

NOTICES JULY 2014

Race Fields Legislation (commenced 03/12/2008)

“RACE FIELDS” LEGISLATION AND REGULATIONS

The Racing Administration Act 1998 (NSW) was amended in December 2008 and requires wagering operators to seek the approval of Racing NSW to use NSW thoroughbred race field information (whether that use occurs in NSW or elsewhere) unless the use is specifically exempt under the Regulations.

The amendments refined the Race Fields Publication approval process that became effective on 1 September 2008 so that the requirement to obtain the approval of Racing NSW arises when there is any use of NSW race field information, not just in respect of publication of NSW race field information.

This document provides a brief overview of Racing NSW’s approach in relation to applications for approval to use NSW thoroughbred race field information.

WHAT IS “NSW THOROUGHBRED RACE FIELD INFORMATION”?

“NSW thoroughbred race field information” is any information that identifies, or is capable of identifying, the name/s or number/s of the horses that have been nominated for, or will take part in, a thoroughbred race to be held at a NSW thoroughbred race meeting or that have been scratched or withdrawn from a thoroughbred race to be held at a NSW thoroughbred race meeting.

WHAT CONSTITUTES USE OF “NSW THOROUGHBRED RACE FIELD INFORMATION”?

The Racing Administration Act defines “uses NSW race field information” extremely broadly to include, amongst other things, any oral, visual, written, electronic or other display or communication. Also included is any recording of race field information on betting sheets, computer records and betting tickets, regardless of whether or not such recording is provided to a third party. At a practical level, any wagering operator who fields on NSW thoroughbred racing should assume their wagering activities will involve the use of NSW race field information and apply for approval from Racing NSW.

IS THERE ANY USE OF NSW THOROUGHBRED RACE FIELD INFORMATION WHICH DOES NOT REQUIRE APPROVAL FROM RACING NSW?

Exemptions have been provided for the following uses of NSW race field information which therefore do not require approval from Racing NSW:

- Controlling bodies: use by the controlling body of any code in any Australian State or Territory or the national racing bodies for internal administrative or regulatory purposes;
- Racing Clubs: use by any Australian racing club of any code for the purposes of a race meeting (e.g. race books, administration, promotion of race meetings);

- News Media: use by public news media in accordance with a contract or other arrangement with Racing NSW; and
- Not-for-profit: use made solely for a “not-for-profit” purpose.

All other use of NSW thoroughbred race field information requires the prior approval of Racing NSW.

WAGERING OPERATORS

The following information applies equally to all categories of wagering operator, whether totalizator operators, bookmakers or betting exchanges, who hold a wagering licence issued under the laws of any Australian State or Territory.

In considering an application by a wagering operator for approval to use NSW race field information, Racing NSW will take into account whether the operator holds a wagering licence issued under the laws of an Australian State or Territory and other matters required under the Regulations. However, Racing NSW will not take into account:

- whether the applicant’s wagering licence was issued in New South Wales or under the laws of another Australian State or Territory; or
- the location in Australia in which the applicant resides or carries out his or her activities or, in the case of a corporate applicant, in which it has its head office or principal place of business.

In relation to approvals to use NSW thoroughbred race field information in Australia in the course of the wagering operations of an Australian-licensed wagering operator,

Racing NSW will apply the following conditions:

- (1) 1% of the Approval Holder’s Under Exempt Threshold Turnover;
- (2) as to the Approval Holder’s Over Exempt Threshold Turnover:
 - (a) 1.5% in respect of any race held at a Standard Race Meeting;
 - (b) 2% in respect of any race held at a Premium Race Meeting.

Exempt Turnover Threshold means, in respect of a period:

- (1) if the relevant period is a full Financial Year, an amount equal 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.

Where a number of wagering operators are “related”, a single “exempt turnover threshold” applies to the entire group;

- other conditions designed to enable Racing NSW to administer the arrangements and to discharge its responsibilities and functions regarding the protection of the integrity and reputation of NSW thoroughbred racing industry.

All enquiries should be directed to Clare Wilson, Racing NSW, Racefields and Wagering Supervisor
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