

Notes

¹ 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. For amendments that had not come into operation on the date on which this compilation was prepared see endnote ^{1a}. 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
Reprint of the <i>Betting Control Act 1954</i> approved 16 Feb 1959 in Vol. 14 of Reprinted Acts (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
Reprint of the <i>Betting Control Act 1954</i> approved 11 Apr 1963 in Vol. 17 of Reprinted Acts (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)
Reprint of the <i>Betting Control Act 1954</i> approved 24 Mar 1971 (includes amendments listed above)			
<i>Age of Majority Act 1972 s. 6(2)</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

Short title	Number and year	Assent	Commencement
Reprint of the <i>Betting Control Act 1954</i> approved 1 Jun 1979			
(includes amendments listed above)			
<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)
Reprint of the <i>Betting Control Act 1954</i> as at 20 Aug 1991			
(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)
Reprint of the <i>Betting Control Act 1954</i> as at 20 Feb 1997			
(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 1998⁴</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)

Short title	Number and year	Assent	Commencement
Reprint of the <i>Betting Control Act 1954</i> as at 12 Apr 2002 (includes amendments listed above)			
<i>Betting Legislation Amendment Act 2002</i> Pt. 2	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</i> Pt. 7 Div. 1 ⁵	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); balance: to be proclaimed

- 1a 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>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> s. 75, 76(a), (c) and (h), 77(2), 78, 79, 81(5) and (6), 85-94, 96, 97 and 99-115 ⁶	35 of 2003	26 Jun 2003	To be proclaimed (see s. 2)

- 2 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.

- 3 Repealed by the *Associations Incorporation Act 1987* s. 47.

- 4 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

On the date as at which this compilation was prepared, the *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 75, 76(a), (c) and (h), 77(2), 78, 79, 81(5) and (6), 85-94, 96, 97 and 99-115 had not come into operation. They read as follows:

“

75. Long title amended

The long title is amended as follows:

- (a) by deleting “or the Totalisator Agency Board” and inserting instead —
“ **or RWWA** ”;
- (b) by deleting “the Totalisator Agency Board; to repeal certain Acts; to amend certain Acts;” and inserting instead —
“ **RWWA;** ”.

76. Section 4 amended

Section 4(1) is amended as follows:

- (a) by deleting the definitions of “Board” and “the Fund” and “the TAB”;
- (c) by inserting in the appropriate alphabetical positions the following definitions —

“

“**authorised officer**” has the meaning given to that term in the *Gaming and Wagering Commission Act 1987*;

“**Commission**” means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;

”;

- (h) in the definitions of “fixed odds bet” and “totalisator” by deleting “*Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ RWWA Act ”.

77. Section 5 amended

- (2) Section 5(3) is amended by inserting after “*Gaming*” the following —

“ *and Wagering* ”.

78. Section 5A inserted

After section 5 the following section is inserted —

“

5A. Communication and broadcasting of information

Despite the provisions of any other Act it is lawful —

- (a) to communicate information from a race course or a venue at which an event, including a sporting event, is held to a totalisator agency for or in connection with the payment or crediting of dividends or winnings to persons making bets through RWWA; or
- (b) in relation to a totalisator, to broadcast information as to the amount of dividends payable on any race or sporting event on which the bets have been made through or with RWWA, after those dividends have been declared on the totalisator or by RWWA.

”.

79. Sections 6 to 10 repealed

Sections 6, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 7, 9 and 10 are repealed.

81. Section 12 amended

- (5) Section 12(5) is amended as follows:
- (a) in paragraph (c) by deleting the semicolon and inserting instead a full stop;
- (b) by deleting paragraphs (d) and (e).
- (6) After section 12(6) the following subsection is inserted —

“

- (7) RWWA shall report to the Commission, as soon as is practicable, the result of any hearing or appeal conducted under the RWWA Act relating to —

(a) improper conduct; or

(b) a breach of this Act or of the rules of wagering as defined in the RWWA Act,

on the part of a bookmaker, licensed manager or licensed employee.

”.

85. Section 17B amended

After section 17B(8) the following subsection is inserted —

“

- (9) Subject to this Act and regulations made under this Act, a committee or other authority that is authorised to possess a totalisator at a race course shall operate the totalisator in accordance with the rules of wagering as defined in the RWWA Act.

”.

86. Section 17E amended

Section 17E(2) is amended by deleting “section 27 of the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ section 59 of the RWWA Act ”.

87. Section 20 replaced by sections 20, 20A, 20B and 20C

Section 20 is repealed and the following sections are inserted instead —

“

20. Entry and inspection of race courses and certain other premises

(1) In this section —

“**Commission representative**” means —

- (a) a member of the Commission;
- (b) a person authorised by the Commission or the Minister;
- (c) an authorised officer; or
- (d) a police officer.

(2) A Commission representative may at any time enter without charge and inspect —

- (a) a race course;
- (b) premises to which section 5(2) applies;
- (c) premises or a vehicle or vessel from or on which a bookmaker carries on business;
- (d) a venue at which a sporting event on which betting takes place is being held; or
- (e) a totalisator, totalisator agency or other premises of RWWA.

(3) An inspection may be carried out under this section for any or all of the following purposes —

- (a) to ascertain whether a liability to pay a levy or fee under this Act has been met;
 - (b) to gather information relevant to ascertaining the amount of a levy or fee under this Act;
 - (c) to gather any information relevant to making a decision under this Act;
 - (d) to audit records required to be kept under —
 - (i) this Act; or
 - (ii) the RWWA Act in relation to gambling;
 - (e) to gather evidence of a suspected contravention of —
 - (i) this Act;
 - (ii) a condition of a licence, permit or approval under this Act; or
 - (iii) the RWWA Act in relation to gambling;
 - (f) any other purpose relevant to the administration of —
 - (i) this Act; or
 - (ii) the RWWA Act in relation to gambling.
- (4) A Commission representative who is an authorised officer shall, on first encountering a person apparently in a position of authority on the premises, and also on the reasonable request of any other person on the premises, display his or her certificate of appointment to the person.

20A. Powers of Commission representative

- (1) When a Commission representative exercises his or her powers of entry and inspection under section 20, the Commission representative may do any or all of the following —
- (a) search the premises and examine anything on the premises;
 - (b) take possession of, and remove from premises, records, or anything else relevant to the investigation, found in the course of the inspection;
 - (c) take extracts from or make copies of, or download or print out, any records found in the course of the inspection;
 - (d) photograph or film anything on the premises;
 - (e) if anything on the premises that is relevant to the inspection cannot be conveniently removed — secure it against interference;
 - (f) require any person who is on the premises —
 - (i) to state his or her full name and address;
 - (ii) to answer (orally or in writing) questions put by the Commission representative that are relevant to the investigation;
 - (iii) to give the Commission representative any information, record or other thing in the person's possession or control that is likely to be relevant to the inspection;

- (iv) to operate or allow the Commission representative to operate equipment or facilities on the premises for inspection purposes;
 - (v) to give the Commission representative any translation, code, password or other information necessary to gain access to or to interpret and understand any document or information located or obtained by the Commission representative in the course of the inspection;
 - (vi) to give other assistance that the Commission representative reasonably requires to carry out the inspection.
- (2) A person who —
 - (a) does not comply with a requirement under subsection (1)(f);
 - (b) gives a Commission representative information that the person knows to be false or misleading in a material particular; or
 - (c) hinders, delays or obstructs a Commission representative in carrying out functions under this section, commits an offence.
Penalty: \$5 000.
- (3) Nothing in this section or section 20 derogates from the powers of a Commission representative who is a police officer.
- (4) A Commission representative is not authorised under this section to take anything from any place unless he or she —
 - (a) gives the occupier or another person apparently responsible to the occupier a receipt for the thing taken, if requested to do so by the occupier or other person; or
 - (b) if the occupier or a person apparently responsible to the occupier is not present, leaves a receipt for the thing taken, in an envelope addressed to the occupier, in a prominent position on the premises;
- (5) A receipt shall be in a form approved by the Commission.
- (6) The Commission shall ensure that a person from whom a record or anything else is taken under this section and who would otherwise be entitled to possession of it is given a copy of it, or reasonable access to it, as appropriate.
- (7) If a Commission representative takes possession of anything under this section, the Commission shall ensure that it is returned to the person entitled to possession of it as follows —
 - (a) if it was taken in connection with the prosecution or possible prosecution of a suspected contravention of this Act or the RWWA Act — as soon as practicable after the relevant prosecution is completed or discontinued or, if no prosecution is commenced, as soon as practicable after the decision is made not to prosecute the suspected contravention;

- (b) if it was an instrument on which a levy or fee was payable under this Act — as soon as practicable after assessment and payment of the relevant levy or fee;
- (c) in any other case — within 28 days after it was taken.

20B. Requirement to provide information

- (1) In this section —
“authorised person” means —
 - (a) an authorised officer;
 - (b) a steward appointed under the RWWA Act.
- (2) This section applies to —
 - (a) a bookmaker;
 - (b) the licensed manager of a bookmaker;
 - (c) any licensed employee or other person who the authorised officer has reason to believe is or has been acting on behalf of a bookmaker;
 - (d) a member or executive officer of the committee or other authority controlling a race course or race meeting;
 - (e) any employee or agent of a racing club.
- (3) An authorised person may require a person to whom this section applies to —
 - (a) produce for inspection specified material relating to betting or material of a specified class relating to betting, in the person’s possession or control; or
 - (b) answer questions relating to betting.
- (4) An authorised person may make and retain a copy of the whole or any part of any thing produced to that person under subsection (3)(a).
- (5) When requiring a bookmaker or other person to do anything under subsection (3), the authorised person shall display to that person —
 - (a) the certificate appointing the person as an authorised officer; or
 - (b) the notice authorising the person to act as an authorised person.
- (6) A person who —
 - (a) does not comply with a requirement under subsection (3);
 - (b) gives an authorised person information that the person knows to be false or misleading in a material particular; or
 - (c) hinders, delays or obstructs an authorised person in carrying out functions under this section,commits an offence.
Penalty: \$5 000.
- (7) Nothing in this section derogates from the powers of an authorised person who is a police officer.

20C. Complying with information requirements

- (1) A person is not excused from complying with a requirement under section 20A or 20B to provide information, records or any other thing on the grounds that complying with the requirement would tend to incriminate the person or render the person liable to a penalty.
- (2) However, information, a record or other thing provided by the person in compliance with the requirement is not admissible in evidence in any proceedings against the person for an offence, other than an offence against this Act or the RWWA Act.

”.

88. Section 23 amended

Section 23(1) is repealed and the following subsection is inserted instead —

“

- (1) A person shall not personally or by means of an agent, or by post, telephone or other electronic means of communication —
 - (a) make a bet at or in a place; or
 - (b) be at or in a public place for the purpose of betting,unless —
 - (c) the place is —
 - (i) premises to which section 5(2) for the time being applies;
 - (ii) a race course where a race meeting is being held under a licence issued by RWWA under the RWWA Act or the *Racing Restriction Act 2003*;
 - (iii) a part of a race course where for the time being a bookmaker is permitted by section 12(3) to bet or carry on business as such on that race course; or
 - (iv) a registered place;
 - (d) the bet is made —
 - (i) by means of a totalisator authorised to operate under a written law;
 - (ii) as a fixed odds bet with RWWA in accordance with a written law; or
 - (iii) with a bookmaker in accordance with this Act;or
 - (e) the bet constitutes permitted gaming, or social gambling, as defined in the *Gaming and Wagering Commission Act 1987*.

Penalty: \$10 000, or 24 months imprisonment, or both.

”.

89. Section 27 replaced

Section 27 is repealed and the following section is inserted instead —

“

27. Penalty on owner or occupier of premises used for unlawful betting

An owner or occupier of a place shall not open, use, or permit the use of the place for betting by any means, whether in person or by means of an agent, or by post, telephone or other electronic means of communication, unless —

- (a) the place is —
 - (i) a race course where a race meeting is being held under a licence issued by RWWA under the RWWA Act or the *Racing Restriction Act 2003*;
 - (ii) at the time it is opened or used or permitted to be used for betting, a part of a race course where a bookmaker is for the time being permitted under section 12(3) to bet or carry on business as a bookmaker; or
 - (iii) a registered place;
- (b) the betting is carried on —
 - (i) by means of a totalisator authorised to operate under a written law; or
 - (ii) in accordance with this Act;
- (c) the provisions of section 5(2) apply;
- (d) the betting is done in accordance with the provisions of the RWWA Act; or
- (e) the betting constitutes permitted gaming, or social gambling, as defined in the *Gaming and Wagering Commission Act 1987*.

Penalty: \$10 000, or 24 months imprisonment, or both.

”

90. Section 27A inserted

After section 27 the following section is inserted —

“

27A. Offshore betting

- (1) In this section —
 - “**authorised person**” means —
 - (a) a bookmaker;
 - (b) a person authorised under the law of another State or Territory to engage in or conduct betting on races; or
 - (c) an offshore betting operator granted an exemption by the Commission under this section;
 - “**offshore bet**” means a bet made —
 - (a) on a race conducted in Australia;
 - (b) by telephone or electronically by means of the internet, subscription television or any other on-line communications system; and

- (c) with a person who is outside the State (including a person who is outside Australia);

“offshore betting operator” means a person authorised under the law of a jurisdiction outside Australia to engage in or conduct betting on races.

- (2) A person in this State who makes an offshore bet with a person whom the person making the bet knows, or would be reasonably expected to know, is not an authorised person commits an offence.

Penalty: \$5 000, or 12 months imprisonment, or both.

- (3) A person who —
 - (a) is in possession of a record that is kept or used in connection with, or that relates to, an offshore bet; and
 - (b) knows, or would be reasonably expected to know, that the person with whom the offshore bet was made is not an authorised person,

commits an offence.

Penalty: \$5 000, or 12 months imprisonment, or both.

- (4) On an application in a form approved by the Commission accompanied by the prescribed fee, and on such supporting information as the Commission may direct being furnished to the satisfaction of the Commission, the Commission may grant an offshore betting operator an exemption for the purposes of this section.

- (5) The Commission may refuse to grant an offshore betting operator an exemption for the purposes of this section if the Commission, having regard to —

- (a) whether the jurisdiction which granted the authorisation to engage in or conduct betting on races applies similar standards to those that would apply to an authorisation granted in Australia; and
- (b) any arrangements made by the offshore betting operator with Australian racing organisations in relation to engaging in or conducting betting on races,

is satisfied that the exemption would not be in the public interest.

”.

91. Section 28A amended

- (1) Section 28A(1) is amended as follows:

- (a) by inserting after “Police Force” the following —

“ or authorised officer ”;
- (b) by deleting “form in Schedule 2” and inserting instead —

“ prescribed form ”.

- (2) Section 28A(2) is amended by deleting “the member of the Police Force therein named” and inserting instead —

“ the holder ”.

- (3) Section 28A(3) is amended by deleting “or 27” and inserting instead —

“ , 27 or 27A ”.

92. Section 28B amended

Section 28B is amended by deleting “or 27” and inserting instead —

“ 27 or 27A ”.

93. Section 29 amended

Section 29 is amended by deleting “section 33 of the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ section 63 of the RWWA Act ”.

94. Section 30A repealed

Section 30A is repealed.

96. Section 33 amended

(1) Section 33(1)(b)(xii) is deleted.

(2) Section 33(2) is amended by deleting “Any rules of a kind referred to in subsection (3) or regulations made under this Act or the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“

Any rules made under section 120 of the RWWA Act, regulations made under section 121 of the RWWA Act or regulations made under this Act

”.

(3) Section 33(3) is repealed and the following subsection is inserted instead —

“

(3) In subsection (2) a reference to rules or regulations made under the RWWA Act includes a reference to rules or regulations continued under section 48 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003* and in force.

”.

97. Section 34 repealed

Section 34 is repealed.

99. Schedule 1 repealed

Schedule 1 is repealed.

100. Schedule 2 repealed

Schedule 2 is repealed.

101. Headings to Parts inserted

(1) Before section 1 the following Part heading is inserted —

“

Part 1 — Preliminary

”.

(2) Before section 11 the following Part heading is inserted —

“

Part 2 — Licences, approvals and permits

”

- (3) Before section 14 the following Part heading is inserted —

“

Part 3 — Levies and totalisators

”

- (4) Before section 19 the following Part heading is inserted —

“

Part 4 — Enforcement and offences

”

- (5) Before section 33 the following Part heading is inserted —

“

Part 5 — Miscellaneous

”

102. References to “Board” amended

In each place listed in the Table to this section “Board” is deleted and the following is inserted instead —

“ Commission ”.

Table

s. 4(1a)	s. 12(6)
s. 4A(2)(a) (twice)	s. 12A(1)
s. 4A(3) (twice)	s. 12A(1a)
s. 4A(4) (twice)	s. 12A(2)
s. 4A(5)	s. 12A(3)
s. 4A(7) (twice)	s. 12A(5)(b)
s. 4B(1)	s.12A(5a)(b)
s. 4B(2)	s. 13(5) (twice)
s. 4B(5)	s. 14(1) (definition of “turnover”)
s. 5(2)	s. 15(2)
s. 5(2a)	s. 15(3)(c)
s. 5(2b)	s. 15(4) (twice)
s. 11(1)	s. 15(5)(b) (4 times)
s. 11(2) (5 times)	s. 15(6) (twice)
s. 11(3) (3 times)	s. 15(7)
s. 11(4)(a)	s. 16(2)
s. 11(5) (3 times)	s. 16(3) (3 times)
s. 11(6) (3 times)	s. 16(3a)(b) (4 times)
s. 11A(1) (twice)	s. 16(3b) (twice)
s. 11A(2)	s. 16(3c)
s. 11A(4)	s. 16(3d)
s. 11B(1) (twice)	s. 16A(1)(a), (b), (c)(i), (f), (h), (j) (3 times)
s. 11B(2) (twice)	s. 17 (3 times)
s. 11B(3)	s. 17A(5)
s. 11B(4)	s. 17B(1)(a)(ii) and (b)

s. 11B(5)	s. 17D (4 times)
s. 11B(6) (twice)	s. 18A(1) (4 times)
s. 11B(7)	s. 18A(2) (twice)
s. 11B(12)	s. 18B(1) (twice)
s. 11B(13)	s. 18B(2) (6 times)
s. 11B(14)	s. 18B(3)(a)
s. 11C(1) (twice)	s. 18B(5) (twice)
s. 11C(2)	s. 18B(6) (3 times)
s. 11C(3) (3 times)	s. 19(1) (twice)
s. 11C(4)	s. 19A
s. 11C(11)	s. 31(1)(g)
s. 11C(12)	s. 31A(2)(a), (b) and (e)
s. 11C(13)	s. 31A(3)
s. 11D(1) (twice)	s. 32(1)(b)
s. 11D(2)	s. 32(2) (4 times)
s.11D(2a)(as inserted by section 80(1) of this Act)	s. 32(4)(a) and (b)
s. 11D(3)	s. 32(5) (3 times)
s. 11D(5)(c)	s. 32A(1) (twice)
s. 11D(6)(b)	s. 32A(2) (3 times)
s. 11E(1) (6 times)	s. 32A(3) (twice)
s. 11E(2) (5 times)	s. 32A(4) (twice)
s. 11E(3) (8 times)	s. 32A(5)(a)
s. 11E(4) (twice)	s. 32A(6)(a) and (c)
s. 11E(5) (5 times)	s. 33(1)(b)(v) and (va)
s. 11F(1)	Schedule 3 clause 2 (twice)
s. 11F(2)	Schedule 3 clause 3 (twice)
s. 11G(1)(a)	Schedule 3 clause 4
s. 11G(3)(a)	
s.12(3)(as amended by section 81(1) of this Act)	
s. 12(4a)(a)(iv)	
s. 12(5) (5 times)	

103. References to “the TAB” amended

In each place listed in the Table to this section “the TAB” is deleted and the following is inserted instead —

“ RWWA ”.

Table

s. 4(1)(definitions of “bookmaker” (twice), “totalisator agency” (twice))	s. 28C(c)
s. 17E(1) (5 times)	s. 28E(a)
s. 17E(2) (twice)	s. 28F(1)(a) (3 times) and (b)
s. 17EA(1) (twice)	s. 28F(2)(a) and (b) (twice)
s. 17EA(2)	s. 28G
s. 21(2)(d)	s. 29 (4 times)
s. 21(3)(c)	s. 33(1)(b)(x)
s. 21(4)(a) (twice)	s. 33(2) (twice)
s. 22(2)(b)	
s. 25(3) (twice)	

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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