



Western Australia

Gambling Legislation Amendment Act 2024

Gambling Legislation Amendment Act 2024

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Western Australia

Gambling Legislation Amendment Act 2024

No. 53 of 2024

An Act to amend:

- the *Betting Control Act 1954*; and
- the *Casino (Burswood Island) Agreement Act 1985*; and
- the *Casino Control Act 1984*; and
- the *Gaming and Wagering Commission Act 1987*; and
- the *Racing and Wagering Western Australia Act 2003*.

[Assented to 6 December 2024]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Gambling Legislation Amendment Act 2024*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) section 8 — on a day fixed by proclamation;
- (c) sections 33 and 49 — on a day fixed by proclamation;
- (d) the rest of the Act — on the day after assent day.

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) insert in alphabetical order:

assessment notice has the meaning given in section 14B(3);

CEO means the chief executive officer of the Department;

Department means the department of the Public Service assisting the Minister in the administration of this Act;

- (2) In section 4(1) in the definition of *domestic betting operator* delete “races;” and insert:

races, events or contingencies;

5. Section 4B amended

After section 4B(3) insert:

- (3A) The holder of a bookmaker’s licence endorsed to authorise bookmaking on an event or a contingency must comply with the conditions and requirements to which the approval of bookmaking on the event or contingency is subject under subsection (3).

Penalty for this subsection: a fine of \$10 000.

6. Section 11 amended

Delete section 11(6) and insert:

- (6) A body corporate that holds a bookmaker's licence must, within 7 days after a person becomes or ceases to be a person who occupies a position of authority in the body corporate, lodge with the Commission a notice stating the full name and usual residential address of that person and the fact that the person has become or ceased to be such a person.

Penalty for this subsection: a fine of \$25 000.

- (6A) A body corporate that holds a bookmaker's licence must, in the month of July in each year, lodge with the Commission a return in a form approved by the Commission.

Penalty for this subsection: a fine of \$100 000.

- (6B) Each person who is a member of a partnership that holds a bookmaker's licence must, within 7 days after a person becomes or ceases to be a member of the partnership, lodge with the Commission a notice stating the full name and usual residential address of that person and the fact that the person has become or ceased to be a member.

Penalty for this subsection: a fine of \$5 000.

- (6C) Each person who is a member of a partnership that holds a bookmaker's licence must, in the month of July in each year, lodge with the Commission a return in a form approved by the Commission.

Penalty for this subsection: a fine of \$20 000.

- (6D) A member of a partnership who is otherwise required to comply with subsection (6B) or (6C) need not comply with the subsection if another member of the partnership has complied with the subsection.

7. Section 11G amended

In section 11G(1) and (2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

8. Part 2A inserted

After section 13 insert:

Part 2A — Regulated interactive gambling services

13A. Terms used

If a term used in this Part is given a meaning in the *Interactive Gambling Act 2001* (Commonwealth), it has the same meaning in this Part.

13B. Regulated interactive gambling services

- (1) A person must not provide a particular kind of regulated interactive gambling service that has a connection to the State unless the person holds a licence (however described) under a written law that authorises the provision of that kind of service in the State.

Penalty for this subsection: a fine of \$100 000.

- (2) A regulated interactive gambling service has a connection to the State if —
- (a) the service has an Australian-customer link; and
 - (b) 1 or more of the following apply —
 - (i) the service is provided in the course of carrying on a business in the State;
 - (ii) the central management and control of the service is in the State;
 - (iii) the service is provided through an agent in the State.
- (3) It is a defence to a charge of an offence under subsection (1) to prove that the person charged did not know and could not, with reasonable diligence, have ascertained that the service had an Australian-customer link.
- (4) For the purposes of subsection (3), in determining whether the person could, with reasonable diligence, have ascertained that the service had an Australian-customer link, the following matters may be taken into account —
- (a) whether prospective customers were informed that Australian law prohibits the provision of the service to customers who are physically present in Australia;
 - (b) whether customers were required to enter into contracts that were subject to an express condition that the customer was not to use the service if the customer was physically present in Australia;

- (c) whether the person required customers to provide personal details and, if so, whether those details suggested that the customer was not physically present in Australia;
- (d) whether the person has network data that indicates that customers were physically present outside Australia —
 - (i) when the relevant customer account was opened; and
 - (ii) throughout the period when the service was provided to the customer;
- (e) any other relevant matters.

13C. Licensing of certain regulated interactive gambling services

- (1) The regulations may provide for a scheme for the licensing and regulation of the provision of a particular kind of regulated interactive gambling service that has a connection to the State within the meaning of section 13B(2).
- (2) Without limiting subsection (1) or section 33, regulations made for the purposes of subsection (1) may provide for the following —
 - (a) the conferral of functions on the Commission;
 - (b) the assessment of the suitability of —
 - (i) an applicant for a licence for the provision of a regulated interactive gambling service; and
 - (ii) a holder of a licence for the provision of a regulated interactive gambling service; and

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- (iii) a person associated with an applicant or a licensee; and
 - (iv) a person in a position to influence or control the provision of a regulated interactive gambling service;
 - (c) the powers of the Commission if a person referred to in paragraph (b)(ii), (iii) or (iv) is found to be unsuitable;
 - (d) the circumstances in which a domestic betting operator may be provided the services of a regulated interactive gambling service;
 - (e) the circumstances in which a person may be a customer of a regulated interactive gambling service;
 - (f) the testing and approval of the business or information technology systems of providers of regulated interactive gambling services;
 - (g) fees, including annual licence fees.
- (3) If an enactment, other than this Part, provides for the licensing (however described) of the provision of a particular kind of regulated interactive gambling service, regulations cannot be made for the purposes of subsection (1) providing for a scheme for the licensing of the provision of that kind of regulated interactive gambling service.
- (4) If regulations made for the purposes of subsection (1) provide for a scheme for the licensing of the provision of a kind of regulated interactive gambling service, the regulations may —
- (a) for the purposes of that scheme, provide that the provisions of this Act apply, with or without modification, or do not apply, to or in relation

- to the provision of that kind of regulated interactive gambling service; and
- (b) without limiting paragraph (a), modify the provisions of this Act that relate, directly or indirectly, to the licensing and regulation of bookmakers for the purpose of providing for the interaction between the licensing and regulation of bookmakers and the licensing and regulation of the provision of that kind of regulated interactive gambling service.
- (5) Subsection (4) does not apply to the provisions of this Part.
- (6) The regulations may provide that a contravention of a regulation made for the purposes of subsection (1) is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$100 000.

9. Section 14A amended

Delete section 14A(2), (3) and (4) and insert:

- (2) A betting operator must, in relation to racing bets placed with, or placed or accepted through, the betting operator in each month —
- (a) within the prescribed period, lodge a return with the Department in the form approved by the CEO; and
 - (b) when the return is lodged with the Department, pay to the CEO the racing bets levy on the whole of the gross revenue or turnover reported in the return in accordance with the *Racing Bets Levy Act 2009*.

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Penalty for this subsection:

- (a) a fine of \$20 000;
- (b) for each separate and further offence committed by the betting operator under the *Interpretation Act 1984* section 71 — a fine of \$1 000.

10. Sections 14B to 14D inserted

After section 14A insert:

14B. CEO may assess racing bets levy in certain circumstances

- (1) The CEO may, in relation to a betting operator, make an assessment of the amount of racing bets levy payable in relation to a month if —
 - (a) the betting operator has failed to —
 - (i) lodge or keep a return or other record;
or
 - (ii) provide information required under this Act;
 - or
 - (b) the CEO has reason to believe or suspect that —
 - (i) a return lodged or other information given by the betting operator is materially incomplete or inaccurate; or
 - (ii) the betting operator is liable to pay the levy, even though a return was not lodged; or

- (iii) the betting operator is liable to pay an amount of levy that is different to the amount (if any) indicated by a return.
- (2) The CEO may request further information from the betting operator for the purpose of making an assessment.
- (3) The CEO must give written notice of the assessment (an *assessment notice*) to the betting operator.
- (4) The CEO may require the betting operator to pay a penalty amount of up to 10% of the amount of the racing bets levy specified in the assessment notice.
- (5) The assessment notice must include the following information —
 - (a) details of the calculation of the amount of the levy;
 - (b) the grounds on which the CEO has made the assessment;
 - (c) the penalty amount, if any, required to be paid;
 - (d) the date by which the payment of the levy and penalty amount (if any) must be made;
 - (e) details of the betting operator’s right to an internal review of the assessment under section 14C.
- (6) A betting operator that receives an assessment notice is liable to pay the CEO in accordance with the notice unless the assessment is varied or revoked under section 14C.

14C. Review of levy assessments

- (1) A betting operator may, within 14 days of receiving an assessment notice, apply to the CEO for an internal review of the assessment.
- (2) An application for internal review must —
 - (a) be made in writing; and
 - (b) comply with any other requirements prescribed by the regulations.
- (3) The CEO may request further information from the betting operator for the purposes of determining the application.
- (4) In determining the application, the CEO may confirm, vary or revoke the assessment.
- (5) The CEO must give written notice of the determination to the applicant, including the grounds on which the CEO has made the determination.
- (6) A determination to vary or revoke an assessment takes effect on and from the day on which the written notice of the determination is given to the applicant.

14D. CEO may recover unpaid racing bets levy and other costs

- (1) The CEO may recover unpaid amounts payable under section 14A(2)(b) as a debt in a court of competent jurisdiction.
- (2) The CEO may seek an order for the recovery of unpaid amounts specified in the following in a court of competent jurisdiction —
 - (a) an assessment notice;
 - (b) a notice of a determination under section 14C.

11. Section 20A amended

Delete section 20A(2) and insert:

- (2) A person must comply with a requirement under subsection (1)(f).

Penalty for this subsection: a fine of \$20 000.

- (2A) A person must not —
- (a) give a Commission representative information that the person knows to be false or misleading in a material particular; or
 - (b) hinder, delay or obstruct a Commission representative in carrying out functions under this section.

Penalty for this subsection: a fine of \$100 000.

12. Section 23 amended

In section 23(1) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

13. Section 24 amended

In section 24(1) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

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14. Section 27 amended

In section 27 delete the Penalty and insert:

Penalty: a fine of \$50 000.

15. Section 27A amended

(1) In section 27A(2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$10 000.

(2) In section 27A(2B) and (2C) delete the Penalty and insert:

Penalty for this subsection: a fine of \$50 000.

(3) In section 27A(3) delete the Penalty and insert:

Penalty for this subsection: a fine of \$10 000.

16. Section 27E amended

In section 27E(2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$10 000.

17. Section 27G amended

In section 27G in the Table delete “s. 20A(2)” and insert:

s. 20A(2) and (2A)

18. Section 28C amended

In section 28C delete the Penalty and insert:

Penalty: a fine of \$10 000.

19. Section 28D amended

In section 28D delete the Penalty and insert:

Penalty: a fine of \$50 000.

20. Section 32B inserted

At the beginning of Part 5 insert:

32B. Delegation by CEO

- (1) The CEO may delegate a power or duty of the CEO under another provision of this Act to —
 - (a) an officer of the Department; or
 - (b) a person authorised for the purposes of this section by the regulations.
- (2) The delegation must be in writing signed by the CEO.
- (3) A person exercising a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (4) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

21. Section 33 amended

In section 33(1):

(a) in paragraph (b)(xviii) delete “section 30.” and insert:

section 30;

(b) after paragraph (b) insert:

(c) make provision for giving effect to specified national policies (that is, policies and agreements to which the State and at least 1 other Australian jurisdiction are parties), to the extent to which the policies relate to the purposes of this Act.

22. Part 6 inserted

After section 33 insert:

Part 6 — Transitional provisions for *Gambling Legislation Amendment Act 2024*

34. Term used: commencement day

In this Part —

commencement day means the day on which the *Gambling Legislation Amendment Act 2024* section 22 comes into operation.

35. Application of *Interpretation Act 1984*

This Part does not limit the operation of the *Interpretation Act 1984*.

36. Requirement to lodge monthly return and pay racing bets levy

- (1) In this section —
former section 14A(2) means section 14A(2) as in force before commencement day.
- (2) Section 14A(2) does not apply to a betting operator in relation to a month if, under former section 14A(2) —
 - (a) a return was lodged by the betting operator for that month; and
 - (b) the betting operator paid the racing bets levy in relation to the return.
- (3) A return lodged under section 14A(2) may relate to bets placed with, or placed or accepted through, the betting operator before commencement day.
- (4) The CEO is not prevented from performing the CEO's functions under Part 3 in relation to bets placed with, or placed or accepted through, a betting operator before commencement day only because the bets were placed or accepted before commencement day.

37. Transitional regulations

- (1) The regulations may deal with all matters of a transitional, savings or application nature arising as a result of the enactment of the *Gambling Legislation Amendment Act 2024* Part 2.
- (2) Regulations made for the purposes of this section may provide that a specified state of affairs is taken to have existed, or not to have existed, on and after a day that is earlier than the day on which the regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a).

s. 23

- (3) If the regulations contain a provision referred to in subsection (2), the provision does not operate so as to —
- (a) affect in a manner prejudicial to any person (other than the State or a public authority) the rights of that person existing before the day of publication of those regulations; or
 - (b) impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the day of publication of those regulations.
- (4) Regulations made for the purposes of this section must be made within the period that is reasonably necessary to deal with the transitional, savings or application matters dealt with.

23. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 4A(6)	\$500	\$10 000
s. 11B(4)	\$2 000	\$50 000
s. 11B(11)	\$5 000	\$20 000
s. 11B(13)	\$2 000	\$5 000
s. 11B(14)	\$5 000	\$10 000
s. 11C(2)	\$2 000	\$50 000

Provision	Delete	Insert
s. 11C(9)	\$5 000	\$20 000
s. 11C(12)	\$2 000	\$5 000
s. 11C(13)	\$5 000	\$10 000
s. 11E(5)	\$5 000	\$10 000
s. 11F(1)	\$1 000	\$10 000
s. 11F(2)	\$1 000	\$5 000
s. 11G(3) and (4)	\$5 000	\$50 000
s. 20B(6)	\$5 000	\$20 000
s. 22(1) and (2)	\$200	\$2 000
s. 22A	\$200	\$10 000
s. 23(2)	\$200	\$20 000
s. 25(3)	\$250	\$20 000
s. 26	\$200	\$2 000
s. 26A(3)	\$100	\$10 000
s. 26B	\$5 000	\$20 000
s. 26C(1)	\$5 000	\$20 000
s. 26C(1)	\$2 000	\$10 000
s. 26C(5)	\$100	\$10 000

Gambling Legislation Amendment Act 2024

Part 2 Betting Control Act 1954 amended

s. 23

Provision	Delete	Insert
s. 27A(2A)	\$2 500	\$10 000
s. 27D(2A)	\$5 000	\$50 000
s. 28E	\$1 000	\$10 000
s. 29	\$5 000	\$50 000
s. 30(1)(a) and (b)	\$1 000	\$5 000
s. 30(1)(a)	\$50	\$250

Part 3 — *Casino (Burswood Island) Agreement Act 1985* amended

24. Act amended

This Part amends the *Casino (Burswood Island) Agreement Act 1985*.

25. Section 12 amended

In section 12(2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$250 000.

26. Section 17 amended

In section 17(3) delete each penalty and insert:

Penalty for this subsection:

- (a) a fine of \$100 000;
- (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$30 000.

Part 4 — *Casino Control Act 1984* amended

27. Act amended

This Part amends the *Casino Control Act 1984*.

28. Section 3 amended

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

CEO means the chief executive officer of the Department;

Department means the department of the Public Service assisting the Minister in the administration of this Act;

management and operation, of a casino, means the organisation, management, control and use of the casino, including —

- (a) the organisation, management and control of the gaming operations of the casino; and
- (b) the organisation, management and control of operations (whether of the casino licensee or not) that relate to the gaming operations of the casino;

- (2) In section 3(1) in the definition of ***gaming operations***:

- (a) in paragraph (e)(i) delete “games; or” and insert:

games in the casino; or

- (b) in paragraph (e)(ii) delete “games,” and insert:

games in the casino;

- (c) delete “in the casino;” (last occurrence).

29. Section 21H amended

- (1) In section 21H(1) delete the definitions of:
CEO
Department
- (2) In section 21H(1) in the definition of *management and operation of the Burswood Casino* in paragraphs (a) and (b) delete “gaming operations at” and insert:

the gaming operations of

30. Section 24 amended

- (1) Delete section 24(1AA).
- (2) In section 24(2) delete “casino licensee” (1st occurrence) and insert:

casino licensee, or a person responsible for the management and operation of the casino,

- (3) In section 24(3) delete “shall” and insert:

must take all reasonable steps to

- (4) At the end of section 24(3) insert:

Penalty for this subsection: a fine of \$250 000.

31. Sections 24A and 24B inserted

After section 24 insert:

24A. Approved manuals

- (1) A casino licensee must have manuals, approved by the Commission, about the management and operation of the casino that deal with the matters prescribed for this section.

Penalty for this subsection: a fine of \$100 000.

Examples for this subsection:

The matters prescribed may include the following —

- (a) systems and procedures for conducting games;
 - (b) internal management and control;
 - (c) systems and procedures for handling, dealing with and accounting for money, chips, vouchers and similar things;
 - (d) surveillance and security.
- (2) The Commission may require that an approved manual of a casino licensee be amended.
- (3) The requirement must be in writing and given to the casino licensee.
- (4) An amendment may be —
- (a) by agreement with the casino licensee; or
 - (b) in the absence of agreement — imposed by the Commission.
- (5) This section and the existence of an approved manual dealing with a matter in relation to a casino do not limit the Commission's power to give directions under section 24 about the management and operation of the casino in relation to that matter.

24B. Approved manuals — offences

- (1) A casino licensee must ensure that each approved manual is complied with.
Penalty for this subsection: a fine of \$100 000.
- (2) It is a defence to a charge of an offence under subsection (1) to prove that the casino licensee took all reasonable steps to comply with that subsection.
- (3) A person who is specified, or is a member of a class of persons specified, by an approved manual as being required to comply with an obligation in the manual must comply with the obligation.
Penalty for this subsection:
 - (a) for an individual, a fine of \$100 000;
 - (b) for a body corporate, a fine of \$250 000.
- (4) It is a defence to a charge of an offence under subsection (3) to prove that the person took all reasonable steps to comply with that subsection.

32. Section 27 amended

In section 27(3) delete the Penalty and insert:

Penalty for this subsection:

- (a) for a first offence, a fine of \$1 000;
- (b) for a second or subsequent offence, a fine of \$2 000.

33. Part VB deleted

Delete Part VB.

s. 34

34. Section 30 amended

In section 30(2) and (3) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

35. Section 30A inserted

After section 30 insert:

30A. Suspicious matter reports under AML/CTF Act (Cwlth)

If a casino licensee is required to give a report under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Commonwealth) section 41(2), the licensee must give a copy of the report to the Commission within the period prescribed.

Penalty: a fine of \$50 000.

36. Section 31 amended

In section 31 delete the Penalty and insert:

Penalty: a fine of \$100 000.

37. Section 33 amended

After section 33(1) insert:

(1A) Subsection (1) does not apply to a direction under section 21A(5), 21R(1), 21ZD(1) or 26(2).

38. Section 37 amended

In section 37(2)(b) delete “\$2 000;” and insert:

\$50 000;

39. Part 7 inserted

After section 37 insert:

**Part 7 — Transitional provisions for *Gambling
Legislation Amendment Act 2024***

38. Term used: commencement day

In this Part —

commencement day means the day on which the *Gambling Legislation Amendment Act 2024* section 39 comes into operation.

39. Casino Manuals

The Casino Manual (Games Procedures) and the Casino Manual (Operations) as in effect under directions under section 24 immediately before commencement day are taken to have been approved by the Commission under section 24A.

40. Suspicious matter reports under AML/CTF Act (Cwlth)

A casino licensee need not comply with section 30A in relation to a report that it is required to give under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Commonwealth) during the

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period of 6 months commencing on commencement day.

40. Schedule 2 amended

After Schedule 2 item 4 insert:

5. The giving effect to specified national policies (that is, policies or agreements to which the State and at least 1 other Australian jurisdiction are parties), to the extent to which the policies relate to the purposes of this Act.

41. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 19B(2)	Penalty: \$30 000.	Penalty for this subsection: a fine of \$100 000.
s. 22(6)	Penalty: \$5 000.	Penalty for this subsection: a fine of \$250 000.
s. 22(7)	Penalty: \$2 500.	Penalty for this subsection: a fine of \$50 000.
s. 23(2)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$50 000.
s. 26(1d)	Penalty: \$500.	Penalty for this subsection: a fine of \$5 000.

Provision	Delete	Insert
s. 26(6)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$10 000.
s. 26(7)	Penalty: \$5 000.	Penalty for this subsection: a fine of \$50 000.
s. 27(1)	Penalty: \$5 000.	Penalty for this subsection: a fine of \$20 000.
s. 27(1a)	Penalty: \$5 000.	Penalty for this subsection: a fine of \$50 000.
s. 27(3a)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$2 000.
s. 27A(4)	Penalty: \$1 000.	Penalty for this subsection: a fine of \$2 000.
s. 29E	Penalty: \$10 000.	Penalty: a fine of \$50 000.

**Part 5 — *Gaming and Wagering Commission Act 1987*
amended**

42. Act amended

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

43. Section 3 amended

In section 3(1) insert in alphabetical order:

CEO means the chief executive officer of the Department;

Sport and Recreation Department means the department of the Public Service assisting the Sport and Recreation Minister in the administration of the *Sports Drug Testing Act 2001*;

Sport and Recreation Minister means the Minister to whom the administration of the *Sports Drug Testing Act 2001* is for the time being committed;

44. Section 9 amended

In section 9(3)(c) delete “and (c) and section 110A(5),” and insert:

and (c),

45. Section 22 amended

In section 22(5) delete the Penalty and insert:

Penalty for this subsection: a fine of \$20 000.

46. Section 27A inserted

After section 27 insert:

**27A. Authorised officers to be public officers for
*Criminal Investigation Act 2006***

For the purposes of the *Criminal Investigation Act 2006* section 9 —

- (a) the office of authorised officer is prescribed for the purposes of this Act, the *Betting Control Act 1954* and the *Casino Control Act 1984*; and
- (b) the powers in Parts 2, 6, 7 and 12 of that Act are prescribed in respect of the office for the purposes of this Act, the *Betting Control Act 1954* and the *Casino Control Act 1984*.

47. Section 29 amended

In section 29(1) and (2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

48. Section 32A amended

- (1) In section 32A(1) in the definition of *seized thing* delete “Act or the *Betting Control Act 1954*.” and insert:

Act, the *Betting Control Act 1954* or the *Casino Control Act 1984*.

- (2) In section 32A(2) delete “Act or the *Betting Control Act 1954*.” and insert:

Act, the *Betting Control Act 1954* or the *Casino Control Act 1984*.

49. Section 36 replaced

Delete section 36 and insert:

36. Infringement notices

- (1) In this section —
relevant Act means —
- (a) this Act; and
 - (b) the *Betting Control Act 1954*; and
 - (c) the *Casino (Burswood Island) Agreement Act 1985*; and
 - (d) the *Casino Control Act 1984*; and
 - (e) an Act relating to the regulation of gambling, including the regulation of casinos, prescribed for the purposes of this definition.
- (2) If a relevant Act is a prescribed Act for the purposes of the *Criminal Procedure Act 2004* Part 2, this section has effect in relation to issuing infringement notices under that Part for alleged offences under the relevant Act and in relation to infringement notices so issued.
- (3) For the purposes of the *Criminal Procedure Act 2004* Part 2 —
- (a) the Commission may perform the functions of an approved officer under the *Criminal Procedure Act 2004* Part 2; and

- (b) an authorised officer or a member of the Police Force (a *police officer*) may perform the functions of an authorised officer under the *Criminal Procedure Act 2004* Part 2.
- (4) An infringement notice must be served within —
 - (a) 28 days after the day on which an authorised officer or police officer becomes aware that the alleged offence has or may have been committed; and
 - (b) 6 months after the day on which the alleged offence is believed to have been committed.
- (5) For the purposes of the *Criminal Procedure Act 2004* section 7(2), the means by which an authorised officer or a police officer can show that they are authorised to issue infringement notices is —
 - (a) for an authorised officer — their certificate of appointment under section 21(1); and
 - (b) for a police officer — evidence that they are a police officer which (where relevant) includes that they are in uniform.
- (6) For the purposes of the *Criminal Procedure Act 2004* section 15(2), the form of the notice that an infringement notice has been withdrawn may be prescribed under this Act for each other relevant Act.
- (7) Money paid as a modified penalty is, subject to the *Criminal Procedure Act 2004* section 15(4), to be dealt with under section 9(2) as money received by the Commission.
- (8) The *Criminal Procedure Act 2004* Part 2 is modified to the extent necessary to give effect to this section.

s. 50

50. Section 37 amended

In section 37 in the Table delete “s. 109H(2)” and insert:

s. 109H(1), (2), (3) and (4)

51. Section 41 amended

In section 41(3) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

52. Section 44 amended

In section 44(1) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

53. Section 45 amended

In section 45(1) and (2) delete the Penalty and insert:

Penalty for this subsection: a fine of \$50 000.

54. Section 57 amended

(1) In section 57(3):

- (a) delete “who or which fails to furnish a report or information required in accordance with subsection (1), or”;

(b) delete “any such report” (1st occurrence) and insert:

a report required under subsection (1)

(2) In section 57(3) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

(3) After section 57(3) insert:

(4) A person who or which fails to give a report or information required under subsection (1) commits an offence.

Penalty for this subsection: a fine of \$50 000.

55. Section 85 amended

In section 85(4) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

56. Section 101 amended

In section 101(1) insert in alphabetical order:

compliant guarantee means a guarantee that is —

- (a) in a form acceptable to the Commission; and
- (b) issued by an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5(1);

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prize winner, in relation to a standard lottery, means a person who wins a prize in the lottery;

relevant body, in relation to a permit holder, has the meaning given in section 104AB(2);

ticket holder, in relation to a standard lottery, means a person who has paid the whole price of a ticket, chance or subscription in the lottery;

57. Section 104 amended

After section 104(1c) insert:

- (1D) A permit for a standard lottery must not be issued under subsection (1)(a) if —
- (a) the Commission has under section 104AA(1) required the applicant to provide to the Commission security by way of a compliant guarantee; and
 - (b) the applicant has not complied with that requirement.

58. Sections 104AA to 104AF inserted

After section 104 insert:

104AA. Commission may require bank guarantee for certain standard lotteries

- (1) If a person applies for a permit to be issued under section 104(1)(a) authorising a standard lottery, the Commission may by written notice require the person to provide to the Commission security by way of a compliant guarantee for an amount specified in the notice.

- (2) A condition imposed in relation to a standard lottery permit issued under section 104(1)(a) may require the permit holder to provide to the Commission, within the time specified in the instrument imposing the condition or as otherwise allowed by the Commission under subsection (3), security by way of a compliant guarantee for an amount specified in the condition.
- (3) For the purposes of subsection (2), the Commission may by written notice to the permit holder allow the guarantee to be provided within a later time specified in the notice.
- (4) The amount of the compliant guarantee specified in a notice under subsection (1) or a condition under subsection (2) must not exceed the total value of the prizes proposed to be distributed or offered in the standard lottery.

104AB. Commission's powers if bank guarantee provided

- (1) This section applies if —
 - (a) a compliant guarantee is provided to the Commission in relation to a standard lottery;
and
 - (b) the Commission is satisfied that the lottery has failed or is likely to fail.
- (2) The Commission may, by written notice, require the permit holder or, if the permit holder is the nominee permit holder for a body of persons (*relevant body*) in relation to the lottery, the relevant body to do 1 or more of the following —
 - (a) conduct and draw the lottery, including under the supervision of an authorised officer;

- (b) inform persons, or a class of persons, specified in the notice that the Commission intends to distribute, from money paid to the Commission under the compliant guarantee, a refund to each ticket holder who is not otherwise refunded;
 - (c) provide to persons, or a class of persons, specified in the notice information specified in the notice regarding the process for ticket holders to claim a refund;
 - (d) inform persons, or a class of persons, specified in the notice that the Commission intends to distribute, from money paid to the Commission under the compliant guarantee, the equivalent cash value of the prize to each prize winner who has not received their prize.
- (3) The Commission may by written notice require the relevant body to nominate an individual to carry out the relevant body's obligations in relation to any requirement made under subsection (2).
- (4) The Commission may make a requirement under subsection (2) or (3) regardless of whether the standard lottery permit has expired.
- (5) The Commission may do either or both of the following —
 - (a) advertise for, and call for claims from, ticket holders or prize winners in relation to the standard lottery;
 - (b) subject to section 104AC, take any other action that the Commission reasonably considers necessary to prevent or remedy the failure of the lottery.

104AC. Commission may demand payment under bank guarantee

- (1) This section applies if —
 - (a) a compliant guarantee is provided to the Commission in relation to a standard lottery; and
 - (b) the Commission is satisfied that the lottery has failed or is likely to fail.
- (2) Subject to section 104AD, the Commission may demand payment under the compliant guarantee if the requirements of subsection (3) or (4) are met.
- (3) For the purposes of subsection (2), the requirements of this subsection are met if the Commission is satisfied that —
 - (a) all money received for or on account of a ticket, chance or subscription in the standard lottery should be refunded to ticket holders; and
 - (b) the amount of money available to be refunded to ticket holders is less than the total amount of all money received for or on account of a ticket, chance or subscription in the standard lottery.
- (4) For the purposes of subsection (2), the requirements of this subsection are met if the Commission is satisfied that —
 - (a) the total value of the prizes proposed to be distributed or offered in the standard lottery should be distributed to prize winners; and
 - (b) 1 or more of the prizes proposed to be distributed or offered in the standard lottery is not available to be distributed to prize winners.

104AD. Commission must give notice in relation to bank guarantee

- (1) Before demanding payment under a compliant guarantee provided in relation to a standard lottery, the Commission must give the permit holder and any relevant body written notice under this section.
- (2) The written notice must —
 - (a) state the Commission’s intention to demand payment under the guarantee and the amount of money that the Commission intends to demand; and
 - (b) invite the permit holder and any relevant body to make representations in writing to the Commission as to why the Commission should not demand payment as proposed; and
 - (c) state the period (which must be at least 7 days after the day on which the notice is given) within which representations may be made.
- (3) After the end of the period stated in the notice the Commission must consider any representations in writing made by the permit holder or any relevant body.
- (4) If the Commission decides to demand payment under the guarantee, the Commission must give the permit holder and any relevant body written notice of the decision and reasons for the decision.

104AE. Commission to deal with money paid under bank guarantee

- (1) If the Commission demands payment under a compliant guarantee —
 - (a) any money paid to the Commission under the guarantee must be paid into the Gaming and Wagering Commission Account; and
 - (b) the Commission holds that money on trust for all persons interested.
- (2) Subsections (3) and (4) apply if —
 - (a) money is paid to the Commission under a compliant guarantee provided in relation to a standard lottery; and
 - (b) the period of 12 months beginning on the day on which the money is paid to the Commission has ended; and
 - (c) some or all of the money (the *unclaimed amount*) has not been distributed to ticket holders or prize winners.
- (3) If this subsection applies —
 - (a) any right of a ticket holder or prize winner in relation to the unclaimed amount is extinguished; and
 - (b) subject to subsection (4), the Commission must return the unclaimed amount to the permit holder or relevant body.
- (4) If the Commission is satisfied that the unclaimed amount cannot be returned to the permit holder or relevant body, the unclaimed amount must be dealt with under section 109C as if it were unclaimed winnings to which section 109B(3) applies.

104AF. Return of bank guarantee

If the Commission is satisfied that a compliant guarantee provided to the Commission by a person in relation to a standard lottery is no longer required, the Commission may return the guarantee to the person.

59. Section 106 amended

In section 106(1) delete the Penalty and insert:

Penalty for this subsection: a fine of \$100 000.

60. Section 109C amended

In section 109C(3)(a) and (b) delete “Commission” and insert:

Department

61. Section 109D amended

(1) Delete section 109D(3)(a) and insert:

(a) the CEO, who is the chairperson of the Trust;

(2) Delete section 109D(4).

62. Section 109E amended

In section 109E delete “50(b)” and insert:

50(1)(b)

63. Section 109G amended

- (1) Delete section 109G(1) and insert:
 - (1A) In this section and in section 109H —
organisation, management and control, of the gambling operations of RWWA —
 - (a) means the organisation, management and control of the gambling operations of RWWA;
and
 - (b) includes the organisation, management and control of operations (whether of RWWA or not) that relate to the gambling operations of RWWA.
 - (1) The Commission may give directions to RWWA about the organisation, management and control of the gambling operations of RWWA.
- (2) In section 109G(4) delete “The controls” and insert:

Controls
- (3) After section 109G(4) insert:
 - (4A) Without limiting subsection (1), the Commission may give a direction to RWWA, or to a person responsible for the organisation, management and control of the gambling operations of RWWA, to adopt, vary, cease or refrain from any practice in respect of the gambling operations of RWWA.

64. Section 109H replaced

Delete section 109H and insert:

109H. Contravention of directions

- (1) RWWA must take all reasonable steps to ensure that any direction given to it under section 109G, or section 52 of the RWWA Act, is brought to the notice of, and is not contravened by, the following persons —
 - (a) a person responsible for the organisation, management and control of the gambling operations of RWWA;
 - (b) any other person acting in relation to the organisation, management and control of the gambling operations of RWWA as an employee, agent or otherwise on behalf of, or subject to the control of, RWWA.

Penalty for this subsection: a fine of \$250 000.

- (2) RWWA must comply with a direction given to it under section 109G or section 52 of the RWWA Act.

Penalty for this subsection: a fine of \$250,000.

- (3) A person other than RWWA given a direction under section 109G(4A) must comply with it.

Penalty for this subsection:

- (a) for an individual, a fine of \$100 000;
 - (b) for a body corporate, a fine of \$250 000.
- (4) If a direction is given to RWWA under section 109G or section 52 of the RWWA Act, a person to whom or which subsection (1) refers in relation to the direction must comply with the direction.

Penalty for this subsection:

- (a) for an individual, a fine of \$100 000;
 - (b) for a body corporate, a fine of \$250 000.
- (5) It is a defence to a charge of an offence under subsection (2), (3) or (4) for the person charged to prove that they had a reasonable excuse for failing to comply with the direction.

65. Section 109K amended

In section 109K(3)(c) delete “\$100 000.” and insert:

\$1 000 000.

66. Section 110A amended

(1) Delete section 110A(1) and insert:

- (1) An account called the Sports Wagering Account must be established as an agency special purpose account under the *Financial Management Act 2006* section 16, to which money paid by RWWA under section 104 of the RWWA Act is to be credited.

(2) Delete section 110A(3)(a) and insert:

- (a) be administered by the Sport and Recreation Department; and

(3) Delete section 110A(4).

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- (4) In section 110A(5) delete “Commission on being directed by the Minister of the Crown responsible for sport and recreation, shall” and insert:

chief executive officer of the Sport and Recreation Department must, as directed by the Sport and Recreation Minister,

67. Section 110B amended

- (1) Delete section 110B(1) and insert:

(1) An account called the Racing Bets Levy Account must be established as an agency special purpose account under the *Financial Management Act 2006* section 16, to which the CEO must credit money paid to or recovered by the CEO under the *Betting Control Act 1954* sections 14A to 14D.

- (2) In section 110B(2) delete “is to be administered by the Commission.” and insert:

must be administered by the Department.

- (3) In section 110B(4):

- (a) delete “Commission is to — ” and insert:

CEO must —

- (b) in paragraph (a) delete “Commission” and insert:

Department

- (c) in paragraph (b) delete “this section.” and insert:

subsection (5).

- (4) Delete section 110B(5) and insert:

- (5) The Department must pay or credit the balance of the Racing Bets Levy Account to —
 - (a) RWWA; or
 - (b) the following clubs, in the amounts determined by the Minister —
 - (i) thoroughbred racing clubs registered with RWWA;
 - (ii) harness racing clubs registered with RWWA;
 - (iii) greyhound racing clubs registered with RWWA.

68. Sections 110C and 110D inserted

After section 110B insert:

110C. Provision of information to Commission

- (1) In this section —
relevant information means information relating to the performance of the following functions —
 - (a) the administration of the Gaming Community Trust Account under section 109C;
 - (b) the functions of the Gaming Community Trust under section 109D;

- (c) the administration of the Sports Wagering Account under section 110A;
 - (d) the administration of the Racing Bets Levy Account under section 110B.
- (2) This section applies to —
 - (a) the Department; and
 - (b) the Sport and Recreation Department.
- (3) The chief executive officer of a department to which this section applies may provide relevant information to the Commission if satisfied it is reasonably necessary for the purposes of enabling or assisting the Commission or the department in the performance of its functions under this Act or the *Betting Control Act 1954*.

110D. Delegation by CEO

- (1) The CEO may delegate a power or duty of the CEO under another provision of this Act to —
 - (a) an officer of the Department; or
 - (b) a person or class of persons authorised for the purposes of this section by the regulations.
- (2) The delegation must be in writing signed by the CEO.
- (3) A person exercising or performing a power or duty that has been delegated to the person under this section is taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (4) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

69. Section 117 amended

In section 117:

- (a) in paragraph (e)(ii) delete “section 43A(3)(d).” and insert:

section 43A(3)(d);

- (b) after paragraph (e) insert:

and

- (f) for making provision for giving effect to specified national policies (that is, policies or agreements to which the State and at least 1 other Australian jurisdiction are parties), to the extent to which the policies relate to the purposes of this Act.

70. Part 7 inserted

After section 117 insert:

Part 7 — Transitional provisions for *Gambling Legislation Amendment Act 2024*

118. Term used: commencement day

In this Part —

commencement day means the day on which the *Gambling Legislation Amendment Act 2024* section 70 comes into operation.

119. Application of *Interpretation Act 1984*

This Part does not limit the operation of the *Interpretation Act 1984*.

120. Infringement notices

- (1) A certificate issued to an authorised person under the *Casino Control Act 1984* section 29G(2) that was in effect immediately before commencement day is, for the period of 3 months commencing on commencement day, taken to state that the person is an authorised officer.
- (2) Subsection (3) applies to an infringement notice served under section 36 of this Act or under the *Casino Control Act 1984* Part VB that, immediately before commencement day, had not been withdrawn.
- (3) The *Criminal Procedure Act 2004* Part 2, as modified by section 36 of this Act (as in force after commencement day), applies to and in relation to the infringement notice as if it had been served under that Part.

121. Gaming Community Trust Account and Racing Bets Levy Account

- (1) The amount in the Gaming Community Trust Account administered by the Commission under section 109C immediately before commencement day is, on commencement day, transferred to the Gaming Community Trust Account administered by the Department under section 109C.
- (2) The amount in the Racing Bets Levy Account administered by the Commission under section 110B immediately before commencement day is, on commencement day, transferred to the Racing Bets

Levy Account administered by the Department under section 110B.

- (3) An approval of the Minister under section 109C(2) before commencement day to apply an amount for a purpose from the Gaming Community Trust Account must, if the amount is not paid before commencement day, be given effect by the Department under section 109C.
- (4) A determination of the Commission under section 110B(5) before commencement day to pay or credit an amount from the Racing Bets Levy Account must, if the amount is not paid before commencement day, be given effect by the Department under section 110B.

122. Sports Wagering Account

- (1) The amount in the Sports Wagering Account administered by the Commission under section 110A immediately before commencement day is, on commencement day, transferred to the Sports Wagering Account administered by the Sport and Recreation Department under section 110A.
- (2) A direction of the Minister under section 110A(5) before commencement day to apply an amount for a purpose from the Sports Wagering Account must, if the amount is not paid before commencement day, be given effect by the Sport and Recreation Department under section 110A.

123. Transitional regulations

- (1) The regulations may deal with all matters of a transitional, savings or application nature arising as a result of the enactment of the *Gambling Legislation Amendment Act 2024* Part 5.

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- (2) Regulations made for the purposes of this section may provide that a specified state of affairs is taken to have existed, or not to have existed, on and after a day that is earlier than the day on which the regulations are published in accordance with the *Interpretation Act 1984* section 41(1)(a).
- (3) If the regulations contain a provision referred to in subsection (2), the provision does not operate so as to —
 - (a) affect in a manner prejudicial to any person (other than the State or a public authority) the rights of that person existing before the day of publication of those regulations; or
 - (b) impose liabilities on any person (other than the State or a public authority) in respect of anything done or omitted to be done before the day of publication of those regulations.
- (4) Regulations made for the purposes of this section must be made within the period that is reasonably necessary to deal with the transitional, savings or application matters dealt with.

71. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
s. 20(3)	\$2 500	\$50 000
s. 35	\$1 000	\$50 000
s. 41(6)	\$500	\$5 000

Provision	Delete	Insert
s. 42(4)	\$2 500	\$50 000
s. 42(5)	\$500	\$5 000
s. 43A(2)	\$5 000	\$50 000
s. 43A(3)	\$2 000	\$50 000
s. 45(3)	\$2 500	\$50 000
s. 45(4)	\$2 500	\$10 000
s. 58(4)	\$2 500	\$50 000
s. 86	\$100	\$2 500
s. 88(3)	\$2 000	\$100 000
s. 89(2)	\$5 000	\$100 000
s. 91(1) and (4)	\$2 000	\$20 000
s. 93	\$1 000	\$20 000
s. 93B(1)	\$20 000	\$100 000
s. 93B(2)	\$20 000	\$5 000
s. 93B(3)	\$20 000	\$100 000
s. 95(4)	\$100	\$1 000
s. 96(3)	\$1 000	\$20 000

Gambling Legislation Amendment Act 2024**Part 5**

Gaming and Wagering Commission Act 1987 amended

s. 71

Provision	Delete	Insert
s. 97(3)	\$1 000	\$20 000
s. 98	\$2 000	\$20 000
s. 104(4) and (5)	\$1 000	\$10 000
s. 104C(4)	\$5 000	\$10 000
s. 104E(1), (2) and (3)	\$5 000	\$10 000
s. 104F(1) and (4)	\$5 000	\$10 000
s. 104L(1), (2) and (3)	\$5 000	\$50 000
s. 104M(1), (2) and (3)	\$5 000	\$50 000
s. 106(2)	\$2 000	\$100 000
s. 108(4)	\$2 000	\$5 000

Part 6 — *Racing and Wagering Western Australia Act 2003* amended

72. Act amended

This Part amends the *Racing and Wagering Western Australia Act 2003*.

73. Section 3 amended

In section 3(1) insert in alphabetical order:

Department means the department of the Public Service assisting the Minister in the administration of this Act;

74. Section 107A amended

In section 107A(1) delete “Commission” and insert:

Department

75. Section 115 replaced

Delete section 115 and insert:

115. Miscellaneous offences

- (1) A person must not obstruct, impede or otherwise interfere with the doing of a thing required or authorised to be done under this Act.

Penalty for this subsection: a fine of \$100 000.

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- (2) A person must not use any threatening language to a person acting in the performance of a function under this Act.

Penalty for this subsection: a fine of \$25 000.

76. Section 121 amended

In section 121(2):

- (a) in paragraph (b)(ii) delete “\$1 000; or” and insert:

\$50 000; or

- (b) in paragraph (h)(ii) delete “club.” and insert:

club;

- (c) after paragraph (h) insert:

- (i) making provision for giving effect to specified national policies (that is, policies or agreements to which the State and at least 1 other Australian jurisdiction are parties), to the extent to which the policies relate to the purposes of this Act.

- (d) after paragraphs (a) and (c) to (h) insert:

and

77. Schedule 2 amended

- (1) In Schedule 2 clause 3(2) delete “\$20 000 or imprisonment for 5 years, or both.” and insert:

\$20 000.

- (2) In Schedule 2 clause 3(2) delete the Summary conviction penalty and insert:

Summary conviction penalty for this subclause: a fine of \$12 000.

- (3) In Schedule 2 clause 5(2) delete “\$20 000 or imprisonment for 5 years, or both.” and insert:

\$20 000.

- (4) In Schedule 2 clause 5(2) delete the Summary conviction penalty and insert:

Summary conviction penalty for this subclause: a fine of \$12 000.

- (5) In Schedule 2 clause 6(2) delete “\$20 000 or imprisonment for 5 years, or both.” and insert:

\$20 000.

- (6) In Schedule 2 clause 6(2) delete the Summary conviction penalty and insert:

Summary conviction penalty for this subclause: a fine of \$12 000.

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