



Western Australia

Gaming and Wagering Legislation Amendment Act 2018

As at 12 Dec 2018

No. 41 of 2018

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Gaming and Wagering Legislation Amendment Act 2018

Contents

Part 1 — Preliminary

1.	Short title	2
2.	Commencement	2

Part 2 — *Betting Control Act 1954* amended

3.	Act amended	3
4.	Section 4 amended	3
5.	Section 4B amended	4
6.	Section 5 amended	4
7.	Section 5A amended	5
8.	Section 11F amended	5
9.	Section 14A amended	5
10.	Section 24 amended	6
11.	Section 26C amended	7
12.	Section 27A amended	7
13.	Section 31 amended	9
14.	Section 33 amended	9
15.	Various penalties amended	9

Part 3 — *Gaming and Wagering Commission Act 1987* amended

16.	Act amended	11
17.	Section 3 amended	11
18.	Section 8 amended	12
19.	Section 43A amended	12

Contents

20.	Section 81 amended	12
21.	Part V Division 5A inserted	12
	Division 5A — Remote gambling devices	
	93A. Terms used	12
	93B. Offences relating to remote gambling devices	13
22.	Section 101 amended	13
23.	Section 107 amended	14
24.	Section 109D amended	14
25.	Various penalties amended	14



Western Australia

Gaming and Wagering Legislation Amendment Act 2018

No. 41 of 2018

An Act to amend the *Betting Control Act 1954* and the *Gaming and Wagering Commission Act 1987*.

[Assented to 12 December 2018]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Gaming and Wagering Legislation Amendment Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

Part 2 — *Betting Control Act 1954* amended

3. Act amended

This Part amends the *Betting Control Act 1954*.

4. Section 4 amended

- (1) In section 4(1) delete the definition of *machine*.
- (2) In section 4(1) insert in alphabetical order:

contingency means a contingency relating to an event;

event means a race or other event, whether or not of a sporting nature;

machine has the meaning given in the *Gaming and Wagering Commission Act 1987* section 3(1);

prohibited event or contingency means an event or contingency, or an event or contingency of a class, prescribed for the purposes of this definition;

- (3) In section 4(1) in the definition of *betting material* paragraph (a) delete “sporting” and insert:

other

- (4) In section 4(1) in the definition of *offshore betting operator* delete “races or sporting”.
- (5) In section 4(1) in the definition of *to bet* paragraph (a) delete “race or any sporting”.

s. 5

- (6) In section 4(1) in the definition of *totalisator agency* delete “a race or sporting” and insert:

an

5. Section 4B amended

- (1) In section 4B(1) delete “a sporting” and insert:

an

- (2) Delete section 4B(2) and insert:

(2) The Commission may approve bookmaking on or in relation to an event or a contingency, except a prohibited event or contingency.

- (3) In section 4B(5) delete “sporting events” and insert:

events other than races

Note: The heading to amended section 4B is to read:

Application of this Act to events

6. Section 5 amended

In section 5(1)(b) delete “a sporting” and insert:

an

7. Section 5A amended

In section 5A:

- (a) in paragraph (a) delete “event, including a sporting event,” and insert:

event

- (b) in paragraph (b) delete “race or sporting”.

8. Section 11F amended

- (1) At the end of section 11F(1) insert:

Penalty for this subsection: a fine of \$1 000.

- (2) In section 11F(2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$1 000.

9. Section 14A amended

- (1) In section 14A(1) delete the definitions of:

gross revenue

turnover

- (2) In section 14A(1) insert in alphabetical order:

bet back means a bet placed with a domestic betting operator, or the operator of a betting exchange, if the bet is placed —

- (a) for the purpose of reducing the liability of another domestic betting operator; and
(b) by that other domestic betting operator;

s. 10

gross revenue means —

- (a) in relation to a domestic betting operator or offshore betting operator — the turnover of the operator, less any dividends to customers by the operator on racing bets;
- (b) in relation to the operator of a betting exchange — the charges, commission, consideration, earnings, fees, reward or other remuneration (however described) payable to or received by an operator in relation to racing bets placed with, or placed and accepted through, the operator;

turnover means —

- (a) in relation to a domestic betting operator or offshore betting operator — the total amount of racing bets placed with the operator, less the amount of bet backs placed by the operator;
- (b) in relation to a betting exchange — the net winnings of racing bets placed with the betting exchange.

- (3) In section 14A(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

10. Section 24 amended

In section 24(2) in the definition of *bets* delete “race or sporting”.

11. Section 26C amended

In section 26C(1) delete the Penalty and insert:

Penalty for this subsection:

- (a) in the case of the licensee or manager, a fine of \$5 000;
- (b) in the case of an employee or agent, a fine of \$2 000.

12. Section 27A amended

- (1) In section 27A(1) delete the definitions of:

approved sporting event

offshore bet

- (2) In section 27A(1) insert in alphabetical order:

interstate or offshore bet means a bet made —

- (a) on an event or contingency outside the State; and
- (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);

permitted event or contingency means —

- (a) an event or contingency approved under section 4B(2); or
- (b) an event or contingency, except a prohibited event or contingency, on which betting is permitted by the laws of another State or a Territory.

s. 12

- (3) In section 27A(1) in the definition of **authorised person** paragraph (b) delete “races or sporting”.
- (4) After section 27A(2) insert:
- (2A) A person in this State who makes an interstate or offshore bet on an event or contingency that is not a permitted event or contingency commits an offence.
Penalty for this subsection: a fine of \$2 500.
- (2B) A person other than an authorised person who offers an interstate or offshore bet in this State commits an offence.
Penalty for this subsection: a fine of \$5 000 and imprisonment for 1 year.
- (2C) A person who offers an interstate or offshore bet in this State on an event or contingency that is not a permitted event or contingency commits an offence.
Penalty for this subsection: a fine of \$5 000 and imprisonment for 1 year.
- (5) In section 27A(3) delete “offshore” (each occurrence) and insert:
- interstate or offshore
- (6) In section 27A(5) delete “races or sporting” (each occurrence).
Note: The heading to amended section 27A is to read:
Interstate and offshore betting

13. Section 31 amended

Delete section 31(1)(h)(ii) and insert:

- (ii) an event or contingency approved under section 4B(2).

14. Section 33 amended

In section 33(1)(a) delete “sporting”.

15. Various penalties amended

- (1) In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subsection: a fine of

Table

s. 4A(6)	s. 11(6)
s. 11B(4)	s. 11B(11)
s. 11B(13)	s. 11B(14)
s. 11C(2)	s. 11C(9)
s. 11C(12)	s. 11C(13)
s. 11E(5)	s. 11G(1)
s. 11G(2)	s. 11G(3)
s. 11G(4)	s. 20A(2)
s. 20B(6)	s. 22(1)

s. 15

s. 22(2)	s. 23(1)
s. 23(2)	s. 24(1)
s. 25(3)	s. 26A(3)
s. 26C(5)	s. 27A(2)
s. 27A(3)	s. 28G(1)

(2) In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subsection:

Table

s. 27D(2A)	s. 27E(2)
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(3) In the provisions listed in the Table delete “Penalty:” and insert:

Penalty: a fine of

Table

s. 22A	s. 26
s. 26B	s. 27
s. 28C	s. 28D
s. 28E	s. 29

**Part 3 — *Gaming and Wagering Commission Act 1987*
amended**

16. Act amended

This Part amends the *Gaming and Wagering Commission Act 1987*.

17. Section 3 amended

- (1) In section 3(1) insert in alphabetical order:

event has the meaning given in the *Betting Control Act 1954* section 4(1);

telecommunication device means —

- (a) a computer adapted for communicating by way of the Internet or another communications network; or
- (b) a television receiver adapted to allow the viewer to transmit information by way of a cable television network or another communications network; or
- (c) a telephone; or
- (d) any other electronic device or thing for communicating at a distance;

- (2) In section 3(1) in the definition of *machine* delete “any” and insert:

a telecommunications device and any other

s. 18

18. Section 8 amended

After section 8(2)(c)(iii) insert:

- (iia) the advertising of live odds during events, whether generally or by specific classes of persons or in a specified manner or place; and

19. Section 43A amended

In section 43A(3)(da) delete “races or sporting events; or” and insert:

events; or

20. Section 81 amended

Delete section 81(3).

21. Part V Division 5A inserted

After Part V Division 5 insert:

Division 5A — Remote gambling devices

93A. Terms used

In this Division —

public premises means premises in a public place, except —

- (a) premises comprising a totalisator agency as defined in the *Racing and Wagering Western Australia Act 2003* section 3(1); or

- (b) premises established by the Commission as defined in the *Lotteries Commission Act 1990* section 3(1) for or in connection with the performance of the Commission's functions under that Act; or
- (c) prescribed premises or a prescribed class of premises;

remote gambling device means a telecommunications device that is primarily or exclusively built to transmit a bet on an event or contingency.

93B. Offences relating to remote gambling devices

- (1) A person who places a remote gambling device on public premises commits an offence.
Penalty for this subsection: a fine of \$20 000.
- (2) A person who uses a remote gambling device on public premises commits an offence.
Penalty for this subsection: a fine of \$20 000.
- (3) An owner or occupier of public premises commits an offence if the owner or occupier permits a remote gambling device to be placed or used on the premises.
Penalty for this subsection: a fine of \$20 000.

22. Section 101 amended

In section 101(1) in the definition of *foreign lottery* delete “the State,” and insert:

Australia,

s. 23

23. Section 107 amended

In section 107(1) delete “sporting”.

24. Section 109D amended

In section 109D(3)(b) delete “Burswood Nominees Pty Ltd; and” and insert:

the casino licensee as defined in the *Casino Control Act 1984* section 3(1); and

25. Various penalties amended

(1) In the provisions listed in the Table delete “Penalty:” and insert:

Penalty for this subsection: a fine of

Table

s. 20(3)	s. 22(5)
s. 29(1)	s. 29(2)
s. 41(3)	s. 41(6)
s. 42(4)	s. 42(5)
s. 43A(2)	s. 43A(3)
s. 44(1)	s. 45(1)
s. 45(2)	s. 45(3)
s. 45(4)	s. 57(3)
s. 58(4)	s. 85(4)

s. 88(3)	s. 89(2)
s. 91(1)	s. 91(4)
s. 95(4)	s. 96(3)
s. 97(3)	s. 104(4)
s. 104(5)	s. 104C(4)
s. 104E(1)	s. 104E(2)
s. 104E(3)	s. 104F(1)
s. 104F(4)	s. 104L(1)
s. 104L(2)	s. 104L(3)
s. 104M(1)	s. 104M(2)
s. 104M(3)	s. 106(1)
s. 106(2)	s. 108(4)
s. 109H(2)	

(2) In the provisions listed in the Table delete “Penalty:” and insert:

Penalty: a fine of

Table

s. 86	s. 93
s. 98	