

Confidential and legally privileged  
Discussion draft – ~~6 June~~26 November 2023

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## BOOKMAKERS' TELEPHONE BETTING RULES 2001

Applicable to Victorian Bookmakers ~~[relevant persons]~~.

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## 1. PRELIMINARY

### 1.1. Title

These Bookmakers' Telephone Betting Rules may be cited as the *Bookmakers' Telephone Betting Rules-2001*.

### 1.2. Purpose

The purpose of these Rules is to set the terms and conditions upon which Bookmakers may use the method of telephone communication approved by the Minister for Racing pursuant to section 4A of the Racing Act.

### 1.3. Authorising provision

These Rules are made pursuant to the approval given by the Minister for Racing pursuant to section 4A of the Racing Act.

### 1.4. Subject to terms of Ministerial approval

These Rules are subject to the terms and conditions specified by the Minister for Racing pursuant to section 4A of the Racing Act.

### 1.5. Commencement

These Rules and any amendments to them have effect in respect of ~~Bookmakers under the jurisdiction of a Controlling Body~~ on and from the time specified by ~~Racing Victoria~~ the relevant Controlling Body.

## 2. DEFINITIONS AND INTERPRETATION

### 2.1. Definitions

In these Bookmakers' Telephone Betting Rules:

~~Betting Supervisor means the person appointed as such by a Controlling Body, and any other person to whom duties have been validly delegated by the person so appointed.~~

~~Publicly Displayed means to publish, display, or otherwise communicate odds to the public generally including, but not limited to, on a website or other internet enabled device that does not require a person to identify himself or herself (for example, by requiring a person to log in or to provide personal information).~~

~~Relevant Fixed Odds Bet means a fixed odds bet described in Rule 6.5.~~

**Telephone Betting System** means the system or systems approved by the Minister pursuant to section 4A of the Racing Act and operated by Racing Victoria (or as approved by Racing Victoria) ,including through VOIP.

**Victorian Official Price** means the official price recognised by Racing Victoria Stewards or as otherwise prescribed by Racing Victoria from time to time.

VOIP means Voice over Internet Protocol, which enables spoken conversations to be conducted in real time over the internet.

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## 2.2. Interpretation

Unless the context requires to the contrary:

- (a) words and expressions used in these Rules have the meaning ascribed to them in the Club Bookmakers' Licence Rules as amended, and the Racing Act; and
- (b) these Rules shall be interpreted in accordance with the provisions of the *Interpretation of Legislation Act 1984* (Vic).

## 3. TELEPHONE BETTING SYSTEMS

### 3.1. Bookmaker must use approved Telephone Betting System

A Bookmaker must not engage in betting activity (except for the purpose of betting-back) over the telephone other than via a Telephone Betting System in respect of which the Bookmaker has obtained Racing Victoria's express prior approval to use and subject to any conditions imposed by Racing Victoria ~~has placed thereon~~.

### 3.2. Application for approval to use Telephone Betting System

A Bookmaker must apply in writing in the form specified by Racing Victoria for approval to use a Telephone Betting System and provide all information requested in respect of that application.

### 3.3. Racing Victoria may grant approval in its absolute discretion

Upon receipt of an application received in accordance with ~~Licence~~-Rule 3.23.2, Racing Victoria may grant approval for a Bookmaker to use a Telephone Betting System, subject to any conditions which it may impose.

### ~~3.4. Limitation on out-going calls~~

~~A Bookmaker must not make any out-going telephone calls using a Telephone Betting System except in the course of the conduct of their betting business, and only to:~~

- ~~(a) another Bookmaker using a Telephone Betting System in accordance with these Bookmakers' Telephone Betting Rules;~~
- ~~(b) an Approved Wagering Service Provider;~~
- ~~(c) the licensed totalisator operator in Victoria; or~~
- ~~(d) any other number as approved by the Stewards or Betting Supervisor.~~

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## ~~4. BOOKMAKERS TO PROVIDE UP-TO-DATE CLIENT LISTS~~

### ~~4.1. Client List~~

~~Unless otherwise expressly authorised by the relevant Controlling Body, every Bookmaker must lodge with the Betting Supervisor of the Controlling Body, in the form prescribed by that Controlling Body, names, addresses and dates of birth of all clients and their authorised agents from whom the Bookmaker accepts bets using a Telephone Betting System while fielding at a venue or venues under the control of the Controlling Body, and promptly advise the Betting Supervisor of the Controlling Body of all new clients so that the list is always current and up-to-date.~~

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### ~~4.2. Written Authority~~

~~(a) Unless otherwise expressly authorised by the relevant Controlling Body, prior to a Bookmaker conducting any betting transactions with a client using a Telephone Betting System, the Bookmaker must obtain a written authority from the client authorising the Bookmaker to accept bets from the client or the client's authorised agent. The written authority must disclose the full name, address, and date of birth of the client and any person that is authorised by the client to conduct betting transactions for and on behalf of the client.~~

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~~(b) Except where otherwise expressly authorised by the relevant Controlling Body, a Bookmaker must not accept bets using the Telephone Betting System from any person unless:~~

- ~~(i) the person placing the bet has signed and completed the written authority referred to in Rule 4.2(a) or is the authorised agent of a client as disclosed in the written authority and is transacting the bet on behalf of his or her principal; and~~
- ~~(ii) the Bookmaker has first lodged with the Controlling Body a true and complete copy of the person's signed and completed written authority.~~

## 5.4. RECORDING OF TELEPHONE CALLS

### 5.1.4.1. Racing Victoria will record all calls via Telephone Betting System

The Bookmaker acknowledges and agrees that Racing Victoria, or a Section 91E Entity contemplated by Rule 4.4(b), will voice record all incoming and outgoing communications made over a Telephone Betting System relating to wagers or bets.

### 5.2.4.2. Bookmaker to inform clients

The Bookmaker must inform his or her clients that telephone calls to or from his or her Telephone Betting System ~~telephone betting unit~~ will be recorded by Racing Victoria, or a Section 91E Entity contemplated by Rule 4.4(b).

### 5.3.4.3. Retention of recordings

Racing Victoria, ~~or a Section 91E Entity contemplated by Rule 4.4(b)~~, will retain all voice logging communication records of a Telephone Betting System for not less than 28 days, and for such further period of time as it sees fit, noting the requirements of Privacy Laws.

### 5.4.4.4. Access to communication records

The ~~Bookmaker~~ acknowledges and agrees that Racing Victoria may:

(a) ~~provide access to all voice logging communication records of the Telephone Betting System to those persons or bodies specified in section 91E of the Racing Act~~, and

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(b) ~~contract with a Section 91E Entity to assist Racing Victoria in the recording and retention of records of the Telephone Betting System, if Racing Victoria is satisfied that such Section 91E Entity has Appropriate Technical and Procedural Measures in place.~~

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## 6.5. CONDUCT OF BETTING OVER THE TELEPHONE BETTING SYSTEM

### 6.1.5.1. Bets may be received at allocated stand or Approved Off-Course Premises

Unless otherwise directed or approved by Racing Victoria, the club or the organisation conducting the race meeting, the Bookmaker must receive all bets placed over a Telephone Betting System only while present on a Racecourse or at an Approved Off-Course Premises.

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### 6.2.5.2. Compliance with Rules and permits

Unless otherwise approved in writing by ~~Racing Victoria~~ the relevant Controlling Body, every ~~Bookmaker~~ must when receiving or making bets using a Telephone Betting System comply with:

- (a) the Bookmaker's Licence and any fielding permit applicable on the day; and
- (b) the Racing Victoria Rules and provided the former applies in the event of any inconsistency, the rules of race betting of ~~Racing Victoria~~ the relevant Controlling Body.

### 6.3.5.3. Timing of betting

Bookmakers may only accept bets using a Telephone Betting System at times in accordance with the Racing Act and the Bookmaker's Licence.

### 6.4.5.4. Incomplete telephone discussions

Unless a Bookmaker agrees to the contrary, if a telephone conversation between a Bookmaker and client in which a bet is being placed is interrupted for any reason before the conclusion of the conversation and as a result is terminated prematurely:

- (a) it is the responsibility of the client to contact the Bookmaker promptly to ascertain the status of the bet; and
- (b) any bet not confirmed by the Bookmaker before the relevant race or event is commenced is void.

**6.5. Betting Limits**

~~Notwithstanding rule 5.1 in the Rules of Race Betting, Bookmakers are required to accept a fixed odds bet via the Telephone Betting System in the categories described in the table below at odds that are Publicly Displayed by the Bookmaker for any thoroughbred race up to the maximum amounts for the Bookmaker to lose as specified in the table below:~~

<del>Race Type</del>	<del>Bet Type</del>
<del>Metropolitan Victorian Thoroughbred Race</del>	<del>In any one Win, Win/Place or Each-Way Bet: to lose \$2,000</del>
	<del>In any one Place Bet: to lose \$800</del>
<del>Non-Metropolitan Victorian Thoroughbred Race</del>	<del>In any one Win, Win/Place or Each-Way Bet: to lose \$1,000</del>
	<del>In any one Place Bet: to lose \$400</del>

**6.5.1. Compliance by Bookmaker**

~~A Bookmaker must not do any act or refuse to do any act to avoid complying (either in whole or in part) with clause 6.5 including but not limited to by:~~

- ~~(a) closing a person's account;~~
- ~~(b) refusing to open a person's account;~~
- ~~(c) placing any restrictions on a person's account in relation to betting on Victorian thoroughbred racing;~~
- ~~(d) refusing to lay a Relevant Fixed Odds Bet to any person when those fixed odds are Publicly Displayed; or~~
- ~~(e) laying lesser odds on a Relevant Fixed Odds Bet to a person than those Publicly Displayed.~~

**6.5.2. Exclusions**

~~The Bookmaker is not required to comply with its obligations under clauses 6.5 or 6.5.1 if at the time of the Betting Transaction in relation to a Relevant Fixed Odds Bet:~~

- ~~(a) the customer is not domiciled in Australia;~~
- ~~(b) at the time the customer is attempting to enter into the relevant Betting Transaction, the relevant Publicly Displayed odds are not being made available to customers generally in the jurisdiction in which the relevant customer's principal place of residence is situated;~~
- ~~(c) the bet is a Betting Transaction on a betting exchange;~~
- ~~(d) the person has not provided the Bookmaker with sufficient funds to pay for the Relevant Fixed Odds Bet;~~
- ~~(e) the bet with the Bookmaker is placed prior to 9am (Victorian time) on the day of the Victorian Thoroughbred Race, or 2pm (Victorian time) for a night race meeting;~~
- ~~(f) the bet forms part of a multi-bet placed with the Bookmaker;~~
- ~~(g) the Bookmaker has already accepted a Relevant Fixed Odds Bet or number of Relevant Fixed Odds Bets of the same bet type up to the relevant limit in clause 6.5 on that horse from the person;~~
- ~~(h) where the Bookmaker's Publicly Displayed Price has changed prior to the Relevant Fixed Odds bet being confirmed, the Bookmaker is not compelled to accept a Relevant Fixed Odds Bet at the pre-changed price;~~
- ~~(i) where the person is acting as agent or nominee for a third party and the person placing the bet will not be beneficially entitled to the whole of the proceeds of the Relevant Fixed Odds Bet with the Bookmaker;~~
- ~~(j) the Bookmaker has refused to accept a Relevant Fixed Odds Bet, done an act or refused to do any act due to:
  - ~~(i) the person being warned off or disqualified under the Rules of Racing;~~
  - ~~(ii) the person having previously engaged in fraudulent activity;~~
  - ~~(iii) the person is on a relevant gambling self-exclusion register;~~
  - ~~(iv) the person having previously breached a material condition of that person's agreement with the Bookmaker, unless the dominant purpose of such condition is to avoid complying with clause 6.5 or the material condition is determined by Racing Victoria (in its absolute discretion) to be an unreasonable condition;~~
  - ~~(v) the Bookmaker being unable to accept any bet (or the Relevant Fixed Odds Bet) from the person by operation of any Laws, including but~~~~



~~not limited to The Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) or any responsible gambling legislation;~~

- ~~(vi) there being systematic multiple identical Relevant Fixed Odds Bets from related/connected parties and/or from the same IP address;~~
- ~~(vii) a person placing a Relevant Fixed Odds Bet from, or a Relevant Fixed Odds Bet is received from, a proxy server;~~
- ~~(viii) the Relevant Fixed Odds Bet being a promotional bet, including a bonus bet or free bet (whether in part or in whole), where the customer has not provided the full payment for the stake;~~
- ~~(ix) the Bookmaker reasonably suspecting that the person placing the Relevant Fixed Odds Bet is not the beneficial owner of the bet or the account is being used in violation of the Bookmaker's account terms and conditions, where the suspicion can be reasonably validated by the Bookmaker through public records, IP tracking, unique device tracking or some other verifiable process or source;~~
- ~~(x) unauthorised scraping of an Bookmaker's website;~~
- ~~(xi) the Relevant Fixed Odds Bets being placed by employees/associates (and/or their associates) of an Bookmaker where there is a reasonably held belief by the Bookmaker that the bet is based on betting information (including, but not limited to, betting trends and bets placed with that Bookmaker) that is not publicly available;~~
- ~~(xii) the Relevant Fixed Odds Bet being contrary to the Rules of Racing and/or Laws;~~
- ~~(xiii) any other reason that in Racing Victoria's opinion raises serious integrity concerns; or~~
- ~~(xiv) any other reason as published by Racing Victoria on its website from time to time.~~

## **7.6. RECORDING AND REPORTING**

### **7.1.6.1. Bookmaker to record details**

The Bookmaker must record all bets made using a Telephone Betting System together with the full name of the client in a manner so as to be easily identified on betting ledgers and records as a telephone bet.

### **7.2.6.2. Bookmaker to provide information**

The Bookmaker must provide all information relating to bets made using a Telephone Betting System as may be required by the Betting Supervisor or [Racing Victoria](#) the relevant Controlling Body.

**7.3.6.3. Bookmaker to permit inspection**

The Bookmaker shall allow an official authorised by the Betting Supervisor or by Racing Victoriaa Controlling Body to inspect any telephone unit being used by the Bookmaker on a racecourse or Approved Off-Course Premises.

**8.7. EXCLUSION FROM A TELEPHONE BETTING SYSTEM**

The Bookmaker acknowledges and agrees that upon any breach by the Bookmaker, or any Bookmaker's Approved Substitute (including those managing or supervising the staff employed by the Approved Betting System Provider that is providing Managed Trading Services to the Bookmaker) ~~him or her (or by his or her employees or assistants)~~ of these ~~terms and conditions~~Rules, or of the relevant Club Bookmakers' Licence Rules, Rules of Racing or Rules of Race Betting, Racing Victoria~~the relevant Controlling Body~~ may prohibit the Bookmaker from using a Telephone Betting System or take other disciplinary action.

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<u>Version</u>	<u>Nature of Change</u>	<u>Reviewing Party</u>	<u>Approval date</u>
2023.1	Changes relating to simplify overall requirements and alignment with other licence rules. This includes clarification regarding VOIP and removal of redundant provisions.	Racing Victoria Board	[insert]

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