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Discussion draft ~~6 June–26 November 2023~~

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**Racing
Victoria**

BOOKMAKERS' INTERNET BETTING RULES 2001

Applicable to Victorian Bookmakers ~~relevant persons~~.

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1. PRELIMINARY

1.1. Title

These Bookmakers' Internet Betting Rules may be cited as the *Bookmakers' Internet Betting Rules, 2001*.

1.2. Purpose

The purpose of these Rules is to set the terms and conditions upon which a Bookmaker may:

- (a) accept bets from persons using the communication method of the Internet as approved by the Minister for Racing pursuant to section 4A of the Racing Act; and
- (b) otherwise engage in betting activity over the Internet (except for the purpose of betting-back) in the course of the Bookmakers' business.

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 in respect of the use of the Internet for conducting the business of bookmaking.

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' Internet Betting Rules ~~2001~~ the following definitions shall apply:

Accredited Testing Provider means an individual or Entity, approved by the Commission, that is tasked to assess whether an Internet Betting System complies with Racing Victoria's Test Report.

Computer Terminal means a device equipped with a keyboard and video display through which information and data can be entered or displayed.

Emergency Change means any change or modification to an Internet Betting System, previously approved by Racing Victoria, that is required to address an unforeseen circumstance affecting the continued operation or security of the Internet Betting System that calls for immediate action.

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Internet Betting System means a system, approved by Racing Victoria, which facilitates betting transactions over the Internet, and which may comprise software, server infrastructure, hardware, operating systems, and any linked ~~c~~Computer ~~t~~Terminal required to run the software. For the avoidance of doubt, an Internet Betting System may be controlled and run by a Bookmaker, or by ~~an~~ third party Approved Betting System Provider who is authorised by Racing Victoria to conduct Managed Trading Services.

Racing Victoria's Test Report means the report against which Racing Victoria will assess the functionality and compliance of any Internet Betting System.

Routine Change means any change or modification to an Internet Betting System, previously approved by Racing Victoria, that relates to the look and feel of the Internet Betting System, unless otherwise advised by Racing Victoria.

Significant Change means any change or modification to an Internet Betting System, previously approved by Racing Victoria, that is not a Routine Change, unless otherwise advised by Racing Victoria.

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~~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 7.4.~~

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

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 ~~2010~~ 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. APPROVAL FOR USE OF INTERNET BETTING SYSTEM

3.1. Bookmaker must ~~use~~obtain approval ~~Internet Betting System~~

A Bookmaker must not engage in betting activity (except for the purpose of betting-back) over the Internet other than via an Internet 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.

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3.2. Application for approval to use Internet Betting System

A Bookmaker must apply in writing in the form specified by Racing Victoria for approval to use an Internet 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 an Internet Betting System, subject to any conditions which it may impose.

4. TYPES OF BETTING

Racing Victoria may specify particular types of bets which may be received, made and/or processed over the Internet in the Bet Types Register.

5. INTERNET BETTING SYSTEM

5.1. Sole use

Except where a Bookmaker has obtained the written permission of Racing Victoria, an Internet Betting System must be used solely by the following, in accordance with the Club Bookmakers' Licence Rules:

(a) an authorised Bookmaker;

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(b) ~~or at the~~ Bookmaker's ~~Employee Approved Substitute or authorised employees or assistants on behalf of the Bookmaker whose responsibilities include the for~~ receiving, making, recording and/or processing bets in the course of the Bookmaker's business; and

(c) ~~the staff of the Bookmaker's Approved Betting System Provider whose responsibilities include providing Managed Trading Services to the Bookmaker and in accordance with the Club Bookmakers' Licence Rules 2010.~~

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5.2. Proposed modifications

Except as otherwise agreed by Racing Victoria in its discretion;

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(a) **Routine Changes**

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(i) any proposed Routine Change is not required to be approved by Racing Victoria before being implemented; and

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(ii) such Routine Change is not required to undergo additional testing by an Accredited Testing Provider.

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(b) Significant Changes

(i) any proposed Significant Change modifications to an Internet Betting System previously approved by Racing Victoria must be approved in writing by Racing Victoria before being implemented; and

(ii) such Significant Change may be subject to additional testing by an Accredited Testing Provider, to confirm that Internet Betting System continues to meet Racing Victoria's Test Report.

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(c) Emergency Changes

(i) any proposed Emergency Change is not required to be approved by Racing Victoria before being implemented; and

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(ii) where the Emergency Change is also a Significant Change, it must be subsequently approved by Racing Victoria and may be subject to additional testing by an Accredited Testing Provider, to confirm that Internet Betting System continues to meet Racing Victoria's Test Report

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(d) Bookmaker Knowledge

(i) notwithstanding Rules 5.2(b) and 5.2(c), where the Bookmaker is aware of any impending Significant Change or Emergency Change, it must immediately notify Racing Victoria of this change.

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5.3. Advice regarding faults

The Bookmaker must advise Racing Victoria immediately of any possible problem or fault with an Internet Betting System that is within the Bookmaker's reasonable knowledge.

6. RECORDING OF INTERNET BETTING ACTIVITY

6.1. Racing Victoria to have live access

Except as otherwise agreed by Racing Victoria in its absolute discretion, a Bookmaker operating or using an Internet Betting System must provide, or procure that a third partyan Approved Betting System Provider provides, Racing Victoria with live access to the Internet Betting System for the purposes of Racing Victoria monitoring betting transactions to ensure compliance by the Bookmaker with the Internet Betting Rules and the Racing Victoria Rules.

6.2. Racing Victoria will record internet betting activity

The Bookmaker acknowledges and agrees that Racing Victoria, or a Section 91E Entity may observe and make a record of all communications and betting transactions made over an Internet Betting System.

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6.3. Bookmaker to inform clients

The Bookmaker must inform his or her clients that betting transactions or communications conducted over the Internet ~~and telephone calls to his or her computer betting unit~~ will be observed and recorded by Racing Victoria, or a Section 91E Entity.

6.4. Retention of recordings

Racing Victoria or a Section 91E Entity will retain a record of ~~all communications made over betting and other transactions and communications over~~ the Internet Betting System for not less than ~~28 60~~ days, and for such further period of time as it sees fit, noting the requirements of Privacy Laws.

6.5. Access to communication records

The Bookmaker acknowledges and agrees that Racing Victoria may:

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(a) provide access to all records of an Internet Betting System to the other relevant Controlling Bodies, Victoria Police, the Victorian Commission for Gambling Regulation any Gambling Regulator, any Law Enforcement Agency or any other person or body specified by the Minister pursuant to section 91E of the Racing Act, and

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

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7. CONDUCT OF BETTING OVER THE INTERNET BETTING SYSTEM

7.1. Place and times where betting may be conducted

Bookmakers, in the course of the bookmaking business, may only accept bets, or engage in betting activity (other than betting back), using an Internet Betting System at places and times in accordance with the Racing Act and the Bookmaker's Licence.

7.2. Exclusion from use of Internet 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 Rule terms and conditions or of the relevant Club Bookmakers' Licence Rules, Rules of Racing or Rules of Race Betting, Racing Victoria the relevant Controlling Body may exclude or suspend the Bookmaker from using the Internet Betting System or take other disciplinary action.~~

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7.3. Compliance with Rules and permits

Every Bookmaker must when receiving or making bets using an Internet Betting System approved by Racing Victoria comply with Racing Victoria Rules.

7.4. Audit Logs

~~Racing Victoria may direct Bookmakers to organise, maintain and provide Racing Victoria with an audit trail capturing all recorded activity of the Internet Betting System at intervals prescribed by Racing Victoria. Such organisation, maintenance and provision of audit logs will be at the Bookmaker's own cost.~~

7.4. Betting Limits

~~Notwithstanding rule 5.1 in the Rules of Race Betting, Bookmakers are required to accept a fixed odds bet 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:~~

Race Type	Bet Type
Metropolitan Victorian Thoroughbred Race	In any one Win, Win/Place or Each-way bet: to lose \$2,000
Non-metropolitan Victorian Thoroughbred Race	In any one Place bet: to lose \$800 In any one Win, Win/Place or Each-way bet: to lose \$1,000 In any one Place bet: to lose \$400

7.4.1. 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 Rule 7.4 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.~~

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~~7.4.2. Exclusions~~

~~The Bookmaker is not required to comply with its obligations under Rules 7.4 or 7.4.1 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 Rule 7.4 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 Rule 7.4 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.~~

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7.5. Approval by the Stewards

The approval by the Stewards or the Betting Supervisor for a Bookmaker to use a ~~c~~Computer ~~t~~Terminal on-course or at an Approved Off-Course Premises to accept and process bets utilising an Internet Betting System approved by Racing

Victoria is deemed to be an approval under and in accordance with all applicable rules and the Racing Act.

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7.6. Privacy Information

Every Bookmaker must have a privacy policy approved by Racing Victoria and made available to customers on their website or through an application (as applicable) explaining how personal information collected in the general course of business on an Internet Betting System is stored, protected, used and made available to Racing Victoria and others referred to in Rule 6.56-5, in accordance with Privacy Laws. For the avoidance of doubt, the privacy policy prescribed by this Rule 7.6 must enable the Bookmaker to supply the information required or contemplated by the Club Bookmakers' Licence Rules.

7.7. Website or Application Content

Racing Victoria may in writing direct a Bookmaker to make reasonable changes to the Bookmaker's website or any application as Racing Victoria thinks fit and the Bookmaker must promptly comply with Racing Victoria's reasonable direction.

7.8. Internet Bets not to be accepted after an event or race has started

Except where permitted by law, any Internet bet made or accepted after an event or race has started is void.

7.9. Acceptance of Bets from outside Victoria

- (a) Racing Victoria may give notice to a Bookmaker and require the Bookmaker not to accept bets from persons domiciled in another State or Territory of Australia or another country ("other jurisdiction") where it is unlawful in the other jurisdiction for persons in the other jurisdiction to place bets via the Internet with a Bookmaker in Victoria.
- (b) The Bookmaker must promptly comply with a notice received from Racing Victoria under this Rule.

8. RECORDING AND REPORTING

8.1. Bookmaker to record details

The Bookmaker must record all betting activity undertaken using an Internet Betting System approved by Racing Victoria together with the full name and other details of the client or other party with whom the bet is made in a manner so as to be easily identified on betting ledgers and records as an Internet bet.

8.2. Bookmaker to provide information

- (a) ~~Notwithstanding the obligations imposed on the Bookmaker under the Club Bookmakers' Licence Rules,~~ the Bookmaker must forward electronically to Racing Victoria, in an approved format, a record of daily (or any other time period required by Racing Victoria from time to time) requests for bets received or processed over the Internet.
- (b) The Bookmaker must provide all other information relating to betting activity undertaken using an Internet Betting System approved by Racing Victoria as may be required by Racing Victoria or the Betting Supervisor.

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8.3. Bookmaker to permit inspection

The Bookmaker must allow a person authorised by the Betting Supervisor to inspect any Computer Terminal being used by the Bookmaker.

9. BOOKMAKER TO DISPLAY RULES

Unless otherwise agreed by Racing Victoria in writing, a Bookmaker engaging in betting activity using an Internet Betting System must ensure that these Bookmakers' Internet Betting Rules, the Club Bookmakers' Licence Rules ~~2010,~~ and the Rules of Race Betting ~~and the Bookmakers Sports Betting Rules 2007~~ are posted and published on the Internet Betting System or made available to users of the Internet Betting System through a link to the internet site of Racing Victoria.

10. RESOLUTION OF ERRORS

10.1. Acceptance of quoted dividend prima facie betting contract

When a bet is placed by a person with a Bookmaker using an Internet Betting System, the acceptance of the bet by the Bookmaker as recorded by the Internet Betting System is deemed to be the formation of a betting contract which is binding on the parties unless Rules 7.8, ~~or~~ 10.2 ~~or 10.3~~ apply.

10.2. Errors in quoted dividends or advertised contingencies

A Bookmaker is not liable for a misquoted dividend or other incorrect information recorded by the Internet Betting System at the time that the bet was made ("recording error") where the recording error is caused by computer, systems or other technical malfunction that is not the result of human error or intervention by the Bookmaker and the Bookmaker can, if requested by Racing Victoria, establish to Racing Victoria's satisfaction that the recording error is a manifest error.

~~10.3. Cancellation of bets~~

~~A Bookmaker may cancel a bet in the case of a misquoted dividend (whether caused by human error or not) where the Bookmaker notifies the other party of~~

~~the misquoted dividend as soon as it is known to the Bookmaker and this is done before the start of the race or event. The Betting Supervisor must be notified immediately if a Bookmaker cancels a bet in accordance with this Rule. For the avoidance of doubt, the failure of a Bookmaker to notify a Betting Supervisor immediately shall not affect the cancellation of the relevant bet.~~

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10.4. Other betting rules

~~Rules 10.2 and 10.3 will be displaced and will have no application in relation to betting transactions conducted by a Bookmaker utilising an Internet Betting System operated by a third party provider where betting transactions facilitated on that system are governed by the betting rules of that system.~~

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<u>Version</u>	<u>Nature of Change</u>	<u>Reviewing Party</u>	<u>Approval date</u>
<u>2023.1</u>	<u>Changes relating to simplify overall requirements and alignment with other licence rules. This includes testing of certain changes, introduction of audit trail requirements and removal of redundant provisions.</u>	<u>Racing Victoria Board</u>	<u>[insert]</u>

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