



Western Australia

## **Racing Restriction Act 2003**



## Racing Restriction Act 2003

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Western Australia

## **Racing Restriction Act 2003**

**An Act to regulate horse and greyhound races and race meetings.**

## Part 1 — Preliminary

### 1. Short title

This Act may be cited as the *Racing Restriction Act 2003*.

### 2. Commencement

This Act comes into operation on a day to be fixed by proclamation.

### 3. Definitions

(1) In this Act, unless the contrary intention appears —

**ARO** means a body corporate approved by the Minister as an approved racing organisation under section 9(3);

**metropolitan region** has the meaning given to that term in the *Planning and Development Act 2005* section 4;

**prize**, in relation to a race, means a trophy, cup or any other material reward or benefit —

- (a) with a value, or of an amount, exceeding that prescribed in relation to prizes for that kind of race under the rules of racing; or
- (b) if no value or amount is prescribed in relation to prizes for that kind of race under the rules of racing, with a value, or of an amount, exceeding \$50;

**RWWA Act** means the *Racing and Wagering Western Australia Act 2003*.

(2) A word or expression used in this Act has the same meaning as it has in the RWWA Act unless —

- (a) this Act gives it another meaning; or
- (b) the contrary intention appears in some other way.

*[Section 3 amended: No. 38 of 2005 s. 15.]*

## **Part 2 — Restrictions on racing**

### **4. Thoroughbred races**

A thoroughbred race for a stake or prize or for the purpose of betting must not be held unless the race —

- (a) is licensed by RWWA under the RWWA Act; and
- (b) is held at a racecourse that is licensed by RWWA under the RWWA Act.

### **5. Harness races**

A harness race for a stake or prize or for the purpose of betting must not be held unless the race —

- (a) is licensed by RWWA under the RWWA Act; and
- (b) is held at a racecourse that is licensed by RWWA under the RWWA Act.

### **6. Greyhound races**

A greyhound race for a stake or prize or for the purpose of betting must not be held unless the race —

- (a) is licensed by RWWA under the RWWA Act; and
- (b) is held at a racecourse that is licensed by RWWA under the RWWA Act.

### **7. Restriction on certain horse racing**

- (1) This section does not apply to thoroughbred races or harness races.
- (2) A horse or pony race for a stake or prize or for the purpose of betting must not be held unless the race is —
  - (a) conducted by an ARO in accordance with the conditions of the Minister's approval of that ARO under section 9; or
  - (b) licensed by RWWA under section 12 and conducted in accordance with the conditions of that licence.

**8. Offence**

If a race is held in contravention of section 4, 5, 6 or 7, each of the following persons commits an offence —

- (a) any person who holds the race;
- (b) any person on whose behalf the race is held;
- (c) each member of any managing body or committee of any association of persons, whether incorporated or not, which holds the race;
- (d) each member of any managing body or committee of any association of persons, whether incorporated or not, on whose behalf the race is held; and
- (e) any person who acts at the race as a steward, starter or judge or otherwise assists in the conduct of the race.

Penalty: \$10 000.



## **Part 3 — Approval as ARO**

### **9. Approval as an ARO**

- (1) A person may apply to the Minister to be approved by the Minister as an approved racing organisation if the person —
  - (a) is a body corporate;
  - (b) has the capacity to hold horse or pony races for a stake or prize or for the purpose of betting; and
  - (c) has the capacity to meet the requirements prescribed by the regulations for the purposes of this subsection.
- (2) An applicant for approval as an ARO is to provide with the application —
  - (a) a copy of the rules under which it proposes to hold races and details of the kinds of races it proposes to hold;
  - (b) details of the racecourse, or racecourses, at which it proposes to hold races; and
  - (c) any other information that the Minister requires for the purposes of a proper consideration of the application.
- (3) The Minister may approve an applicant as an ARO if the Minister is satisfied that —
  - (a) the applicant meets the requirements of subsection (1);
  - (b) the rules provided by the applicant under subsection (2)(a) are suitable; and
  - (c) it is not contrary to the public interest to do so.
- (4) In determining whether it is contrary to the public interest to approve an applicant as an ARO the Minister may have regard to the capacity of the applicant —
  - (a) to control races held by it; and
  - (b) to conduct the races honestly and free from criminal influence.

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- (5) An approval may be subject to any conditions that the Minister thinks appropriate and sets out in, or attaches to, the approval.
- (6) An approval includes an approval of the rules provided by the applicant under subsection (2)(a).
- (7) If the Minister decides not to approve an applicant as an ARO, the Minister is to give the applicant reasons in writing for the decision.
- (8) The Minister is not to approve an applicant as an ARO in relation to the holding of a thoroughbred race or a harness race.

**10. Variation of conditions and approved rules**

- (1) The Minister may —
  - (a) on the Minister's own initiative or on the application of an ARO, vary or revoke the conditions to which the approval of the ARO is subject; or
  - (b) on the application of the ARO, approve a variation of the rules provided by the ARO that are approved under section 9(6).
- (2) An ARO must not vary the rules provided by the ARO that are approved under section 9(6) without the approval of the Minister.
- (3) An ARO is to provide to the Minister any information that the Minister requires for the purposes of this section.

**11. Revocation of approval**

- (1) If the Minister is satisfied that —
  - (a) an ARO no longer meets the requirements of section 9(1); or
  - (b) it is not in the public interest for a body to remain approved as an ARO,

the Minister is to revoke the approval of the ARO.

- (2) If the Minister is satisfied that —
- (a) an ARO has contravened a provision of this Act; or
  - (b) an ARO has breached a condition of its approval as an ARO,
- the Minister may revoke the approval of the ARO.

## **Part 4 — RWWA licences for certain races**

### **12. Non-thoroughbred racing — RWWA licence**

- (1) A person may apply to RWWA under this section for a licence to hold a horse race for a stake or prize or for the purposes of betting if —
  - (a) the person is not a racing club registered under the RWWA Act;
  - (b) the person is not eligible to apply for a licence for the race under the RWWA Act; and
  - (c) there is no ARO that is eligible to hold the race meeting or race.
- (2) An applicant for a licence under this section is to provide with the application —
  - (a) a copy of the rules under which it proposes to hold the race and details of the kind of race it proposes to hold;
  - (b) details of the racecourse at which it proposes to hold the race; and
  - (c) any other information that RWWA requires for the purposes of a proper consideration of the application.
- (3) RWWA may issue the licence if RWWA is satisfied that —
  - (a) the applicant meets the requirements of subsection (1);
  - (b) the rules provided by the applicant under subsection (2)(a) are suitable; and
  - (c) it is not contrary to the public interest to do so.
- (4) A licence may be issued subject to any conditions that RWWA thinks appropriate and sets out in, or attaches to, the licence.
- (5) A licence includes an approval of the rules provided by the applicant under subsection (2)(a).
- (6) If RWWA decides not to issue the licence, RWWA is to give the applicant reasons in writing for the decision.

- (7) RWWA is not to issue a licence under this section in relation to the holding of a thoroughbred race or a harness race.

## **Part 5 — Ministerial directions**

### **13. Ministerial direction on thoroughbred or harness race meetings**

(1) If —

- (a) RWWA proposes to make any change to the programme of thoroughbred race meetings customarily conducted in the metropolitan region; and
- (b) the proposed change may necessitate a reduction of the number of thoroughbred race meetings customarily conducted outside the metropolitan region or the making of any other change to any programme of thoroughbred race meetings customarily conducted outside the metropolitan region,

any dispute arising in relation to the matter may be referred to the Minister who may give RWWA such direction as the Minister thinks fit in relation to the matter.

(2) If —

- (a) RWWA proposes to make any change to the programme of harness race meetings customarily conducted in the metropolitan region; and
- (b) the proposed change may necessitate a reduction of the number of harness race meetings customarily conducted outside the metropolitan region or the making of any other change to any programme of harness race meetings customarily conducted outside the metropolitan region,

any dispute arising in relation to the matter may be referred to the Minister who may give RWWA such direction as the Minister thinks fit in relation to the matter.

(3) RWWA must give effect to a direction of the Minister under subsection (1) or (2).

- (4) A direction given by the Minister under subsection (1) or (2) may, on the application of RWWA, be varied or cancelled by the Minister.

*[Section 13 amended: No. 38 of 2005 s. 15.]*

**14. Ministerial direction on other horse racing**

- (1) If —
- (a) an ARO proposes to make any change to the programme of race meetings customarily conducted by the ARO in the metropolitan region; and
  - (b) the proposed change may necessitate —
    - (i) a reduction in the number of race meetings customarily conducted by the ARO or another ARO outside the metropolitan region; or
    - (ii) the making of any other change to any programme of race meetings customarily conducted by the ARO or another ARO outside the metropolitan region,

any dispute arising in relation to the matter may be referred to the Minister who may give the ARO or another ARO such direction as the Minister thinks fit in relation to the matter, and effect is to be given to any such direction.

- (2) An ARO must give effect to a direction of the Minister given to the ARO under subsection (1).
- (3) A direction given by the Minister for the purposes of subsection (1) may, on the application of the ARO given the direction, be varied or cancelled by the Minister.

*[Section 14 amended: No. 38 of 2005 s. 15.]*

## **Part 6 — Miscellaneous**

### **15. Regulations**

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.



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## Notes

This is a compilation of the *Racing Restriction Act 2003* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Short title	Number and Year	Assent	Commencement
<i>Racing Restriction Act 2003</i>	34 of 2003	26 Jun 2003	1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3260)
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005</i> s. 15	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>TAB (Disposal) Act 2019</i> s. 155	21 of 2019	18 Sep 2019	To be proclaimed (see s. 2(1)(b)(xiii))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
ARO.....	3(1)
metropolitan region.....	3(1)
prize .....	3(1)
RWWA Act.....	3(1)