

RG302\*

Betting Control Act 1954

## **Betting Control Amendment Regulations (No. 5) 2009**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

### **1. Citation**

These regulations are the *Betting Control Amendment Regulations (No. 5) 2009*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

- (b) the rest of the regulations — on the day on which the *Racing and Wagering Legislation Amendment Act 2009* Part 2 comes into operation.

**3. Regulations amended**

These regulations amend the *Betting Control Regulations 1978*.

**4. Regulations 98 and 99 replaced**

Delete regulations 98 and 99 and insert:

**98. Terms used**

In this Part —

***another jurisdiction*** means a jurisdiction outside Australia;

***approval*** means an approval under section 27D(2) of the Act;

***authorisation*** includes a licence;

***betting*** includes —

- (a) carrying on the business or vocation of, or acting as, a bookmaker; or
- (b) conducting betting by the operation of a totalisator; or
- (c) operating a betting exchange (however described); or
- (d) gaining or endeavouring to gain a livelihood wholly or partly by making bets;

***relevant person***, in relation to a decision by the Commission under section 27D(5) of the Act relating to an approval, means the person applying for, or holding, the approval, as the case requires.

**99. Prescribed criteria: section 27D(5)**

- (1) For the purposes of section 27D(5) of the Act the prescribed criteria are as follows —
  - (a) whether the Commission is satisfied that —
    - (i) the relevant person; or
    - (ii) if the relevant person is a partnership, each member of the partnership who is a natural person,  
is, or continues to be, a fit and proper person to be granted, or continue to hold, an approval;
  - (b) if the relevant person is —
    - (i) a body corporate; or
    - (ii) a partnership, the members of which include a body corporate,

- whether the Commission is satisfied that each person who occupies a position of authority in the body corporate would be a fit and proper person to be granted, or continue to hold, an approval if the person were to apply for, or hold, the approval personally;
- (c) whether a member of the staff of the relevant person is under 18 years of age;
  - (d) if the relevant person conducts, or intends to conduct, betting that is required under the laws of this State, another State, a Territory or another jurisdiction to be licensed or otherwise authorised, whether the relevant person holds, or continues to hold, the required authorisation to do so;
  - (e) whether the relevant person has failed to comply with a condition on an approval imposed under section 27D(3) of the Act or a condition to which an approval is subject under section 27D(4A) of the Act.
- (2) For the purpose of, and without limiting, subregulation (1)(a) and (b), the Commission may take into account —
- (a) the reputation and background of persons suspected by the Commission to be associated with the relevant person; and
  - (b) the number and nature of any convictions recorded, or charges pending, against the relevant person or another person referred to in subregulation (1)(a)(ii) or (b) for offences against the laws of this State, another State, a Territory or another jurisdiction, having particular regard to offences against laws relating to wagering.

**5. Regulation 100 amended**

- (1) In regulation 100(1)(a) delete “Minister; and” and insert:

Commission; and

- (2) In regulation 100(2) delete “Minister” (each occurrence) and insert:

Commission

**6. Part 6 inserted**

After regulation 100 insert:

**Part 6 — Racing bets levy****101. Term used: approved offshore betting operator**

In this Part —

*approved offshore betting operator* means the holder of an approval under section 27D(2) of the Act.

**102. Prescribed period: section 14A(2)(a)**

- (1) For the purposes of section 14A(2)(a) of the Act, in respect of racing bets placed with, or placed or accepted through, a betting operator on or after 1 September 2008 and before the day on which the paragraph comes into operation (the *commencement day*), the period prescribed is 28 days beginning on the commencement day.
- (2) For the purposes of section 14A(2)(a) of the Act, in respect of racing bets placed with, or placed or accepted through, a betting operator on or after the commencement day, the period prescribed is 14 days beginning on the first day of each month.

**103. Information prescribed: section 27D(4A)(a)**

For the purposes of section 27D(4A)(a) of the Act, the prescribed information is information in documents, records or accounts relating to racing bets placed with, or placed or accepted through, an approved offshore betting operator on or after 1 September 2008.

**104. Manner of access to prescribed information: section 27D(4A)(a)**

- (1) For the purposes of section 27D(4A)(a) of the Act, this regulation sets out the prescribed manner of access to information prescribed under regulation 103 (*prescribed information*).
- (2) An approved offshore betting operator must give the Commission or an officer of RWWA approved under section 27D(4A)(a) of the Act (the *approved officer*) access to prescribed information by —
  - (a) allowing the Commission or an approved officer to view any document, record or accounts of the operator containing the information; and
  - (b) giving the Commission or an approved officer a copy of any document, record or accounts

containing the information requested by the Commission or officer.

- (3) An approved offshore betting operator must give the Commission or an approved officer access to prescribed information by —
  - (a) allowing the Commission or the approved officer to have real-time access to any computerised betting system of the holder if it is reasonably practicable to do so; and
  - (b) giving the Commission or the approved officer the capability to download and print out any such information.

**105. Prescribed conditions: section 27D(4A)(b)**

- (1) For the purposes of section 27D(4A)(b) of the Act, the prescribed conditions that an approved offshore betting operator must comply with are set out in this regulation.
- (2) An approved offshore betting operator must give authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an authorised officer or the Chief Steward, access to any document or information in the operator's possession or control relating to the integrity of or reputation of the Western Australian racing industry.
- (3) An approved offshore betting operator must give authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an authorised officer or the Chief Steward, wagering information and analysis relating to betting on races referred to in a WA race field.
- (4) An approved offshore betting operator must allow authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an officer or the Chief Steward, to monitor wagering transactions and activities relating to betting on races referred to in a WA race field.
- (5) An approved offshore betting operator must give authorised officers of the Commission or the Chief Steward of RWWA —
  - (a) real-time access to any computerised betting system of the holder if it is reasonably practicable to do so; and
  - (b) the capability to download and print out any information on the system relating to betting on races referred to in a WA race field.

- (6) An approved offshore betting operator must report to an authorised officer of the Commission and the Chief Steward of RWWA any matter that the operator considers may affect the integrity or reputation of the Western Australian racing industry.
- (7) An approved offshore betting operator must, when requested by an authorised officer of the Commission and the Chief Steward of RWWA, assist in any inquiry relating to the integrity of or reputation of the Western Australian racing industry and —
  - (a) allow the person conducting the inquiry to view any document relevant to the inquiry; and
  - (b) give the person conducting the inquiry a copy of any document relevant to the inquiry.
- (8) An approved offshore betting operator must in relation to races referred to in a WA race field maintain appropriate and adequate internal procedures, systems and controls to —
  - (a) maintain and accurately record all betting transactions and account details of clients; and
  - (b) identify suspect betting transactions; and
  - (c) protect the records and any computer system of the operator from unauthorised access; and
  - (d) enable compliance with the conditions set out in this regulation.

**106. Information prescribed: section 27F(2)(a)**

For the purposes of section 27F(2)(a) of the Act, the prescribed information is information in documents, records or accounts relating to racing bets placed with, or placed or accepted through, a domestic betting operator on or after 1 September 2008.

**107. Manner of access to prescribed information: section 27F(2)(a)**

- (1) For the purposes of section 27F(2)(a) of the Act, this regulation sets out the prescribed manner of access to information prescribed under regulation 106 (*prescribed information*).
- (2) A domestic betting operator must give the Commission or an officer of RWWA approved under section 27F(2)(a) of the Act (the *approved officer*) access to prescribed information by —
  - (a) allowing the Commission or an approved officer to view any document, record or accounts of the operator containing the information; and

- (b) giving the Commission or an approved officer a copy of any document, record or accounts containing the information requested by the Commission or officer.
- (3) A domestic betting operator must give the Commission or an approved officer access to prescribed information by —
  - (a) allowing the Commission or the approved officer to have real-time access to any computerised betting system of the holder if it is reasonably practicable to do so; and
  - (b) giving the Commission or the approved officer the capability to download and print out any such information.

**108. Prescribed conditions: section 27F(2)(b)**

- (1) For the purposes of section 27F(2)(b) of the Act, the prescribed conditions that a domestic betting operator must comply with are set out in this regulation.
- (2) A domestic betting operator must give authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an authorised officer or the Chief Steward, access to any document or information in the operator's possession or control relating to the integrity of or reputation of the Western Australian racing industry.
- (3) A domestic betting operator must give authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an authorised officer or the Chief Steward, wagering information and analysis relating to betting on races referred to in a WA race field.
- (4) A domestic betting operator must allow authorised officers of the Commission or the Chief Steward of RWWA, at such times or locations as requested by an officer or the Chief Steward, to monitor wagering transactions and activities relating to betting on races referred to in a WA race field.
- (5) A domestic betting operator must give authorised officers of the Commission or the Chief Steward of RWWA —
  - (a) real-time access to any computerised betting system of the holder if it is reasonably practicable to do so; and
  - (b) the capability to download and print out any information on the system relating to betting on races referred to in a WA race field.

- (6) A domestic betting operator must report to an authorised officer of the Commission and the Chief Steward of RWWA any matter that the operator considers may affect the integrity or reputation of the Western Australian racing industry.
- (7) A domestic betting operator must, when requested by an authorised officer of the Commission and the Chief Steward of RWWA, assist in any inquiry relating to the integrity of or reputation of the Western Australian racing industry and —
  - (a) allow the person conducting the inquiry to view any document relevant to the inquiry; and
  - (b) give the person conducting the inquiry a copy of any document relevant to the inquiry.
- (8) A domestic betting operator must in relation to races referred to in a WA race field maintain appropriate and adequate internal procedures, systems and controls to —
  - (a) maintain and accurately record all betting transactions and account details of clients; and
  - (b) identify suspect betting transactions; and
  - (c) protect the records and any computer system of the operator from unauthorised access; and
  - (d) enable compliance with the conditions set out in this regulation.

**109. Prescribed criteria: section 27F(4)**

- (1) For the purposes of section 27F(4) of the Act, the prescribed criteria are as follows —
  - (a) whether the domestic betting operator has engaged in conduct that would tend to undermine the integrity or reputation of the Western Australian racing industry;
  - (b) whether the domestic betting operator is fit and proper to hold an authorisation;
  - (c) whether the domestic betting operator is authorised in this State or another State or a Territory under a law of that State or Territory to engage in or conduct the business of betting on races.
- (2) For the purpose of, and without limiting, subregulation (1)(b), the Commission may take into account the number and nature of any convictions recorded, or charges pending, against the domestic betting operator for offences against the laws of this State or another State or a Territory, having particular regard to offences against laws relating to wagering.



**110. Audited return**

- (1) A betting operator must submit an audited return to the Commission before 30 August in each year unless the Commission has advised the operator in writing before that date that the operator is not required to submit an audited return that year.

Penalty: a fine of \$1 000.

- (2) The audited return referred to in subregulation (1) must, for the 12 months ending on 31 July immediately preceding 30 August, show —
- (a) the amount of all racing bets placed with, or placed or accepted through, the betting operator; and
  - (b) the amount by way of levy paid on those bets under section 14A(2) of the Act; and
  - (c) the amount of racing bets in relation to which the levy was paid in relation to —
    - (i) gross revenue; and
    - (ii) turnover.

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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