



## **BOOKMAKERS' OFF-COURSE PREMISES APPROVAL**

### **RACING VICTORIA STANDARD CONDITIONS**

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##### **1. Background**

Racing Victoria is responsible for approving off-course premises for Victorian bookmakers to make or accept bets at premises other than a racecourse, using a method of communication approved by the Minister under section 4A of the *Racing Act 1958* (Vic) (**the Act**).

Registered Victorian bookmakers issued with a Club Bookmakers Licence that elect to make an application to Racing Victoria for the approval of off-course premises pursuant to section 4B of the Act, must complete and submit the 'Application for Approval of Off-Course Premises' Form to Racing Victoria for approval.

##### **2. Conditions of Approval**

The following conditions will apply to all approvals of off-course premises:

1. The approved off-course premises must not be open to, or available for use by, the public or a section of the public for any purpose related to betting; and
2. The bookmaker must comply with any requirements prescribed by the Minister under section 4E of the Act.

Approvals will also be subject to the conditions set out in sections 2.1 to 2.4 below. In addition to the above conditions, if required, Racing Victoria may make an approval subject to any further conditions. All conditions to which the approval is subject will be specified in the written approval.

Racing Victoria may vary the conditions of any approval granted to a registered bookmaker:

- (a) on the written request of the bookmaker;
- (b) on Racing Victoria's own motion; or
- (c) following the variation of any requirements prescribed by the Minister under section 4E of the Act.

Racing Victoria may by written notice, cancel or suspend any approval if the bookmaker fails to comply with any of the conditions of the approval.

Racing Victoria may revoke any approval at any time by written notice to the bookmaker.

### 2.1. Adherence to the Rules and Policies of Racing Victoria

Any approval of off-course premises will be granted on the condition that the bookmaker agrees to comply with the terms and conditions of the Club Bookmakers' Licence, Racing Victoria Policies and agrees to be bound by the following rules, as amended from time to time:

- (i) Club Bookmakers' Licence Rules 2010;
- (ii) Bookmakers' Internet Betting Rules 2001;
- (iii) Racing Victoria's Rules of Racing;
- (iv) Bookmakers' Licence Levy Rules 2012;
- (v) Bookmakers' Telephone Betting Rules 2001; and
- (vi) Bookmakers' Sports Betting Rules 2007.

### 2.2. Steward and Betting Supervisor Access to Off-Course Premises

Any approval of an off-course premises will be granted on the condition that Stewards and Betting Supervisors will have the power at any time to enter upon the approved off-course premises to:

- inspect, observe and search the premises and also search any licensed person at the premises;
- to examine the premises and any article or thing situated thereon, and take possession of and remove from the premises any article or thing found as the result of the search, and retain the article or thing for such period as Stewards or Betting Supervisors consider necessary; and
- shall have the right to take thereto such persons, articles and things as they consider necessary to exercise these powers.

### 2.3. Transfer of Files

The bookmaker must transfer all files from his or her computerised betting system to Racing Victoria at the conclusion of each day. In the event that a bookmaker does not make or accept bets from the off-course premises on a particular day, the bookmaker is still required to submit a return to Racing Victoria for that day.

### 2.4. Live Access

The bookmaker must provide Racing Victoria with remote live access to Approved Betting Systems that are operated from an off-course premises.

## 3. **Considerations**

In considering any application for the approval of an off-course premises:

Racing Victoria will take into consideration the following factors:

- (a) Whether the off-course premises, the subject of the application, is an appropriate premises for the bookmaker to make or accept bets using an approved method of communication; and

- (b) Whether the bookmaker applicant and the premises, comply with and are capable of continuing to comply with, any requirements prescribed by the Minister under section 4E of the Act.

In considering the above, Racing Victoria may have regard to any of the following factors:

- (a) Whether the off-course premises are secure;
- (b) The accessibility for Stewards and Betting Supervisors to the off-course premises;
- (c) Whether the off-course premises are being used for any purpose other than bookmaking;
- (d) Whether the bookmaker already has an approved off-course premises and if so, whether the bookmaker has a proposal that adequately addresses factors such as how he or she intends to manage the premises, grant Racing Victoria access and keep Racing Victoria informed as to when the premises is being used at any given time;
- (e) Whether Racing Victoria deems any proposal provided in accordance with (d) above to be viable;
- (f) Whether the off-course premises has street frontage;
- (g) The location of the off-course premises and whether it is considered a commercial or private residence; or
- (h) The availability of infrastructure to the bookmaker to allow them to conduct betting in accordance with the Rules.

#### **4. Substitutes**

A bookmaker may apply to Racing Victoria for approval of their key employee as an approved substitute, who will have approval to carry on the business of the registered bookmaker in the bookmaker's absence. An application for the approval of a substitute may be for a specified period of time.

#### **5. Prohibition on Advertising**

*Please note that any breach of this prohibition may lead to the imposition of a financial penalty.*

In accordance with the Act, bookmakers, or a person on behalf of a registered bookmaker, must not publish or caused to be published:

- (a) any prohibited advertising in relation to the approved off-course premises; or
- (b) the address of the approved off-course premises.

Prohibited advertising includes any form of advertising that contains any information, term, expression, symbol or other thing:

- (a) that draws attention to, or may reasonably be taken to draw attention to, the approved off-course premises or the presence of bookmakers or approved substitutes in the premises; or

- (b) uses a term or expression frequently associated with bookmakers or betting and associates those terms with the approved off-course premises.

## **6. Offences**

*Please note that any breach of this prohibition may lead to the imposition of a financial penalty and/or imprisonment.*

### **6.1. Offence to breach conditions of approval to operate off-course premises**

A bookmaker who holds an approval for approved off-course premises must not carry on the business of bookmaking at those premises unless it is in accordance with the conditions of that approval as specified by Racing Victoria, including any requirements specified by the Minister.

### **6.2. Offence to open an approved off-course premises to the public**

A bookmaker, or his or her approved substitute, that holds an approval for an approved off-course premises or any other person is guilty of an offence under the Act if he or she makes or takes a bet from a person who is present at the approved off-course premises.

## **7. Right of Appeal**

A bookmaker may appeal a decision by Racing Victoria to refuse an approval or to vary any conditions of an approval, to the Racing Appeals and Disciplinary Board.