

## Notes

- <sup>1</sup> This is a compilation of the *Betting Control Act 1954* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

**Compilation table**

Short title	Number and year	Assent	Commencement
<i>Betting Control Act 1954</i>	63 of 1954	30 Dec 1954	1 Aug 1955 (see s. 2 and <i>Gazette</i> 29 Jul 1955 p. 1767)
<i>Betting Control Act Amendment Act 1956</i>	50 of 1956	18 Dec 1956	18 Dec 1956
<i>Betting Control Act Continuance Act 1957</i>	36 of 1957	18 Nov 1957	18 Nov 1957
<b>Reprint of the <i>Betting Control Act 1954</i> approved 16 Feb 1959 in Vol. 14 of Reprinted Acts</b> (includes amendments listed above)			
<i>Betting Control Act Amendment Act 1959</i>	76 of 1959	14 Dec 1959	21 Dec 1959 (see s. 2 and <i>Gazette</i> 18 Dec 1959 p. 3339)
<i>Betting Control Act Amendment Act 1960</i>	49 of 1960	28 Nov 1960	31 Dec 1960 (see s. 2 and <i>Gazette</i> 23 Dec 1960 p. 4074)
<i>Betting Control Act Amendment Act (No. 2) 1960</i>	66 of 1960	2 Dec 1960	2 Dec 1960
<i>Anzac Day Act 1960 s. 9</i>	73 of 1960	12 Dec 1960	12 Dec 1960
<i>Betting Control Act Amendment Act 1961</i>	14 of 1961	20 Oct 1961	20 Oct 1961
<b>Reprint of the <i>Betting Control Act 1954</i> approved 11 Apr 1963 in Vol. 17 of Reprinted Acts</b> (includes amendments listed above)			
<i>Betting Control Act Amendment Act 1963</i>	28 of 1963	13 Nov 1963	13 Nov 1963
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
<i>Acts Amendment (Commissioner of State Taxation) Act 1970 Pt. IX</i>	21 of 1970	8 May 1970	1 Jul 1970 (see s. 2 and <i>Gazette</i> 26 Jun 1970 p. 1831)
<i>Betting Control Act Amendment Act 1970</i>	66 of 1970	17 Nov 1970	17 Nov 1970
<i>Betting Control Act Amendment Act (No. 2) 1970</i>	75 of 1970	17 Nov 1970	1 Jan 1971 (see s. 2)
<b>Reprint of the <i>Betting Control Act 1954</i> approved 24 Mar 1971</b> (includes amendments listed above)			
<i>Age of Majority Act 1972</i>	46 of 1972	18 Sep 1972	1 Nov 1972 (see s. 2 and <i>Gazette</i> 13 Oct 1972 p. 4069)
<i>Betting Control Act Amendment Act 1976</i>	77 of 1976	18 Oct 1976	10 Dec 1976 (see s. 2 and <i>Gazette</i> 10 Dec 1976 p. 4879)
<i>Betting Control Act Amendment Act 1978</i>	78 of 1978	27 Oct 1978	27 Oct 1978
<b>Reprint of the <i>Betting Control Act 1954</i> approved 1 Jun 1979</b> (includes amendments listed above)			

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Acts Amendment (Gaming and Related Provisions) Act 1985 Pt. V</i>	29 of 1985	24 Apr 1985	1 Jun 1985 (see s. 2 and <i>Gazette</i> 31 May 1985 p. 1877)
<i>Acts Amendment (Betting Control) Act 1985 Pt. II</i>	34 of 1985	24 Apr 1985	24 Apr 1985 (see s. 2)
<i>Betting Control Amendment Act 1987</i>	6 of 1987	29 May 1987	6 Nov 1987 (see s. 2 and <i>Gazette</i> 6 Nov 1987 p. 4069)
<i>Acts Amendment and Repeal (Gaming) Act 1987 Pt. II</i>	74 of 1987	26 Nov 1987	2 May 1988 (see s. 2 and <i>Gazette</i> 29 Apr 1988 p. 1292)
<i>Betting Control Amendment Act (No. 2) 1987</i>	78 of 1987	26 Nov 1987	4 Mar 1988 (see s. 2 and <i>Gazette</i> 4 Mar 1988 p. 665)
<i>Acts Amendment (Betting Tax and Stamp Duty) Act (No. 2) 1990 Pt. 3</i>	58 of 1990	17 Dec 1990	1 Aug 1989 (see s. 2)
<i>Acts Amendment and Repeal (Betting) Act 1992 Pt. 3 and 4</i>	11 of 1992	16 Jun 1992	Pt. 3: 10 Jul 1992 (see s. 2(1) and <i>Gazette</i> 10 Jul 1992 p. 3185); Pt. 4: 31 Jul 1992 (see s. 2(2) and <i>Gazette</i> 10 Jul 1992 p. 3185)
<b>Reprint of the <i>Betting Control Act 1954</i> as at 20 Aug 1991</b> (includes amendments listed above)			
<i>Acts Amendment (Public Sector Management) Act 1994 s. 3(2)</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Acts Amendment (Racing and Betting Legislation) Act 1995 Pt. 3</i>	63 of 1995	27 Dec 1995	28 Jun 1996 (see s. 2 and <i>Gazette</i> 25 Jun 1996 p. 2901)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<b>Reprint of the <i>Betting Control Act 1954</i> as at 20 Feb 1997</b> (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 22</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Betting Control Amendment Act 1998<sup>4</sup></i>	17 of 1998	15 Jun 1998	1 Aug 1998 (see s. 2 and <i>Gazette</i> 21 Jul 1998 p. 3825)
<i>Western Australian Greyhound Racing Association Amendment Act 1998 s. 20</i>	23 of 1998	30 Jun 1998	1 Aug 1998 (see s. 3 and <i>Gazette</i> 21 Jul 1998 p. 3825)
<i>Acts Amendment (Fixed Odds Betting) Act 1999 Pt. 3</i>	40 of 1999	16 Nov 1999	15 Jan 2000 (see s. 2 and <i>Gazette</i> 14 Jan 2000 p. 153)
<i>Corporations (Consequential Amendments) Act 2001 Pt. 7</i>	10 of 2001	28 Jun 2001	15 Jul 2001 (see s. 2 and <i>Gazette</i> 29 Jun 2001 p. 3257 and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
<b>Reprint of the <i>Betting Control Act 1954</i> as at 12 Apr 2002</b> (includes amendments listed above)			

Short title	Number and year	Assent	Commencement
<i>Betting Legislation Amendment Act 2002 Pt. 2</i>	13 of 2002	8 Jul 2002	21 Sep 2002 (see s. 2 and <i>Gazette</i> 20 Sep 2002 p. 4693)
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003 Pt. 7</i> Div. 1 <sup>5, 6</sup>	35 of 2003	26 Jun 2003	s. 74, 76(b), (d)-(g), 77(1), 80, 81(1)-(4), 82-84, 95, 98: 1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259); s. 75, 76(a), (c) and (h), 77(2), 78, 79, 81(5) and (6), 85-94, 96, 97 and 99-115: 30 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Jan 2004 p. 397)

<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

#### Provisions that have not come into operation

Short title	Number and Year	Assent	Commencement
<i>Courts Legislation Amendment and Repeal Act 2004 s. 141</i> <sup>7</sup>	59 of 2004	23 Nov 2004	To be proclaimed (see s. 2)

<sup>2</sup> Under the *Alteration of Statutory Designations Order (No. 3) 2001* the former Office of Racing Gaming and Liquor is now called the Department of Racing, Gaming and Liquor.

<sup>3</sup> Repealed by the *Associations Incorporation Act 1987* s. 47.

<sup>4</sup> The *Betting Control Amendment Act 1998* s. 5(2) and (3) read as follows:

“

- (2) An approval which was in force under section 4A of the principal Act immediately before the commencement of this section continues in force, subject to subsection (3), for the remainder of the period for which it would, but for this section, have continued in force, and the principal Act as in force immediately before that commencement continues to apply to and in relation to that approval accordingly.
- (3) An approval continued in force by subsection (2) cannot be renewed, but may be cancelled or suspended under section 4A(8) of the principal Act as in force immediately before the commencement of this section during the period referred to in subsection (2).

”.

The *Betting Control Amendment Act 1998* s. 7(2) reads as follows:

“

- (2) An authority in force under section 5(1a) of the principal Act immediately before the commencement of this section (“**the old authority**”) continues in force, subject to the principal Act as amended by this Act, as if —

- (a) the old authority were an authority given under section 5(2) as inserted by this section (“**the new authority**”); and
- (b) the premises to which the old authority relates were specified in the new authority.

”

5 The *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 19 reads as follows:

“

**19. Power to amend regulations**

- (1) The Governor, on the recommendation of the Minister, may make regulations amending subsidiary legislation made under any Act.
- (2) The Minister may make a recommendation under subsection (1) only if the Minister considers that each amendment proposed to be made by the regulations is necessary or desirable as a consequence of the enactment of the RWWA Act or this Act.
- (3) Nothing in this section prevents subsidiary legislation from being amended in accordance with the Act under which it was made.

”

6 The *Racing and Gambling Legislation Amendment and Repeal Act 2003* Pt. 7 Div. 2 reads as follows:

“

**Division 2 — Transitional and savings provisions**

**Subdivision 1 — Preliminary**

**104. Intention**

The intention of the provisions of this Division is that the Commission will, in accordance with these provisions, stand in place of and be the successor to the BCB.

**105. Definitions**

In this Division, unless the contrary intention appears —

“**BCB**” means the Betting Control Board established under the BC Act;

“**BC Act**” means the *Betting Control Act 1954*;

“**Commission**” means the Gaming and Wagering Commission established under section 4 of the *Gaming and Wagering Commission Act 1987*.

**Subdivision 2 — Devolution of the BCB’s assets and liabilities**

**106. Transfer of assets and liabilities to Commission**

On and after the appointed day —

- (a) the assets and rights of the BCB vest in the Commission by force of this section;
- (b) the liabilities of the BCB (including a share of a liability) become, by force of this section, the liabilities of the Commission;

- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Commission were substituted for the BCB in the agreement or instrument;
- (d) the Commission is a party to any proceedings by or against the BCB commenced before the appointed day;
- (e) any proceeding or remedy that might have been commenced by or available against or to the BCB in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Commission;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the appointed day by, to or in respect of the BCB (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Commission;
- (g) the BCB is to deliver to the Commission all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
  - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
  - (ii) proceedings referred to in paragraph (d).

**107. Western Australian Betting Control Board Fund**

- (1) On the appointed day, any funds standing to the credit of the Western Australian Betting Control Board Fund established under section 9 of the BC Act are —
  - (a) in the case of moneys held by the Board in respect of payments of bookmakers' betting levy made under section 15 of the BC Act in relation to betting of the kind referred to in sections 4A and 4B of the BC Act, to be credited to the Sports Wagering Account referred to in section 110A of the *Gaming and Wagering Commission Act 1987*; and
  - (b) in the case of all other moneys, to be credited to the Gaming and Wagering Commission Account established under section 9 of the *Gaming and Wagering Commission Act 1987*,

and the Western Australian Betting Control Board Fund is then to be closed.

- (2) If in an agreement, instrument or other document there is a reference to the Western Australian Betting Control Board Fund, that reference is, unless the context otherwise requires, to be read or to have effect on and after the appointed day as if it were a reference to the Gaming and Wagering Commission Account established under section 9 of the *Gaming and Wagering Commission Act 1987*.

**108. Exemption from State taxation**

- (1) In this section —

“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.

- (2) State tax is not payable in relation to —
  - (a) anything that occurs by the operation of this Division; or
  - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of, giving effect to this Division.
- (3) The Treasurer or a person authorised by the Treasurer may, on request by the Commission, certify in writing that —
  - (a) a specified thing occurred by the operation of this Division; or
  - (b) a specified thing was done under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.
- (4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

**109. Saving**

The operation of section 106 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

**Subdivision 3 — General transitional provisions**

**110. Annual report for part of a year**

The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, of the BCB is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 August to the appointed day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

**111. Completion of things commenced**

Anything commenced to be done by the BCB under the BC Act before the appointed day may be continued by the Commission so far as the doing of that thing is within the functions of the Commission after the appointed day.

**112. Continuing effect of things done**

Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the BCB, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 106(f),

is to be taken to have been done or omitted by, to or in respect of the Commission so far as the act, matter or thing is relevant to the Commission.

**113. Immunity to continue**

Where the BCB had the benefit of any immunity in respect of an act, matter or thing done or omitted before the appointed day, that immunity continues in that respect for the benefit of the Commission.

**114. Agreements and instruments generally**

(1) This section applies to any agreement or instrument subsisting immediately before the appointed day that does not come within the provisions of section 106(c).

(2) Any agreement or instrument to which this section applies —

- (a) to which the BCB was a party; or
- (b) which contains a reference to the BCB,

has effect after the appointed day as if —

- (c) the Commission were substituted for the BCB as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the BCB were (unless the context otherwise requires) a reference to the Commission.

**115. BCB to perform necessary transitional functions**

(1) Despite the repeal of section 6 of the BC Act by section 79 of this Act, the BCB continues in existence for the purpose of —

- (a) reporting as required by section 110; and
- (b) performing the functions described in section 106(g).

(2) The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1)(a).

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7

On the date as at which this compilation was prepared, the *Courts Legislation Amendment and Repeal Act 2004* s. 141, which gives effect to Sch. 1, had not come into operation. It reads as follows:

“

**141. Various Acts amended**

Each Act listed in Schedule 1 is amended as set out in that Schedule immediately below the short title of the Act.

”.

Schedule 1 cl. 11 reads as follows:

## Schedule 1 — Amendments to various Acts

### 11. *Betting Control Act 1954*

s. 25(1)	Delete “any 2 Justices of the Peace” and insert instead — “ the Magistrates Court ”. Delete “such justices” and insert instead — “ the Court ”.
s. 25(2)	Delete “Any 2 Justices of the Peace” and insert instead — “ The Court ”. Delete “their” and insert instead — “ its ”.
s. 25(5)	Delete “any 2 Justices of the Peace” and insert instead — “ the Court ”.
s. 28A(2)	Delete paragraph (d) and insert instead — “ <div style="margin-left: 40px;">(d) to arrest all persons found therein or thereupon and to detain them until they are dealt with according to law; ”.</div> In paragraph (f), delete “a stipendiary magistrate or 2 justices” and insert instead — “ a court of summary jurisdiction ”. In paragraph (f), delete “magistrate or justices” and insert instead — “ court ”.
s. 28A(5)	Delete “A stipendiary magistrate, or 2 justices,” and insert instead — “ The court of summary jurisdiction ”. In paragraph (a), delete “a magistrate or justices” and insert instead — “ the court ”. In paragraph (b), delete “the magistrate or justices” and insert instead — “ the court ”.
After s. 30	Insert the following subsection — “ <div style="margin-left: 40px;"><b>30A. Offences to be dealt with by a magistrate</b>            A court of summary jurisdiction dealing with an offence under this Act is to be constituted by a magistrate. ”.</div> ”.