempt Turnover Threshold to the allocated to each of the members of the Group?

Yes/No

(If Yes, specify the allocation to each member of the Group)

Note: Racing NSW will only have regard to a nominated allocation if the total amounts allocated do not exceed \$5 million (adjusted pro-rata for the period of FY23 covered by the NSW Thoroughbred Information Use Approval) and if all members of the group nominate the same allocation. See clause 2.2 of the Standard Conditions.

For wagering operators which are a Company this application must be accompanied by a copy of an ASIC HISTORICAL COMPANY EXTRACT (dated within seven days of this application), the CONSTITUTION and CERTIFICATE OF INCORPORATION of the Company and any Companies that are have a direct or indirect shareholding in the Company.

Section 7: Conditions and Declaration

The Applicant acknowledges that, if this approval application is granted, the approval will be subject to the Racing NSW standard conditions for “NSW Thoroughbred Race Field Information Use Approvals for Australian Wagering Operators” (“Standard Conditions”) a full copy of which is available on the Racing NSW website (www.racingnsw.com.au).

The Applicant acknowledges that it has had access to, and has reviewed, the *Standard Conditions* and agrees to be bound by the *Standard Conditions* if the application is approved by Racing NSW.

The Applicant acknowledges that Racing NSW reserves the right to request further information in relation to this application.

The Applicant represents and warrants that:

- (a) the information contained in this application is complete, true, correct and not misleading (in either its content or by omission);
- (b) the Applicant has made all reasonable enquiries of the Applicant’s Key Employees and Close Associates in connection with matters disclosed in Section 5; and
- (c) this application has been appropriately authorised and executed by or on behalf of the Applicant.

This application is dated: / /

If the Applicant is an **individual**, signed by the Applicant in the presence of:

Applicant

Witness

Name (Please print)

Name (Please print)

If the Applicant is a **company**, signed by the Applicant by:

Director/Secretary

Director

Name (Please print)

Name (Please print)

This form together with the Application fee should be forwarded to Racing NSW, RFIU Application, Level 7, 51 DrUITT Street, Sydney NSW 2000

Privacy Statement

Racing NSW collects information about you when you submit this Application and in the course of related enquiries made of third parties for the purposes of the *Thoroughbred Racing Act 1996 (NSW)* and the Betting and *Racing Act 1998 (NSW)*. Racing NSW will use that information to assess your application and, if approved, your ongoing status as an Approval Holder. To do that, Racing NSW may disclose your information to third parties such as other racing bodies, appeal bodies, wagering service providers, industry associations and government enforcement agencies if Racing NSW believes that the disclosure is reasonably necessary for your ongoing status as an Approval Holder or to enable Racing NSW to fulfil its regulatory responsibilities and/or promote and protect the integrity of the sport to ensure compliance with the Rules of Racing and the Standard Conditions attached to your Approval. You do not have to supply the information requested in this application, but if the information (or any part of it) is not provided your application may be rejected. You can gain access to and request that corrections be made to information held about you by Racing NSW. By completing and submitting this application, you authorise Racing NSW to collect, use and disclose information about you for the purposes described in this notice, including the usual publication of such information in race publications that can include (but are not limited to) websites.

CHECKLIST

Yes/No	Referred to Betting and Racing Act 1998 (NSW)
Yes/No	Referred to the Betting and Racing Regulations 2012 (NSW)
Yes/No	Referred to the Unlawful Gambling Act 1998 (NSW) in particular Clauses 8(3) and 8(4)
Yes/No	Application is appropriately signed and witnessed
Yes/No	Copy of Wagering Licence/Authority Attached
Yes/No	If Company copy of applicable Company Registration documents attached
Yes/No	Application fee of AUD \$50 has been Deposited by EFT or Credit Card Details enclosed
Yes/No	Full contact details of applicable responsible officer including Email address has been included

Please pay by Credit Card or by EFT

Racing NSW Bank Details:	
Mastercard/Visa/American Express (circle the applicable):	
Credit Card Number:	
Expiry Date:	CVV
Amount: \$	
Cardholder Name:	

Racing NSW Bank Details: BSB: 062000 Ac No: 15086835