



Western Australia

## **Gaming and Betting (Contracts and Securities) Act 1985**

Compare between:

[06 Apr 2004, 01-b0-07] and [28 Jun 2010, 01-c0-02]



## **Gaming and Betting (Contracts and Securities) Act 1985**

**An Act to amend and consolidate the law in respect of contracts, agreements and securities relating to gaming or betting, and matters incidental thereto.**

**1. Short title**

This Act may be cited as the *Gaming and Betting (Contracts and Securities) Act 1985*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a day to be fixed by proclamation, being a day not earlier than the day fixed for the coming into operation of Part IV of the *Acts Amendment (Gaming and related provisions) Act 1985*<sup>1</sup>.

**3. Interpretation**

- (1) Subject to subsection (2), in this Act expressions defined in and for the purposes of the *Gaming and Wagering Commission Act 1987* have the like meaning in and for the purposes of this Act.
- (2) In this Act —  
*lawful bet* means a bet made otherwise than by way of unlawful betting, and includes a prescribed bet, and *lawful betting* shall be construed accordingly;  
*lawful gaming* means gaming other than unlawful gaming, and includes prescribed gaming;

**prescribed bet** means —

- (a) a bet made with a person lawfully carrying on the business of a bookmaker under the *Betting Control Act 1954*, entered into in the course and for the purposes of that business;
- (aa) a bet made with a totalisator operated by the committee of a racing club or other authority controlling the racecourse on which that club conducts race meetings in accordance with an authority granted under the *Betting Control Act 1954*;
- (b) a bet made, with a person authorised to accept bets of that kind, under an Act specified in the Schedule or under a prescribed provision; or
- (c) a bet of a kind prescribed, or made in circumstances prescribed, for the purposes of this definition,

and **prescribed betting** shall be construed accordingly;

**prescribed gaming** means gaming conducted under and in accordance with an authorisation conferred by an Act specified in the Schedule or under a prescribed provision, or which (whether it relates to a game of chance or a game of skill or a game of chance and skill combined) is of a prescribed kind or is conducted in prescribed circumstances;

**prescribed provision** means a provision of an Act declared by the regulations to be a prescribed provision for the purposes of this Act;

**unlawful betting** means betting of a kind declared or deemed to be unlawful by or under any Act or law;

**unlawful gaming** means the playing of any game deemed to be unlawful pursuant to section 42 of the *Gaming and Wagering Commission Act 1987*, or which is otherwise declared or deemed to be unlawful by or under any Act or law.

*[Section 3 amended by No. 35 of 2003 s. 118; No. 74 of 2003 s. 57(2).]*

**4. Certain contracts and agreements relating to gaming and betting to be unenforceable**

- (1) Except in so far as they relate to, or arise out of a contract or agreement relating to, prescribed gaming or prescribed betting —
- (a) all contracts or agreements, whether in writing or otherwise, by way of gaming or betting are null and void, and no proceedings shall be brought or maintained in any court for recovering any money or other valuable thing alleged to be won at gaming or upon a bet, or deposited with any person to abide the event on which a bet is made; and
  - (b) subject to section 6, any bill, note, cheque, mortgage, or other security drawn, accepted, made, given, granted, or entered into or executed by any person where the whole or any part of the consideration therefor is money, or any other valuable thing, won —
    - (i) by way of gaming; or
    - (ii) by a bet on the chances of any player or participant in, or the outcome of, any game or race in progress or to be held,is deemed to be drawn, accepted, made, given, granted, or entered into or executed for an illegal consideration.
- (2) In so far as subsection (1) might but for this subsection apply to, or in relation to —
- (a) any stake, deposit, or allowance payable to the owner or connections of a horse or dog engaged in a race run under the *Betting Control Act 1954* in respect of its participation in that race; or
  - (b) any subscription or contribution to, or agreement to subscribe or contribute to, any sum of money or valuable thing to be awarded to a person who is the winner of any award in any lawful race or lawful game, sport, pastime, or exercise,

the provisions of that subsection shall not apply thereto.

**5. Contracts relating to prescribed gaming or betting may be enforced etc.**

Subject to the provisions of an Act specified in the Schedule or to any prescribed provision relating thereto, where in the course and for the purposes of prescribed gaming or prescribed betting a person makes a lawful bet with any other person the person making that bet —

- (a) shall be deemed to have made a contract in the terms of the bet with the person with whom he has made that bet; and
- (b) may sue that other person and be sued by that other person in any court of competent jurisdiction on that contract in like manner as a party to a contract which had not arisen out of or in connection with gaming or betting might have sued,

and that contract shall not be deemed to be illegal or void by reason only that it arises out of or in connection with gaming or betting, and effect may be given to the judgment given in the proceedings.

**6. Money or security lent for lawful gaming or betting recoverable**

Where —

- (a) money or any valuable thing is lent or advanced for the purpose of lawful gaming or of making any lawful bet, or for the purpose of the payment of any debt in respect of lawful gaming or lawful betting; or
- (b) any bill, note, cheque, mortgage or other security is accepted, made, given, granted, entered into or executed by any person for the purpose of repaying or re-imbursing, or as security for the repayment or re-imburement of, money or any valuable thing lent or

advanced for the purpose of lawful gaming or of making any lawful bet or to secure the payment of any debt in respect of lawful gaming or lawful betting,

that money or valuable thing is recoverable in a court of competent jurisdiction and that money or valuable thing and any such security shall be taken to have been used or given for a lawful consideration.

**7. Regulations**

The Governor may make regulations for the purposes of this Act.

**Schedule**

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**Schedule**

[s. 3]

*Racing and Wagering Western Australia Act 2003*

*Lotteries Commission Act 1990*

*Casino Control Act 1984*

*Casino (Burswood Island) Agreement Act 1985*

*Gaming and Wagering Commission Act 1987*

*[Schedule amended by No. 26 of 1998 s. 23; No. 35 of 2003 s. 119;  
No. 74 of 2003 s. 57(3).]*



**Notes**

<sup>1</sup> This is a compilation of the *Gaming and Betting (Contracts and Securities) Act 1985* 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>Gaming and Betting (Contracts and Securities) Act 1985</i>	28 of 1985	24 Apr 1985	1 Jun 1985 (see s. 2 and <i>Gazette</i> 31 May 1985 p. 1878)
<i>Lotteries Commission Amendment Act 1998 s. 23</i>	26 of 1998	30 Jun 1998	22 Jul 1998 (see s. 2 and <i>Gazette</i> 21 Jul 1998 p. 3825)
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003 Pt. 8</i>	35 of 2003	26 Jun 2003	30 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Jan 2004 p. 397)
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 57</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

**Reprint 1: The *Gaming and Betting (Contracts and Securities) Act 1985* as at 27 Feb 2004** (includes amendments listed above) (Correction to reprint in *Gazette* 6 Apr 2004 p. 1134)

<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**

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<a href="#"><u><i>Standardisation of Formatting Act 2010 s. 4</i></u></a> <sup>2</sup>	<a href="#"><u>19 of 2010</u></a>	<a href="#"><u>28 Jun 2010</u></a>	<a href="#"><u>To be proclaimed (see s. 2(b))</u></a>

<sup>2</sup> [On the date as at which this compilation was prepared, the \*Standardisation of Formatting Act 2010 s. 4\* had not come into operation. It reads as follows:](#)

**4. Schedule headings reformatted**

(1) This section amends the Acts listed in the Table.

(2) In each Schedule listed in the Table:

(a) if there is a title set out in the Table for the Schedule — after the identifier for the Schedule insert that title;

(b) if there is a shoulder note set out in the Table for the Schedule — at the end of the heading to the Schedule insert that shoulder note;

(c) reformat the heading to the Schedule, as amended by paragraphs (a) and (b) if applicable, so that it is in the current format.

<u>Act</u>	<u>Identifier</u>	<u>Title</u>	<u>Shoulder note</u>
<u><i>Gaming and Betting (Contracts and Securities) Act 1985</i></u>	<u>Schedule</u>	<u>Gaming and betting Acts</u>	