

Western Australia

**Racing and Gambling Legislation Amendment
and Repeal Act 2003**

As at 26 Jun 2003

No. 35 of 2003

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Racing and Gambling Legislation Amendment and Repeal Act 2003

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Racing and Gambling Legislation Amendment and Repeal Act 2003

No. 35 of 2003

An Act —

- **to provide for transitional matters related to the enactment of the *Racing and Wagering Western Australia Act 2003*;**
- **to amend, and then repeal, the *Totalisator Agency Board Betting Act 1960*;**
- **to repeal the *Totalisator Agency Board Betting Tax Act 1960*;**
- **to repeal the *Racecourse Development Act 1976*;**
- **to repeal the *Racing Restriction Act 1917*;**
- **to repeal the *Racing Restriction Act 1927*;**
- **to amend the *Betting Control Act 1954*;**
- **to amend the *Gaming Commission Act 1987*;**
- **to make other amendments as a consequence of those repeals and amendments and the enactment of the *Racing and Wagering Western Australia Act 2003*;**
- **for purposes related to those repeals and amendments;**
- **to provide for the devolution of assets and liabilities from the TAB and the Racecourse Development Trust to RWWA; and**

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- **to make other amendments related to racing, gaming or wagering.**

[Assented to 26 June 2003]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Racing and Gambling Legislation Amendment and Repeal Act 2003*.

2. Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Different days may be fixed under subsection (1) for different provisions.

3. Definitions

In this Act —

“appointed day” means the day fixed by order under section 7;

“assets” means —

- (a) property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal; and
- (b) without limiting paragraph (a) includes choses in action, goodwill, rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective;

“commencement day” means the day of which Part 1 of the RWWA Act comes into operation;

“liability” means any liability, duty or obligation whether actual, contingent or prospective, liquidated or unliquidated, or whether owned alone or jointly or jointly and severally with any other person;

“right” means any right, power, privilege or immunity whether actual, contingent or prospective;

“RWWA” means Racing and Wagering Western Australia established under the *Racing and Wagering Western Australia Act 2003*;

“RWWA Act” means the *Racing and Wagering Western Australia Act 2003* and, without limiting section 46 of the *Interpretation Act 1984*, includes a reference to the rules of racing made under, or continued for the purposes of, that Act.

Part 2 — Transitional matters related to enactment of RWWA Act

4. Definitions

- (1) In this Part, unless the contrary intention appears —
- “old Greyhound Racing Rules”** means Greyhound Racing Rules made under section 7B of the *Western Australian Greyhound Racing Authority Act 1981* and in force immediately before commencement day;
- “old Rules of Harness Racing”** means the Rules of Harness Racing 1999 made or adopted under by-laws under the *Western Australian Trotting Association Act 1946* and in force immediately before commencement day;
- “old Rules of Racing”** means Rules of Racing of the Western Australian Turf Club made or adopted by the Western Australian Turf Club and in force immediately before commencement day;
- “TAB”** means the Totalisator Agency Board established under the *Totalisator Agency Board Betting Act 1960*;
- “TABB Act”** means the *Totalisator Agency Board Betting Act 1960*.
- (2) Unless otherwise specified or a contrary intention appears, words and expressions in this Part have the same meaning as in the RWWA Act.

5. First appointments to the board

- (1) Despite sections 11 and 12 of the RWWA Act, for the purpose of the first appointments of directors to the board —
- (a) the following bodies are eligible thoroughbred racing bodies for the purposes of sections 8(1)(b) and 11(2)(c) of the RWWA Act —
- (i) The Western Australian Turf Club;

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- (ii) the Western Australian Provincial Thoroughbred Racing Association;
 - (iii) the Country Racing Association;
 - (iv) the Western Australian Thoroughbred Racing Industry Council;
 - (b) the following bodies are eligible harness racing bodies for the purposes of sections 8(1)(c) and 11(2)(d) of the RWWA Act —
 - (i) the Western Australian Trotting Association;
 - (ii) the Fremantle Trotting Club (Inc.);
 - (iii) the Western Australian Country Trotting Association;
 - (iv) the Western Australian Standardbred Breeders' Association Inc.;
 - (v) the Western Australian Harness Racing Breeders, Owners, Trainers and Reinspersons' Association (Inc.);
 - (vi) the Harness Racing Owners' Association of WA Incorporated;
 - (c) the following bodies are eligible greyhound racing bodies for the purposes of sections 8(1)(d) and 11(2)(e) of the RWWA Act —
 - (i) the Western Australian Greyhound Racing Authority;
 - (ii) the Avon Valley Greyhound Racing Association;
 - (iii) the Western Australian Greyhound Breeders, Owners and Trainers Association;
- and
- (d) the Minister is to nominate a person for the purposes of section 11(2)(b) of the RWWA Act instead of the board.
- (2) The Minister may give directions for facilitating the constitution of the first board of directors of RWWA and those directions

have the same effect as an order made under section 9 of the RWWA Act.

6. Acting CEO

The Minister may appoint a person to act in the office of CEO under section 20 of the RWWA Act during the period before the board first appoints a CEO under that section.

7. RWWA not to exercise gambling functions until appointed day

- (1) RWWA must not exercise any of its functions under Part 5 of the RWWA Act until the day fixed under subsection (2).
- (2) The Minister may, by order published in the *Gazette*, fix a day (the “**appointed day**”) on which RWWA is authorised to exercise its functions under Part 5 of the RWWA Act.
- (3) Until the appointed day, the functions (to the extent that they are like functions of the TAB under the TABB Act immediately before the appointed day) remain functions of the TAB and may continue to be exercised by the TAB under the TABB Act.

8. Strategic development plan

- (1) The first strategic development plan for RWWA under Part 6 Division 1 of the RWWA Act is to be for a period starting 1 August 2004.
- (2) The last strategic development plan for the TAB under the TABB Act before the appointed day is to operate after the appointed day as a strategic development plan for RWWA in relation to its gambling operations until a first strategic development plan for RWWA in relation to those operations is agreed under the RWWA Act.

9. Statement of corporate intent

- (1) The first statement of corporate intent for RWWA under Part 6 Division 2 of the RWWA Act is to be for the financial year commencing 1 August 2004.

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- (2) The last statement of corporate intent for the TAB under the TABB Act before the appointed day is to operate after the appointed day as a statement of corporate intent for RWWA in relation to its gambling operations until a first statement of corporate intent for RWWA in relation to those operations is submitted under the RWWA Act.

10. Borrowing limits

The first monetary limits under section 98 of the RWWA Act are to be determined in relation to the first financial year of RWWA to start on or after commencement day.

11. Rules of racing — continuation and expiry

- (1) Subject to subsection (5), the old Rules of Harness Racing continue in force with such changes as are necessary on and after commencement day —
- (a) to the extent that the rules deal with matters of racing, as if the rules were made by RWWA as Rules of Harness Racing under section 45 of the RWWA Act; and
 - (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (2) Subject to subsection (5), the old Rules of Racing continue in force with such changes as are necessary on and after commencement day —
- (a) to the extent that the rules deal with matters of racing, as if the rules were made by RWWA as Rules of Thoroughbred Racing under section 45 of the RWWA Act; and

- (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (3) Subject to subsection (5), the old Greyhound Racing Rules continue in force with such changes as are necessary on and after commencement day —
 - (a) to the extent that the rules relate to racing, as if the rules were made by RWWA as Rules of Greyhound Racing under section 45 of the RWWA Act; and
 - (b) to the extent that the rules deal with totalisators on racecourses —
 - (i) before the appointed day as if the rules were not affected by this Act or the RWWA Act; and
 - (ii) on and after the appointed day as if the rules were made and approved as rules of wagering under section 120 of the RWWA Act.
- (4) A reference in the RWWA Act to the rules of racing or the rules of wagering includes a reference to the rules in force under this section.
- (5) The rules continued in force under subsections (1), (2) and (3) expire 12 months after the coming into operation of this section, or on a day fixed by order of the Minister published in the *Gazette*, whichever is the earlier day.
- (6) Nothing in this section affects the operation of sections 36, 37 and 38 of the RWWA Act.
- (7) To the extent that the rules continued in force under this section confer functions and powers solely on a principal club or a controlling authority, on and after commencement day those

functions are to be carried out and powers are to be exercised by RWWA.

12. Licences, permits, approvals and registrations

(1) In this section —

“authorisation” means —

- (a) a licence to train;
- (b) a licence of a bookmaker;
- (c) a licence of a driver;
- (d) a licence of a trainer;
- (e) a licence of a stablehand;
- (f) a licence of a studmaster or artificial breeding technician;
- (g) a permit to train;
- (h) registration of a racing club;
- (i) registration as a driver, trainer, owner, stable hand, bookmaker or bookmaker’s clerk;
- (j) registration of a horse, foal, stud or sire (or for a certificate of service) or of any transfer, lease or cancellation of lease of a horse;
- (k) registration of a syndicate;
- (l) registration of colours;
- (m) any other licence, permit, approval or registration.

(2) Subject to the RWWA Act, any authorisation given or issued under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing;
- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or

(d) the old Rules of Racing,

and in force immediately before commencement day continues in force on and after commencement day as if it were given by RWWA under the RWWA Act.

13. Appointment of stewards and other officials

(1) Subject to the RWWA Act and unless otherwise determined in writing by RWWA, any appointment of a steward or other racing official made under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing; or
- (c) the old Rules of Racing,

and in force immediately before commencement day continues in force, with necessary changes but otherwise under and subject to the same terms and conditions, on and after commencement day as if it were made under the RWWA Act.

(2) Nothing in —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing; or
- (c) the old Rules of Racing,

operates so as to prevent or restrict —

- (d) the continuation of the appointment of an employee of a racing club as a steward or other racing official for the purposes of the RWWA Act; or
- (e) the appointment by RWWA of an employee of a racing club as a steward or other racing official for the purposes of the RWWA Act.

14. Race meetings

On and after commencement day a date or time for a race meeting that has been fixed by or under —

- (a) the old Greyhound Racing Rules;

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- (b) the old Rules of Harness Racing;
- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
- (d) the old Rules of Racing,

and in force immediately before commencement day, is to be taken to be the date or time of the race meeting as if it had been fixed by RWWA under the RWWA Act.

15. Appeals

(1) Any appeal under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing;
- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
- (d) the old Rules of Racing,

that has been commenced but not completed immediately before commencement day, is taken to be an appeal against a decision of RWWA.

(2) A right of appeal under —

- (a) the old Greyhound Racing Rules;
- (b) the old Rules of Harness Racing;
- (c) the by-laws of the Western Australian Trotting Association under the *Western Australian Trotting Association Act 1946*; or
- (d) the old Rules of Racing,

that is in existence but has not been exercised immediately before commencement day, is taken to be a right of appeal against a decision of RWWA.

16. TAB Sports Betting Account

- (1) On commencement day, any funds standing to the credit of the TAB Sports Betting Account established under section 28A(2)(d) of the TABB Act are to be credited to the Sports Wagering Account referred to in section 110A of the *Gaming Commission Act 1987*, and the TAB Sports Betting Account is then to be closed.
- (2) If in an agreement, instrument or other document there is a reference to the TAB Sports Betting Account, that reference is, unless the context otherwise requires, to be read or to have effect on and after commencement day as if it were a reference to the Sports Wagering Account.

17. Sports Betting Promotion Account

- (1) On commencement day, any funds standing to the credit of the Sports Betting Promotion Account referred to in section 28A(2)(c) of the TABB Act are to be credited to an account established under section 88 of the RWWA Act, and the Sports Betting Promotion Account is then to be closed.
- (2) If in an agreement, instrument or other document there is a reference to the Sports Betting Promotion Account, that reference is, unless the context otherwise requires, to be read or to have effect on and after commencement day as if it were a reference to the account established under section 88 of the RWWA Act.

18. Further transitional provisions may be made

- (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this Act may include any provision that is required, or that is necessary or convenient, for dealing with the transitional matter.
- (2) In subsection (1) —
“transitional matter” means a matter that needs to be dealt with for the purpose of —
 - (a) effecting the transition from the provisions of the TABB Act to the provisions of the RWWA Act; or

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- (b) effecting the transition from the provisions of an Act amended by this Act as in force before this Act comes into operation to the provisions of that Act as in force after this Act comes into operation.
- (3) Regulations made under subsection (1) may provide that specific provisions of the RWWA Act or an Act amended by this Act —
 - (a) do not apply; or
 - (b) apply with specific modifications,to or in relation to any matter.
- (4) If regulations made under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.
- (5) In subsection (4) —
“specified” means specified or described in the regulations.
- (6) If regulations contain a provision referred to in subsection (4), the provision does not operate so as —
 - (a) to affect in a manner prejudicial to any person (other than the State), the rights of that person existing before the day of publication of those regulations; or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

Part 3 — Amendments consequential on enactment of RWWA Act

Division 1 — Amendment of regulations

19. Power to amend regulations

- (1) The Governor, on the recommendation of the Minister, may make regulations amending subsidiary legislation made under any Act.
- (2) The Minister may make a recommendation under subsection (1) only if the Minister considers that each amendment proposed to be made by the regulations is necessary or desirable as a consequence of the enactment of the RWWA Act or this Act.
- (3) Nothing in this section prevents subsidiary legislation from being amended in accordance with the Act under which it was made.

Division 2 — Consequential amendments

20. Constitution Acts Amendment Act 1899 amended

- (1) The amendment in this section is to the *Constitution Acts Amendment Act 1899**

[* *Reprinted as at 8 June 2001.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 24 and 25 of 2001, and 5, 20 and 30 of 2002.]

- (2) Schedule V Part 3 is amended by inserting after the item relating to the Queen Elizabeth II Medical Centre Trust the following item —

“

The board of Racing and Wagering Western Australia established by the *Racing and Wagering Western Australia Act 2003*.

”.

21. *Financial Administration and Audit Act 1985* amended

- (1) The amendment in this section is to the *Financial Administration and Audit Act 1985**.

[* *Reprinted as at 16 September 2002.*
For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

- (2) Schedule 1 is amended by inserting in the appropriate alphabetical position the following item —

“

Racing and Wagering Western Australia

”.

22. *Parliamentary Commissioner Act 1971* amended

- (1) The amendment in this section is to the *Parliamentary Commissioner Act 1971**.

[* *Reprinted as at 16 March 2001.*]

- (2) Schedule 1 is amended by inserting in the appropriate alphabetical position the following —

“

Racing and Wagering Western Australia established under section 4 of the *Racing and Wagering Western Australia Act 2003*.

”.

23. *Public Sector Management Act 1994* amended

- (1) The amendment in this section is to the *Public Sector Management Act 1994**.

[* *Reprinted as at 9 February 2001.*
For subsequent amendments see Acts Nos. 24 of 2001 and 20 of 2002.]

- (2) Schedule 1 is amended by inserting after item 15 the following item —

“

16. Racing and Wagering Western Australia established under the *Racing and Wagering Western Australia Act 2003*

”.

24. *Statutory Corporations (Liability of Directors) Act 1996* amended

- (1) The amendment in this section is to the *Statutory Corporations (Liability of Directors) Act 1996**.

[* *Reprinted as at 10 August 2001.*

For subsequent amendments see Acts Nos. 25 of 2001 and 30 of 2002.]

- (2) Schedule 1 is amended by inserting after the item relating to the Potato Marketing Corporation of Western Australia the following item —

“

Racing and Wagering Western Australia	a director of the board	<i>Racing and Wagering Western Australia Act 2003</i>
--	----------------------------	---

”.

**Part 4 — Totalisator Agency Board Betting Act 1960
amended and repealed, transitional and savings
provisions, and consequential amendments**

Division 1 — Amendments

25. The Act amended

The amendments in this Division are to the *Totalisator Agency Board Betting Act 1960**.

[* Reprinted as at 8 November 2002.]

26. Section 3 amended

Section 3 is amended by inserting in the appropriate alphabetical positions the following definitions —

“

“**RWWA**” means Racing and Wagering Western Australia established under the RWWA Act;

“**RWWA Act**” means the *Racing and Wagering Western Australia Act 2003*;

”.

27. Section 23A replaced

Section 23A is repealed and the following section is inserted instead —

“

23A. Unclaimed dividends, fixed odds winnings and refunds

- (1) On and after the coming into operation of section 27 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003* all moneys payable by way of dividends, fixed odd winnings and refunds by the TAB which are unclaimed for 7 months by any person entitled to the moneys shall —

- (a) in the case of moneys payable by way of dividends, fixed odds winnings or refunds in respect of wagers made on sporting events, be paid by the TAB, into the Sports Wagering Account under section 110A of the *Gaming Commission Act 1987* as if the moneys were moneys payable by RWWA under section 107 of the RWWA Act; and
 - (b) in the case of any other moneys, be paid by the TAB into an account established under section 88 of the RWWA Act.
- (2) Upon payment of moneys under subsection (1) into an account —
- (a) the moneys become part of the funds of that account; and
 - (b) the person who was entitled to claim the moneys has no enforceable claim in respect of the moneys.
- (3) The moneys must be paid under subsection (1) not later than the last operating day of the month following the period of 7 months referred to in that subsection.
- (4) Subsection (1) does not apply to moneys which are credited by the TAB to a credit account established with it under this Act.

”.

28. Section 24C repealed

Section 24C is repealed.

29. Section 27B repealed

Section 27B is repealed.

30. Sections 28 replaced

Section 28 is repealed and the following section is inserted instead —

“

28. Allocation of TAB's funds

(1) In respect of moneys received from fixed odds bets and totalisator bets made with the TAB on sporting events, the TAB after paying —

- (a) all winnings and dividends in respect of the bets; and
- (b) the amount of betting tax imposed under section 25 in respect of the bets,

shall pay 25%, or such other percentage as may be prescribed, of the balance to the Sports Wagering Account established under section 110A of the *Gaming Commission Act 1987*.

(2) The TAB after paying —

- (a) the amounts required to be paid under subsection (1);
- (b) all other winnings and dividends in respect of fixed odds bets and totalisator bets;
- (c) any other amount of betting tax imposed under section 25 in respect of fixed odds bets and totalisator bets;
- (d) the respective amounts required for the time being to the credit of a reserve account opened under section 26; and
- (e) all other outgoings and expenses of the TAB in relation to its functions under this Act,

shall pay the balance of the moneys it receives from fixed odds bets and totalisator bets, or otherwise in relation to its functions under this Act, into an account established under section 88 of the RWWA Act.

- (3) The balance referred to in subsection (2) shall be paid by periodical or other payment in such manner as the Minister may direct.
- (4) Moneys paid under subsection (2) into an account established by RWWA —
 - (a) become the funds of RWWA; and
 - (b) may be paid for any purpose for which RWWA is authorised or required to pay moneys under section 105(1)(d), (e), (h) and (i) of the RWWA Act.
- (5) The balance of the moneys remaining after the payments referred to in subsection (4)(b) is to be paid or credited in accordance with section 105(2) to (6) of the RWWA Act.

”.

31. Section 28A repealed

Section 28A is repealed.

Division 2 — Repeals

32. *Totalisator Agency Board Betting Act 1960* repealed

The *Totalisator Agency Board Betting Act 1960* is repealed.

33. *Totalisator Agency Board Betting Tax Act 1960* repealed

The *Totalisator Agency Board Betting Tax Act 1960* is repealed.

Division 3 — Transitional and savings provisions

Subdivision 1 — Preliminary

34. Intention

The intention of the provisions of this Division is that RWWA will, in accordance with these provisions, stand in place of and be the successor to the TAB.

35. Definitions

In this Part, unless the contrary intention appears —

“**TAB**” means the Totalisator Agency Board established by the TABB Act;

“**TABB Act**” means the *Totalisator Agency Board Betting Act 1960*.

36. Application of *Interpretation Act 1984*

- (1) The provisions of the *Interpretation Act 1984* about the repeal of written laws and the substitution of other written laws for those so repealed (for example, sections 16(1), 36 and 38) apply to the repeal of the TABB Act in relation to that Act as if the RWWA Act repealed the TABB Act.
- (2) The provisions of this Division are additional to the provisions applied by subsection (1).

Subdivision 2 — Devolution of the TAB’s assets and liabilities

37. Transfer of assets and liabilities to RWWA

On and after the appointed day —

- (a) the assets and rights of the TAB vest in RWWA by force of this section;
- (b) the liabilities of the TAB (including a share of a liability) become, by force of this section, the liabilities of RWWA;

- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if RWWA were substituted for the TAB in the agreement or instrument;
- (d) RWWA is a party to any proceedings by or against the TAB commenced before the appointed day;
- (e) any proceeding or remedy that might have been commenced by or available against or to the TAB in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to RWWA;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the appointed day by, to or in respect of the TAB (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of RWWA;
- (g) the TAB is to deliver to RWWA all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d).

38. Guarantees in respect of the TAB

- (1) A guarantee under section 19 of the TABB Act as in force immediately before the appointed day is not affected by any provision of this Act, including without limitation the transfer of any liability of the TAB under section 37 to RWWA.
- (2) Any guarantee referred to in subsection (1) is to continue in force and is to be read and construed, on and from commencement day as if it were a guarantee of the liabilities of RWWA which have been vested or assumed in or by it.

- (3) The Treasurer may enter into any instrument confirming the continued liability of the State under a guarantee referred to in subsection (1).
- (4) By virtue of this subsection, any sum paid by the Treasurer under a guarantee referred to in subsection (1) constitutes a charge on the assets of RWWA.

39. Exemption from State taxation

- (1) In this section —
“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —
 - (a) anything that occurs by the operation of this Division; or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of, giving effect to this Division.
- (3) The Treasurer or a person authorised by the Treasurer may, on request by RWWA, certify in writing that —
 - (a) a specified thing occurred by the operation of this Division; or
 - (b) a specified thing was done under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.
- (4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

40. Registration of documents

- (1) The relevant officials are to take notice of the provisions of this Division and are empowered to record and register in the

appropriate manner the documents necessary to give effect to this Division.

- (2) Without limiting subsection (1), a statement in an instrument executed by RWWA that any estate or interest in land or other property has become vested in it is evidence of that fact.
- (3) In subsection (1) —
“relevant officials” means the Registrar of Titles, the Registrar of Deeds, the Minister administering the *Land Administration Act 1997* and any other person authorised by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or any other property.

41. Saving

The operation of section 37 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Subdivision 3 — Staff

42. Transition of employment

- (1) Any person who was in the employment of the TAB immediately before the appointed day continues, under and subject to the RWWA Act, as a member of staff of RWWA.
- (2) Except as otherwise agreed by a member of staff, the remuneration, existing or accrued rights, rights under a superannuation scheme or continuity of service of a member of staff of RWWA are not affected, prejudiced or interrupted by —
 - (a) the operation of subsection (1); or
 - (b) the TAB ceasing to be a non-SES organisation under the *Public Sector Management Act 1994*.
- (3) A person mentioned in subsection (1) is to be regarded as an employee of an organisation for the purposes of Part 6 of the *Public Sector Management Act 1994*, and RWWA is to be regarded as the employing authority for the purposes of that Part.
- (4) A person mentioned in subsection (1) who elects in writing to the Minister to be registered under Part 4 of the *Public Sector Management (Redeployment and Redundancy) Regulations 1994* is to be registered under that Part.
- (5) Subsections (3) and (4) cease to apply at the expiration of 2 years after the appointed day.
- (6) A person mentioned in subsection (1) is to be regarded as having been engaged under section 22 of the RWWA Act.

Subdivision 4 — General transitional provisions

43. Annual report for part of a year

The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, of the TAB is to report in respect of that body as required by section 66 of that Act, but

limited to the period from the preceding 1 August to the appointed day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

44. Completion of things commenced

Anything commenced to be done by the TAB under the TABB Act before the appointed day may be continued by RWWA so far as the doing of that thing is within the functions of RWWA after the appointed day.

45. Continuing effect of things done

Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the TAB, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 37(f),

is to be taken to have been done or omitted by, to or in respect of RWWA so far as the act, matter or thing is relevant to RWWA.

46. Immunity to continue

Despite the RWWA Act, where the TAB had the benefit of any immunity in respect of an act, matter or thing done or omitted before the appointed day, that immunity continues in that respect for the benefit of RWWA.

47. Agreements and instruments generally

- (1) This section applies to any agreement or instrument subsisting immediately before the appointed day that does not come within the provisions of section 37(c).
- (2) Any agreement or instrument to which this section applies —
 - (a) to which the TAB was a party; or

- (b) which contains a reference to the TAB,
has effect after the appointed day as if —
- (c) RWWA were substituted for the TAB as a party to the agreement or instrument; and
- (d) any reference in the agreement or instrument to the TAB were (unless the context otherwise requires) a reference to RWWA.

48. Rules and regulations — continuation and expiry

- (1) Subject to subsection (6), rules made by the TAB under the TABB Act that were in force immediately before the appointed day continue in force with such changes as are necessary on and after the appointed day as if they were rules of wagering made under section 120 of the RWWA Act.
- (2) Subsection (1) does not continue the operation of any rule that could not be made as a rule of wagering under section 120 of the RWWA Act or a regulation under section 121 of the RWWA Act.
- (3) Subject to subsection (6), regulations made under the TABB Act or continued under section 57(4) of the TABB Act that were in force immediately before the appointed day continue in force with such changes as are necessary on and after the appointed day as if they were regulations made under section 121 of the RWWA Act.
- (4) Subsection (3) does not continue the operation of any regulation that could not be made as a rule of wagering under section 120 of the RWWA Act or a regulation under section 121 of the RWWA Act.
- (5) A reference in the RWWA Act to the rules of wagering or regulations includes a reference to the rules or regulations in force under this section.
- (6) The rules and regulations continued in force under subsections (1) and (3) expire 12 months after the appointed

day, or on a day fixed by order of the Minister published in the *Gazette*, whichever is the earlier day.

49. TAB to perform necessary transitional functions

- (1) Despite the repeal of the TABB Act by section 32 of this Act, the TAB continues in existence for the purpose of —
 - (a) reporting as required by section 43; and
 - (b) performing the functions described in section 37(g).
- (2) The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1)(1)(a).

Division 4 — Consequential amendments

50. Constitution Acts Amendment Act 1899 amended

- (1) The amendment in this section is to the *Constitution Acts Amendment Act 1899**

[* Reprinted as at 8 June 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 24 and 25 of 2001, and 5, 20 and 30 of 2002.]

- (2) Schedule V Part 3 is amended by deleting the item relating to the Totalisator Agency Board.

51. Financial Administration and Audit Act 1985 amended

- (1) The amendment in this section is to the *Financial Administration and Audit Act 1985**

[* Reprinted as at 16 September 2002.

For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

- (2) Schedule 1 is amended by deleting “Totalisator Agency Board”.

**52. *Statutory Corporations (Liability of Directors) Act 1996*
amended**

- (1) The amendment in this section is to the *Statutory Corporations (Liability of Directors) Act 1996**.

[* *Reprinted as at 10 August 2001.*

For subsequent amendments see Acts Nos. 25 of 2001 and 30 of 2002.]

- (2) Schedule 1 is amended by deleting the item relating to the Totalisator Agency Board.

**Part 5 — Racecourse Development Act 1976 repealed,
transitional and savings provisions, and consequential
amendments**

Division 1 — Repeal

53. Racecourse Development Act 1976 repealed

The *Racecourse Development Act 1976* is repealed.

Division 2 — Transitional and savings provisions

Subdivision 1 — Preliminary

54. Definitions

In this Part —

“**RD Act**” means the *Racecourse Development Act 1976*;

“**RDT**” means the Racecourse Development Trust established
by the RD Act;

“**RDT Fund**” means the Racecourse Development Trust Fund
established and maintained under the RD Act.

Subdivision 2 — Devolution of RDT’s assets and liabilities

55. Transfer of assets and liabilities to RWWA

On and after commencement day —

- (a) the assets and rights of the RDT vest in RWWA by force of this section;
- (b) the liabilities of the RDT (including a share of a liability) become, by force of this section, the liabilities of RWWA;
- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if RWWA were substituted for the RDT in the agreement or instrument;

- (d) RWWA is a party to any proceedings by or against the RDT commenced before commencement day;
- (e) any proceeding or remedy that might have been commenced by or available against or to the RDT in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to RWWA;
- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before commencement day by, to or in respect of the RDT (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of RWWA;
- (g) the RDT is to deliver to RWWA all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d).

56. Racecourse Development Trust Fund

- (1) On and after commencement day —
 - (a) any moneys standing to the credit of the RDT Fund under the RD Act;
 - (b) all moneys being repayment of loans from the RDT to racing clubs or allied bodies under the RD Act;
 - (c) all moneys paid by way of interest charged on or in connection with loans made from the RDT Fund to racing clubs or allied bodies;
 - (d) income from the investment of moneys standing to the credit of the RDT Fund; and

- (e) any other moneys that, but for the repeal of the RD Act, would have been credited to the Fund,
- are to be credited to an account maintained by RWWA under section 88 of the RWWA Act.
- (2) The moneys credited to an account under subsection (1) are to be administered in 2 allocations namely —
- (a) the thoroughbred allocation; and
 - (b) the harness allocation.
- (3) Moneys credited —
- (a) under subsection (1)(a) are to be allocated to the thoroughbred allocation or harness allocation according to which allocation they were administered under the RD Act;
 - (b) under subsection (1)(b) or (1)(c) are to be allocated to the thoroughbred allocation or harness allocation according to whether the loan to which they relate was made from the racing allocation or the trotting allocation under the RD Act;
 - (c) under subsection (1)(d) or (1)(e) are to be allocated to the thoroughbred allocation or harness allocation at the discretion of RWWA.
- (4) The moneys referred to in subsection (1) are to be applied by RWWA only —
- (a) in payment of any liabilities of the RDT that have become liabilities of RWWA under section 55(b); and
 - (b) after allowing for payments under paragraph (a), for the purposes of thoroughbred and harness racing and training infrastructure.
- (5) The payment under subsection (4)(4)(a) of liabilities in respect of thoroughbred racing is to be made from the thoroughbred allocation.

- (6) The payment under subsection (4)(a) of liabilities in respect of harness racing is to be made from the harness allocation.

57. Directions by the RDT

- (1) Any direction given by the RDT to a racing club or allied body under section 7B of the RD Act is to continue in force after commencement day.
- (2) If a racing club or allied body fails to comply with a direction continued under subsection (1), RWWA may, under section 94 of the RWWA Act, vary the terms and conditions of a loan or grant given to that racing club or allied body.

58. Loans and grants under RD Act

Sections 94 and 96 of the RWWA Act apply to a loan or grant made under the RD Act as if the loan or grant were made by RWWA under Part 7 Division 2 of the RWWA Act.

59. Exemption from State taxation

- (1) In this section —
“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —
- (a) anything that occurs by the operation of this Division; or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of, giving effect to this Division.
- (3) The Treasurer or a person authorised by the Treasurer may, on request by RWWA, certify in writing that —
- (a) a specified thing occurred by the operation of this Division; or

- (b) a specified thing was done under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.
- (4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

60. Registration of documents

- (1) The relevant officials are to take notice of the provisions of this Division and are empowered to record and register in the appropriate manner the documents necessary to give effect to this Division.
- (2) Without limiting subsection (1), a statement in an instrument executed by RWWA that any estate or interest in land or other property has become vested in it is evidence of that fact.
- (3) In subsection (1) —
“relevant officials” means the Registrar of Titles, the Registrar of Deeds, the Minister administering the *Land Administration Act 1997* and any other person authorised by a written law to record and give effect to the registration of documents relating to transactions affecting any estate or interest in land or any other property.

61. Saving

The operation of section 55 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any

instrument, because of a change in the beneficial or legal ownership of any assets, right or liability;

- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Subdivision 3 — General transitional provisions

62. Annual report for part of a year

The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, of the RDT is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 August to commencement day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

63. Completion of things commenced

Anything commenced to be done by the RDT under the RD Act before commencement day may be continued by RWWA so far as the doing of that thing is within the functions of RWWA after commencement day.

64. Continuing effect of things done

Any act, matter or thing done or omitted to be done before commencement day by, to or in respect of the RDT, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 55(f),

is to be taken to have been done or omitted by, to or in respect of RWWA so far as the act, matter or thing is relevant to RWWA.

65. Immunity to continue

Despite the RWWA Act, where the RDT had the benefit of any immunity in respect of an act, matter or thing done or omitted before commencement day, that immunity continues in that respect for the benefit of RWWA.

66. Agreements and instruments generally

- (1) This section applies to any agreement or instrument subsisting immediately before commencement day that does not come within the provisions of section 55(c).
- (2) Any agreement or instrument to which this section applies —
 - (a) to which the RDT was a party; or
 - (b) which contains a reference to the RDT,has effect after commencement day as if —
 - (c) RWWA were substituted for the RDT as a party to the agreement or instrument; and
 - (d) any reference in the agreement or instrument to the RDT were (unless the context otherwise requires) a reference to RWWA.

67. RDT to perform necessary transitional functions

- (1) Despite the repeal of the RD Act by section 53 of this Act, the RDT continues in existence for the purpose of —
 - (a) reporting as required by section 62; and
 - (b) performing the functions described in section 55(g).
- (2) The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1)(1)(a).

Division 3 — Consequential amendments

68. Consequential amendments to other Acts

- (1) Schedule V Part 3 to the *Constitution Acts Amendment Act 1899** is amended by deleting the item relating to the Racecourse Development Trust.

[* *Reprinted as at 8 June 2001.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 24 and 25 of 2001, and 5, 20 and 30 of 2002.]

- (2) Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by deleting “Racecourse Development Trust”.

[* *Reprinted as at 16 September 2002.*

For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

Part 6 — Racing Restriction Act 1917 and Racing Restriction Act 1927 repealed, savings provisions and consequential amendments

Division 1 — Repeals

- 69. Racing Restriction Act 1917 repealed**
The *Racing Restriction Act 1917* is repealed.
- 70. Racing Restriction Act 1927 repealed**
The *Racing Restriction Act 1927* is repealed.

Division 2 — Savings provisions

- 71. Ministerial directions**
Any direction given by the Minister under section 2(2) or 3(2) of the *Racing Restriction Act 1917* continues in force as if the direction had been given by the Minister under section 13 or 14 of the *Racing Restriction Act 2003*.
- 72. Offender may be punished**
Despite section 11 of *The Criminal Code*, a person may be punished after the commencement of section 69 of this Act for an offence against repealed section 4 of the *Racing Restriction Act 1917*.

Division 3 — Consequential amendments

- 73. Anzac Day Act 1960 amended**
- (1) The amendments in this section are to the *Anzac Day Act 1960**.
[* Reprinted as at 24 May 2002.]

Racing and Gambling Legislation Amendment and Repeal Act 2003

Part 6 Racing Restriction Act 1917 and Racing Restriction Act 1927

Division 3 Consequential amendments

s. 73

- (2) Section 4(1) is amended by deleting “*Racing Restriction Act 1917* or the *Greyhound Racing Control Act 1972*” and inserting instead —

“

Racing and Wagering Western Australia Act 2003 or
the Racing Restriction Act 2003

”.

- (3) Section 4(5) is repealed.
- (4) Section 5(3) is repealed and the following subsection is inserted instead —

“

- (3) In this section —

“**metropolitan area**” means the part of the State that
comprises the region described in the Third
Schedule to the *Metropolitan Region Town
Planning Scheme Act 1959*.

”.

**Part 7 — Betting Control Act 1954 amended,
transitional and savings provisions, and
consequential amendments**

Division 1 — Amendments

74. Act amended

The amendments in this Division are to the *Betting Control Act 1954*.*.

[* *Reprinted as at 12 April 2002.*

For subsequent amendments see Act No. 13 of 2002.]

75. Long title amended

The long title is amended as follows:

- (a) by deleting “or the Totalisator Agency Board” and inserting instead —
“ **or RWWA** ”;
- (b) by deleting “the Totalisator Agency Board; to repeal certain Acts; to amend certain Acts;” and inserting instead —
“ **RWWA;** ”.

76. Section 4 amended

Section 4(1) is amended as follows:

- (a) by deleting the definitions of “Board” and “the Fund” and “the TAB”;
- (b) by deleting the definition of “metropolitan area” and inserting instead —

“

“metropolitan area” means the part of the State that comprises the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*;

”;

- (c) by inserting in the appropriate alphabetical positions the following definitions —

“

“**authorised officer**” has the meaning given to that term in the *Gaming and Wagering Commission Act 1987*;

“**Commission**” means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;

”;

- (d) by inserting in the appropriate alphabetical positions the following definitions —

“

“**RWWA**” means Racing and Wagering Western Australia established under the RWWA Act;

“**RWWA Act**” means the *Racing and Wagering Western Australia Act 2003*;

“**steward**” means a steward appointed under the RWWA Act;

”;

- (e) in the definition of “ADI” by inserting “an” after “means”;
- (f) in the definition of “approved area” by deleting “controlling authority of” and inserting instead —
“ authority controlling ”;
- (g) in the definition of “controlling interest” by deleting “holds”;
- (h) in the definitions of “fixed odds bet” and “totalisator” by deleting “*Totalisator Agency Board Betting Act 1960*” and inserting instead —
“ RWWA Act ”.

77. Section 5 amended

- (1) Section 5(1)(a) is amended by deleting “, except on Anzac Day during the period ending at 12 noon”.
- (2) Section 5(3) is amended by inserting after “*Gaming*” the following —
“ *and Wagering* ”.

78. Section 5A inserted

After section 5 the following section is inserted —

“

5A. Communication and broadcasting of information

Despite the provisions of any other Act it is lawful —

- (a) to communicate information from a race course or a venue at which an event, including a sporting event, is held to a totalisator agency for or in connection with the payment or crediting of dividends or winnings to persons making bets through RWWA; or
- (b) in relation to a totalisator, to broadcast information as to the amount of dividends payable on any race or sporting event on which the bets have been made through or with RWWA, after those dividends have been declared on the totalisator or by RWWA.

”.

79. Sections 6 to 10 repealed

Sections 6, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 7, 9 and 10 are repealed.

80. Section 11D amended

- (1) After section 11D(2) the following subsection is inserted —

“

- (2a) The Board shall not grant a bookmaker’s manager licence or a bookmaker’s employee licence to a person under the age of 18 years.

”.

- (2) Section 11D(5)(b) is amended by deleting “controlling authority of” and inserting instead —

“ authority controlling ”.

- (3) Section 11D(6)(a) is amended by deleting “controlling authority of” and inserting instead —

“ authority controlling ”.

81. Section 12 amended

- (1) Section 12(3) is amended by deleting the passage from and including “only — ” to the end of the subsection and inserting instead —

“

only (except as regards betting on sporting events as authorised and approved under section 4B) —

- (a) during any day on which a race meeting is conducted at the race course; or
(b) on other days, at times approved by both the Board and the committee or other authority controlling the race course.

”.

- (2) Section 12(3a) is amended by deleting “or other person appointed by the committee or other authority controlling the race course”.

- (3) Section 12(4) is amended by deleting “The committee or other authority controlling a race course” and inserting instead —
“ A steward ”.
- (4) Section 12(4a) is amended by deleting “The committee or other authority controlling a race course” and inserting instead —
“ A steward ”.
- (5) Section 12(5) is amended as follows:
 - (a) in paragraph (c) by deleting the semicolon and inserting instead a full stop;
 - (b) by deleting paragraphs (d) and (e).
- (6) After section 12(6) the following subsection is inserted —
“
 - (7) RWWA shall report to the Commission, as soon as is practicable, the result of any hearing or appeal conducted under the RWWA Act relating to —
 - (a) improper conduct; or
 - (b) a breach of this Act or of the rules of wagering as defined in the RWWA Act,on the part of a bookmaker, licensed manager or licensed employee.”.

82. Section 12A amended

- (1) Section 12A(1a) is amended by deleting “or other person appointed under section 12(5)(e)”.
- (2) Section 12A(2) is amended by deleting “or other person” in the 5 places where it occurs.
- (3) Section 12A(3) is amended by deleting “or other person”.
- (4) Section 12A(4) is amended by deleting “or other person” in both places where it occurs.
- (5) Section 12A(5a) is amended by deleting “or other person”.

83. Section 15 amended

Section 15(5)(a) is amended by deleting “one-half of the total amount so retained towards increasing stakes, and apply the remaining half” and inserting instead —

“ the amount so retained ”.

84. Section 16 amended

Section 16(3a)(a) is amended by deleting “one-half of the total amount so retained towards increasing stakes, and apply the remaining half” and inserting instead —

“ the amount so retained ”.

85. Section 17B amended

After section 17B(8) the following subsection is inserted —

“

(9) Subject to this Act and regulations made under this Act, a committee or other authority that is authorised to possess a totalisator at a race course shall operate the totalisator in accordance with the rules of wagering as defined in the RWWA Act.

”.

86. Section 17E amended

Section 17E(2) is amended by deleting “section 27 of the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ section 59 of the RWWA Act ”.

87. Section 20 replaced by sections 20, 20A, 20B and 20C

Section 20 is repealed and the following sections are inserted instead —

“

20. Entry and inspection of race courses and certain other premises

(1) In this section —

“**Commission representative**” means —

- (a) a member of the Commission;
- (b) a person authorised by the Commission or the Minister;
- (c) an authorised officer; or
- (d) a police officer.

(2) A Commission representative may at any time enter without charge and inspect —

- (a) a race course;
- (b) premises to which section 5(2) applies;
- (c) premises or a vehicle or vessel from or on which a bookmaker carries on business;
- (d) a venue at which a sporting event on which betting takes place is being held; or
- (e) a totalisator, totalisator agency or other premises of RWWA.

(3) An inspection may be carried out under this section for any or all of the following purposes —

- (a) to ascertain whether a liability to pay a levy or fee under this Act has been met;
- (b) to gather information relevant to ascertaining the amount of a levy or fee under this Act;
- (c) to gather any information relevant to making a decision under this Act;

- (d) to audit records required to be kept under —
 - (i) this Act; or
 - (ii) the RWWA Act in relation to gambling;
 - (e) to gather evidence of a suspected contravention of —
 - (i) this Act;
 - (ii) a condition of a licence, permit or approval under this Act; or
 - (ii) the RWWA Act in relation to gambling;
 - (f) any other purpose relevant to the administration of —
 - (i) this Act; or
 - (ii) the RWWA Act in relation to gambling.
- (4) A Commission representative who is an authorised officer shall, on first encountering a person apparently in a position of authority on the premises, and also on the reasonable request of any other person on the premises, display his or her certificate of appointment to the person.

20A. Powers of Commission representative

- (1) When a Commission representative exercises his or her powers of entry and inspection under section 20, the Commission representative may do any or all of the following —
- (a) search the premises and examine anything on the premises;
 - (b) take possession of, and remove from premises, records, or anything else relevant to the investigation, found in the course of the inspection;

- (c) take extracts from or make copies of, or download or print out, any records found in the course of the inspection;
- (d) photograph or film anything on the premises;
- (e) if anything on the premises that is relevant to the inspection cannot be conveniently removed — secure it against interference;
- (f) require any person who is on the premises —
 - (i) to state his or her full name and address;
 - (ii) to answer (orally or in writing) questions put by the Commission representative that are relevant to the investigation;
 - (iii) to give the Commission representative any information, record or other thing in the person's possession or control that is likely to be relevant to the inspection;
 - (iv) to operate or allow the Commission representative to operate equipment or facilities on the premises for inspection purposes;
 - (v) to give the Commission representative any translation, code, password or other information necessary to gain access to or to interpret and understand any document or information located or obtained by the Commission representative in the course of the inspection;
 - (vi) to give other assistance that the Commission representative reasonably requires to carry out the inspection.

- (2) A person who —
- (a) does not comply with a requirement under subsection (1)(f);
 - (b) gives a Commission representative information that the person knows to be false or misleading in a material particular; or
 - (c) hinders, delays or obstructs a Commission representative in carrying out functions under this section,
- commits an offence.
- Penalty: \$5 000.
- (3) Nothing in this section or section 20 derogates from the powers of a Commission representative who is a police officer.
- (4) A Commission representative is not authorised under this section to take anything from any place unless he or she —
- (a) gives the occupier or another person apparently responsible to the occupier a receipt for the thing taken, if requested to do so by the occupier or other person; or
 - (b) if the occupier or a person apparently responsible to the occupier is not present, leaves a receipt for the thing taken, in an envelope addressed to the occupier, in a prominent position on the premises;
- (5) A receipt shall be in a form approved by the Commission.
- (6) The Commission shall ensure that a person from whom a record or anything else is taken under this section and who would otherwise be entitled to possession of it is

given a copy of it, or reasonable access to it, as appropriate.

- (7) If a Commission representative takes possession of anything under this section, the Commission shall ensure that it is returned to the person entitled to possession of it as follows —
- (a) if it was taken in connection with the prosecution or possible prosecution of a suspected contravention of this Act or the RWWA Act — as soon as practicable after the relevant prosecution is completed or discontinued or, if no prosecution is commenced, as soon as practicable after the decision is made not to prosecute the suspected contravention;
 - (b) if it was an instrument on which a levy or fee was payable under this Act — as soon as practicable after assessment and payment of the relevant levy or fee;
 - (c) in any other case — within 28 days after it was taken.

20B. Requirement to provide information

- (1) In this section —
- “**authorised person**” means —
- (a) an authorised officer;
 - (b) a steward appointed under the RWWA Act.
- (2) This section applies to —
- (a) a bookmaker;
 - (b) the licensed manager of a bookmaker;
 - (c) any licensed employee or other person who the authorised officer has reason to believe is or has been acting on behalf of a bookmaker;

- (d) a member or executive officer of the committee or other authority controlling a race course or race meeting;
 - (e) any employee or agent of a racing club.
- (3) An authorised person may require a person to whom this section applies to —
 - (a) produce for inspection specified material relating to betting or material of a specified class relating to betting, in the person's possession or control; or
 - (b) answer questions relating to betting.
- (4) An authorised person may make and retain a copy of the whole or any part of any thing produced to that person under subsection (3)(a).
- (5) When requiring a bookmaker or other person to do anything under subsection (3), the authorised person shall display to that person —
 - (a) the certificate appointing the person as an authorised officer; or
 - (b) the notice authorising the person to act as an authorised person.
- (6) A person who —
 - (a) does not comply with a requirement under subsection (3);
 - (b) gives an authorised person information that the person knows to be false or misleading in a material particular; or
 - (c) hinders, delays or obstructs an authorised person in carrying out functions under this section,

commits an offence.

Penalty: \$5 000.

- (7) Nothing in this section derogates from the powers of an authorised person who is a police officer.

20C. Complying with information requirements

- (1) A person is not excused from complying with a requirement under section 20A or 20B to provide information, records or any other thing on the grounds that complying with the requirement would tend to incriminate the person or render the person liable to a penalty.
- (2) However, information, a record or other thing provided by the person in compliance with the requirement is not admissible in evidence in any proceedings against the person for an offence, other than an offence against this Act or the RWWA Act.

”.

88. Section 23 amended

Section 23(1) is repealed and the following subsection is inserted instead —

“

- (1) A person shall not personally or by means of an agent, or by post, telephone or other electronic means of communication —
- (a) make a bet at or in a place; or
 - (b) be at or in a public place for the purpose of betting,
- unless —
- (c) the place is —
 - (i) premises to which section 5(2) for the time being applies;

- (ii) a race course where a race meeting is being held under a licence issued by RWWA under the RWWA Act or the *Racing Restriction Act 2003*;
- (iii) a part of a race course where for the time being a bookmaker is permitted by section 12(3) to bet or carry on business as such on that race course; or
- (iv) a registered place;
- (d) the bet is made —
 - (i) by means of a totalisator authorised to operate under a written law;
 - (ii) as a fixed odds bet with RWWA in accordance with a written law; or
 - (iii) with a bookmaker in accordance with this Act;
- or
- (e) the bet constitutes permitted gaming, or social gambling, as defined in the *Gaming and Wagering Commission Act 1987*.

Penalty: \$10 000, or 24 months imprisonment, or both.

”.

89. Section 27 replaced

Section 27 is repealed and the following section is inserted instead —

“

27. Penalty on owner or occupier of premises used for unlawful betting

An owner or occupier of a place shall not open, use, or permit the use of the place for betting by any means, whether in person or by means of an agent, or by post,

telephone or other electronic means of communication,
unless —

- (a) the place is —
 - (i) a race course where a race meeting is being held under a licence issued by RWWA under the RWWA Act or the *Racing Restriction Act 2003*;
 - (ii) at the time it is opened or used or permitted to be used for betting, a part of a race course where a bookmaker is for the time being permitted under section 12(3) to bet or carry on business as a bookmaker; or
 - (iii) a registered place;
- (b) the betting is carried on —
 - (i) by means of a totalisator authorised to operate under a written law; or
 - (ii) in accordance with this Act;
- (c) the provisions of section 5(2) apply;
- (d) the betting is done in accordance with the provisions of the RWWA Act; or
- (e) the betting constitutes permitted gaming, or social gambling, as defined in the *Gaming and Wagering Commission Act 1987*.

Penalty: \$10 000, or 24 months imprisonment, or both.

90. Section 27A inserted

After section 27 the following section is inserted —

27A. Offshore betting

- (1) In this section —
 - “**authorised person**” means —
 - (a) a bookmaker;

- (b) a person authorised under the law of another State or Territory to engage in or conduct betting on races; or
- (c) an offshore betting operator granted an exemption by the Commission under this section;

“offshore bet” means a bet made —

- (a) on a race conducted in Australia;
- (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);

“offshore betting operator” means a person authorised under the law of a jurisdiction outside Australia to engage in or conduct betting on races.

- (2) A person in this State who makes an offshore bet with a person whom the person making the bet knows, or would be reasonably expected to know, is not an authorised person commits an offence.

Penalty: \$5 000, or 12 months imprisonment, or both.

- (3) A person who —
 - (a) is in possession of a record that is kept or used in connection with, or that relates to, an offshore bet; and
 - (b) knows, or would be reasonably expected to know, that the person with whom the offshore bet was made is not an authorised person,

commits an offence.

Penalty: \$5 000, or 12 months imprisonment, or both.

- (4) On an application in a form approved by the Commission accompanied by the prescribed fee, and on such supporting information as the Commission may direct being furnished to the satisfaction of the Commission, the Commission may grant an offshore betting operator an exemption for the purposes of this section.
- (5) The Commission may refuse to grant an offshore betting operator an exemption for the purposes of this section if the Commission, having regard to —
- (a) whether the jurisdiction which granted the authorisation to engage in or conduct betting on races applies similar standards to those that would apply to an authorisation granted in Australia; and
 - (b) any arrangements made by the offshore betting operator with Australian racing organisations in relation to engaging in or conducting betting on races,

is satisfied that the exemption would not be in the public interest.

”.

91. Section 28A amended

- (1) Section 28A(1) is amended as follows:
- (a) by inserting after “Police Force” the following —
“ or authorised officer ”;
 - (b) by deleting “form in Schedule 2” and inserting instead —
“ prescribed form ”.
- (2) Section 28A(2) is amended by deleting “the member of the Police Force therein named” and inserting instead —
“ the holder ”.

- (3) Section 28A(3) is amended by deleting “or 27” and inserting instead —

“ , 27 or 27A ”.

92. Section 28B amended

Section 28B is amended by deleting “or 27” and inserting instead —

“ 27 or 27A ”.

93. Section 29 amended

Section 29 is amended by deleting “section 33 of the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ section 63 of the RWWA Act ”.

94. Section 30A repealed

Section 30A is repealed.

95. Section 31 amended

Section 31(1)(a)(ii) is amended by deleting “controlling authority of” and inserting instead —

“ authority controlling ”.

96. Section 33 amended

- (1) Section 33(1)(b)(xii) is deleted.

- (2) Section 33(2) is amended by deleting “Any rules of a kind referred to in subsection (3) or regulations made under this Act or the *Totalisator Agency Board Betting Act 1960*” and inserting instead —

“

Any rules made under section 120 of the RWWA Act,
regulations made under section 121 of the RWWA Act
or regulations made under this Act

”.

- (3) Section 33(3) is repealed and the following subsection is inserted instead —

“

- (3) In subsection (2) a reference to rules or regulations made under the RWWA Act includes a reference to rules or regulations continued under section 48 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003* and in force.

”.

97. Section 34 repealed

Section 34 is repealed.

98. Section 36 repealed

Section 36 is repealed.

99. Schedule 1 repealed

Schedule 1 is repealed.

100. Schedule 2 repealed

Schedule 2 is repealed.

101. Headings to Parts inserted

- (1) Before section 1 the following Part heading is inserted —

“

Part 1 — Preliminary

”.

- (2) Before section 11 the following Part heading is inserted —

“

Part 2 — Licences, approvals and permits

”.

(3) Before section 14 the following Part heading is inserted —

“

Part 3 — Levies and totalisators

”.

(4) Before section 19 the following Part heading is inserted —

“

Part 4 — Enforcement and offences

”.

(5) Before section 33 the following Part heading is inserted —

“

Part 5 — Miscellaneous

”.

102. References to “Board” amended

In each place listed in the Table to this section “Board” is deleted and the following is inserted instead —

“ Commission ”.

Table

s. 4(1a)	s. 12(6)
s. 4A(2)(a) (twice)	s. 12A(1)
s. 4A(3) (twice)	s. 12A(1a)
s. 4A(4) (twice)	s. 12A(2)
s. 4A(5)	s. 12A(3)
s. 4A(7) (twice)	s. 12A(5)(b)
s. 4B(1)	s.12A(5a)(b)
s. 4B(2)	s. 13(5) (twice)
s. 4B(5)	s. 14(1) (definition of “turnover”)
s. 5(2)	s. 15(2)
s. 5(2a)	s. 15(3)(c)
s. 5(2b)	s. 15(4) (twice)

s. 11(1)	s. 15(5)(b) (4 times)
s. 11(2) (5 times)	s. 15(6) (twice)
s. 11(3) (3 times)	s. 15(7)
s. 11(4)(a)	s. 16(2)
s. 11(5) (3 times)	s. 16(3) (3 times)
s. 11(6) (3 times)	s. 16(3a)(b) (4 times)
s. 11A(1) (twice)	s. 16(3b) (twice)
s. 11A(2)	s. 16(3c)
s. 11A(4)	s. 16(3d)
s. 11B(1) (twice)	s. 16A(1)(a), (b), (c)(i), (f), (h), (j) (3 times)
s. 11B(2) (twice)	s. 17 (3 times)
s. 11B(3)	s. 17A(5)
s. 11B(4)	s. 17B(1)(a)(ii) and (b)
s. 11B(5)	s. 17D (4 times)
s. 11B(6) (twice)	s. 18A(1) (4 times)
s. 11B(7)	s. 18A(2) (twice)
s. 11B(12)	s. 18B(1) (twice)
s. 11B(13)	s. 18B(2) (6 times)
s. 11B(14)	s. 18B(3)(a)
s. 11C(1) (twice)	s. 18B(5) (twice)
s. 11C(2)	s. 18B(6) (3 times)
s. 11C(3) (3 times)	s. 19(1) (twice)
s. 11C(4)	s. 19A
s. 11C(11)	s. 31(1)(g)
s. 11C(12)	s. 31A(2)(a), (b) and (e)
s. 11C(13)	s. 31A(3)
s. 11D(1) (twice)	s. 32(1)(b)
s. 11D(2)	s. 32(2) (4 times)
s.11D(2a)(as inserted by section 80(1) of this Act)	s. 32(4)(a) and (b)
s. 11D(3)	s. 32(5) (3 times)
s. 11D(5)(c)	s. 32A(1) (twice)

s. 11D(6)(b)	s. 32A(2) (3 times)
s. 11E(1) (6 times)	s. 32A(3) (twice)
s. 11E(2) (5 times)	s. 32A(4) (twice)
s. 11E(3) (8 times)	s. 32A(5)(a)
s. 11E(4) (twice)	s. 32A(6)(a) and (c)
s. 11E(5) (5 times)	s. 33(1)(b)(v) and (va)
s. 11F(1)	Schedule 3 clause 2 (twice)
s. 11F(2)	Schedule 3 clause 3 (twice)
s. 11G(1)(a)	Schedule 3 clause 4
s. 11G(3)(a)	
s.12(3)(as amended by section 81(1) of this Act)	
s. 12(4a)(a)(iv)	
s. 12(5) (5 times)	

103. References to “the TAB” amended

In each place listed in the Table to this section “the TAB” is deleted and the following is inserted instead —

“ RWWA ”.

Table

s. 4(1)(definitions of “bookmaker” (twice), “totalisator agency” (twice))	s. 28C(c)
s. 17E(1) (5 times)	s. 28E(a)
s. 17E(2) (twice)	s. 28F(1)(a) (3 times) and (b)
s. 17EA(1) (twice)	s. 28F(2)(a) and (b) (twice)
s. 17EA(2)	s. 28G
s. 21(2)(d)	s. 29 (4 times)
s. 21(3)(c)	s. 33(1)(b)(x)
s. 21(4)(a) (twice)	s. 33(2) (twice)
s. 22(2)(b)	
s. 25(3) (twice)	

Division 2 — Transitional and savings provisions

Subdivision 1 — Preliminary

104. Intention

The intention of the provisions of this Division is that the Commission will, in accordance with these provisions, stand in place of and be the successor to the BCB.

105. Definitions

In this Division, unless the contrary intention appears —

“**BCB**” means the Betting Control Board established under the BC Act;

“**BC Act**” means the *Betting Control Act 1954*;

“**Commission**” means the Gaming and Wagering Commission established under section 4 of the *Gaming and Wagering Commission Act 1987*.

Subdivision 2 — Devolution of the BCB’s assets and liabilities

106. Transfer of assets and liabilities to Commission

On and after the appointed day —

- (a) the assets and rights of the BCB vest in the Commission by force of this section;
- (b) the liabilities of the BCB (including a share of a liability) become, by force of this section, the liabilities of the Commission;
- (c) any agreement or instrument relating to the assets, rights and liabilities referred to in paragraphs (a) and (b) has effect, by force of this section, as if the Commission were substituted for the BCB in the agreement or instrument;
- (d) the Commission is a party to any proceedings by or against the BCB commenced before the appointed day;
- (e) any proceeding or remedy that might have been commenced by or available against or to the BCB in

relation to the assets, rights and liabilities referred to in paragraphs (a) and (b), may be commenced and are available, by or against or to the Commission;

- (f) any act, matter or thing done or omitted to be done in relation to the assets, rights and liabilities referred to in paragraphs (a) and (b) before the appointed day by, to or in respect of the BCB (to the extent that that act, matter or thing has any force or effect) is to be taken to have been done or omitted by, to or in respect of the Commission;
- (g) the BCB is to deliver to the Commission all registers, papers, documents, minutes, receipts, books of account and other records (however compiled, recorded or stored) relating to —
 - (i) the assets, rights and liabilities referred to in paragraphs (a) and (b); and
 - (ii) proceedings referred to in paragraph (d).

107. Western Australian Betting Control Board Fund

- (1) On the appointed day, any funds standing to the credit of the Western Australian Betting Control Board Fund established under section 9 of the BC Act are —
 - (a) in the case of moneys held by the Board in respect of payments of bookmakers' betting levy made under section 15 of the BC Act in relation to betting of the kind referred to in sections 4A and 4B of the BC Act, to be credited to the Sports Wagering Account referred to in section 110A of the *Gaming and Wagering Commission Act 1987*; and
 - (b) in the case of all other moneys, to be credited to the Gaming and Wagering Commission Account established under section 9 of the *Gaming and Wagering Commission Act 1987*,

and the Western Australian Betting Control Board Fund is then to be closed.

- (2) If in an agreement, instrument or other document there is a reference to the Western Australian Betting Control Board Fund, that reference is, unless the context otherwise requires, to be read or to have effect on and after the appointed day as if it were a reference to the Gaming and Wagering Commission Account established under section 9 of the *Gaming and Wagering Commission Act 1987*.

108. Exemption from State taxation

- (1) In this section —
“**State tax**” includes stamp duty chargeable under the *Stamp Act 1921* and any other tax, duty, fee, levy or charge under a law of the State.
- (2) State tax is not payable in relation to —
- (a) anything that occurs by the operation of this Division; or
 - (b) anything done (including a transaction entered into or an instrument or document of any kind made, executed, lodged or given) under this Division, or to give effect to this Division, or for a purpose connected with or arising out of, giving effect to this Division.
- (3) The Treasurer or a person authorised by the Treasurer may, on request by the Commission, certify in writing that —
- (a) a specified thing occurred by the operation of this Division; or
 - (b) a specified thing was done under this Division, or to give effect to this Division, or for a purpose connected with or arising out of giving effect to this Division.
- (4) For all purposes and in all proceedings, a certificate under subsection (3) is conclusive evidence of the matters it certifies, except so far as the contrary is shown.

109. Saving

The operation of section 106 is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, right or liability;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

Subdivision 3 — General transitional provisions

110. Annual report for part of a year

The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, of the BCB is to report in respect of that body as required by section 66 of that Act, but limited to the period from the preceding 1 August to the appointed day, and Division 14 of Part II of that Act applies as if that period were a full financial year.

111. Completion of things commenced

Anything commenced to be done by the BCB under the BC Act before the appointed day may be continued by the Commission so far as the doing of that thing is within the functions of the Commission after the appointed day.

112. Continuing effect of things done

Any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the BCB, to the extent that that act, matter or thing —

- (a) has any force; and
- (b) is not governed by section 106(f),

is to be taken to have been done or omitted by, to or in respect of the Commission so far as the act, matter or thing is relevant to the Commission.

113. Immunity to continue

Where the BCB had the benefit of any immunity in respect of an act, matter or thing done or omitted before the appointed day, that immunity continues in that respect for the benefit of the Commission.

114. Agreements and instruments generally

- (1) This section applies to any agreement or instrument subsisting immediately before the appointed day that does not come within the provisions of section 106(c).
- (2) Any agreement or instrument to which this section applies —
 - (a) to which the BCB was a party; or
 - (b) which contains a reference to the BCB,has effect after the appointed day as if —
 - (c) the Commission were substituted for the BCB as a party to the agreement or instrument; and
 - (d) any reference in the agreement or instrument to the BCB were (unless the context otherwise requires) a reference to the Commission.

115. BCB to perform necessary transitional functions

- (1) Despite the repeal of section 6 of the BC Act by section 79 of this Act, the BCB continues in existence for the purpose of —
 - (a) reporting as required by section 110; and
 - (b) performing the functions described in section 106(g).
- (2) The accountable authority, as defined in the *Financial Administration and Audit Act 1985*, also continues in existence for the purpose described in subsection (1)(1)(a).

Division 3 — Consequential amendments

116. Consequential amendments to other Acts

- (1) Schedule V Part 3 to the *Constitution Acts Amendment Act 1899** is amended by deleting the item relating to the Betting Control Board.

[* *Reprinted as at 8 June 2001.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 24 and 25 of 2001, and 5, 20 and 30 of 2002.]

- (2) Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by deleting “Betting Control Board”.

[* *Reprinted as at 16 September 2002.*

For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

**Part 8 — Gaming and Betting (Contracts and Securities)
Act 1985 amended**

117. The Act amended

The amendments in this Part are to the *Gaming and Betting (Contracts and Securities) Act 1985**.

[* Act No. 28 of 1985.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 147.]

118. Section 3 amended

- (1) Section 3(1) is amended by deleting “Division 2 or Division 4 of Part VI of the *Police Act 1892*” and inserting instead —
“ the *Gaming and Wagering Commission Act 1987* ”.
- (2) Section 3(2) is amended in the definition of “unlawful gaming” by deleting “section 86 of the *Police Act 1892*” and inserting instead —
“
section 42 of the *Gaming and Wagering Commission Act 1987*
”.

119. Schedule amended

The Schedule is amended as follows:

- (a) by deleting “Police Act 1892”;
- (b) by deleting “Totalisator Agency Board Betting Act 1960” and inserting instead —
“
Racing and Wagering Western Australia Act 2003
”;
- (c) by deleting “Gaming Commission” and inserting instead —
“ *Gaming and Wagering* ”.

**Part 9 — *Gaming Commission Act 1987* amended,
transitional and savings provisions and consequential
amendments**

Division 1 — Amendments

120. The Act amended

The amendments in this Division are to the *Gaming Commission Act 1987**.

[* *Reprinted as at 30 October 1998.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 147.]

121. Long title amended

The long title is amended as follows:

- (a) by inserting after “Gaming” the following —
“ **and Wagering** ”;
- (b) by deleting “betting” and inserting instead —
“ **wagering** ”.

122. Section 1 amended

Section 1 is amended by inserting after “*Gaming*” the following —

“ *and Wagering* ”.

123. Section 3 amended

(1) Section 3(1) is amended as follows:

- (a) by deleting the definitions of “bet”, “betting” and “the Commission”;

- (b) by inserting in the appropriate alphabetical positions the following definitions —

“

“**Commission**” means the Gaming and Wagering Commission of Western Australia established under section 4;

“**Department**” means the department of the Public Service principally assisting the Minister in the administration of this Act;

“**gambling**” means gaming or wagering;

“**RWWA**” means Racing and Wagering Western Australia established under the RWWA Act;

“**RWWA Act**” means the *Racing and Wagering Western Australia Act 2003*;

“**wagering**” includes the staking or hazarding of money or other value —

- (a) on some question to be decided;
- (b) in support of an assertion or on the issue of a forecast; or
- (c) on the outcome of an uncertain happening, or in the event of a doubtful issue,

and the collection or payment of winnings on a wager;

”;

- (c) in the definition of “continuing lotteries levy” by inserting after “*Gaming*” the following —
- “ *and Wagering* ”;
- (d) in the definition of “permitted gaming” by deleting “or which constitutes social gambling”;
- (e) in the definition of “player” —
- (i) in paragraph (a) by deleting “bet” and inserting instead —
- “ conduct gaming ”; and

- (ii) in paragraph (b) by deleting “bets” and inserting instead —
 - “ conducts gaming ”.
- (2) After section 3(3) the following subsection is inserted —
 - “
 - (4) For removal of doubt —
 - (a) section 5(3) of the *Betting Control Act 1954* applies in respect of things done under that Act; and
 - (b) except as specified in paragraph (a) of this subsection and sections 40A and 64, a reference in this Act to wagering or gambling includes a reference to betting under the *Betting Control Act 1954*.”.

124. Section 4 amended

Section 4(1) is amended by inserting after “Gaming” the following —

“ and Wagering ”.

125. Section 6 amended

Section 6(4)(b) is amended by deleting “*Totalisator Agency Board Betting Act 1960*” and inserting instead —

“ RWWA Act ”.

126. Section 7 amended

Section 7(1) is amended as follows:

- (a) in paragraph (a) by deleting “*Totalisator Agency Board Betting Act 1960*, betting” and inserting instead —
 - “ RWWA Act, wagering ”;

(b) by deleting paragraph (b) and inserting instead —

“

(b) to keep under review —

(i) the conduct, extent and character of that gaming and wagering; and

(ii) the provision, use and location of gaming and wagering facilities;

(ba) to formulate and implement policies for the scrutiny, control and regulation of gaming and wagering, taking into account the requirements and interests of the community as a whole and the need to minimise harm caused by gambling;

”;

(c) by inserting after paragraph (d) the following paragraph —

“

(da) to perform the functions of the Commission prescribed by or under the RWWA Act and to administer all matters relating to those functions;

”;

(d) by deleting paragraph (e) and inserting the following paragraphs instead —

“

(e) to cause licences, permits, approvals, authorisations and certificates, as appropriate, to be issued in relation to —

(i) persons;

(ii) premises;

(iii) casinos;

(iv) facilities;

(v) gaming and other equipment;

- (vi) gambling operations;
- (ea) to administer a scheme for the collection and verification of the payments of bookmakers' betting levy —
 - (i) to be remitted under section 15(5)(b) of the *Betting Control Act 1954*; or
 - (ii) deliverable under section 16(3)(c) of the *Betting Control Act 1954*,

together with any additional levy payable under section 18B of that Act, and subject to section 110A of this Act, to cause to be paid into the Consolidated Fund all such moneys as are received by the Commission;

”;

- (e) in paragraphs (f), (g) and (h) by deleting “gaming or to betting” and inserting instead —
 - “ gambling ”;
- (f) in paragraph (j) by inserting after “prescribed” —
 - “ by or under this or any other written law ”.

127. Section 8 amended

- (1) Section 8(1) is amended by inserting after “this Act” —
 - “ and the *Betting Control Act 1954* ”.
- (2) Section 8(2)(a) is amended by deleting “betting” and inserting instead —
 - “ wagering ”.
- (3) Section 8(2)(b), (c) and (d) are deleted and the following paragraphs are inserted instead —
 - “
 - (b) approve, or withhold approval from, persons, premises, facilities, gaming or other equipment, games and wagering and gaming operations, for

the purposes of this Act or any other written law in relation to gambling;

- (c) formulate and impose prohibitions or conditions to be applicable to, or in relation to —
 - (i) the conduct of gambling;
 - (ii) the types of wagering which may or may not be conducted;
 - (iii) the games which may or may not be played; and
 - (iv) the rules under which wagering is to be conducted and games are to be played;
- (d) grant or issue and amend or revoke —
 - (i) approvals, permits, certificates and authorisations relating to gambling and the use of premises for gambling;
 - (ii) subject to the *Betting Control Act 1954*, licences under that Act relating to wagering; and
 - (iii) subject to the *Casino Control Act 1984*, licences relating to casinos and the employment of persons in casinos;
 - (iv) subject to the RWWA Act, licences under that Act relating to directors and key employees;
- (da) take steps to minimise harm to the community, or any part of the community, caused by gambling;

”.

- (4) Section 8(2)(e) is amended by deleting “gaming and of betting” and inserting instead —
 - “ gambling ”.

128. Section 9 amended

(1) Section 9(2) is amended as follows:

- (a) by deleting “The moneys” and inserting instead —
“ Subject to subsection (2a), the moneys ”;
- (b) by inserting after “Gaming” the following —
“ and Wagering ”.

(2) After section 9(2) the following subsection is inserted —

“

(2a) The credit of moneys under subsection (2) is subject to the payment —

- (a) into the Consolidated Fund in accordance with the scheme referred to in section 7(1)(ea); or
- (b) under section 110A(5),

of any amount received by the Commission in respect of bookmakers’ betting levy.

”.

(3) Section 9(3) is amended as follows:

- (a) by inserting after “Gaming” —
“ and Wagering ”.
- (b) in paragraph (c) —
 - (i) by deleting “(4)(c)” and inserting instead —
“ (4)(a) and (c) and section 110A(5) ”;
 - (ii) by inserting after “1984” —
“ , the *Betting Control Act 1954* ”.

129. Section 12 amended

- (1) Section 12(1) is repealed and the following subsection is inserted instead —

“

- (1) The membership of the Commission shall comprise —
- (a) the chief executive officer of the Department, who shall be ex officio chairperson of the Commission; and
 - (b) not less than 5, nor more than 7, members appointed by the Minister,
- and the Minister shall cause notice of the appointments to be published in the *Gazette*.

”.

- (2) After section 12(1) the following subsection is inserted —

“

- (2) Members appointed under subsection (1)(b) shall be persons who, in the opinion of the Minister, are persons of integrity, good repute and relevant experience.

”.

- (3) Section 12(3) is amended by deleting “3” and inserting instead —

“ 4 ”.

- (4) Section 12(4)(a) and the “or” following are deleted and the following is inserted instead —

“

- (a) a person having appropriate duties in the Department to be the deputy of the chairperson, that person shall in the absence or incapacity of the chairperson act as chairperson of the Commission; or

”.

- (5) Section 12(11)(d) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

130. Section 15 amended

Section 15(1) is amended as follows:

- (a) by inserting after “functions” —
“ under this or any other written law ”;
- (b) by inserting after “of the Commission” —
“ under this or any other written law ”.

131. Section 16 amended

- (1) Section 16(1) is amended by inserting after “power of the Commission” the following —

“ under this or any other written law ”.

- (2) Section 16(2) is amended by deleting “, for the purposes of this Act,”.

132. Section 18 amended

- (1) Section 18(1) and (2) are repealed and the following subsections are inserted instead —

“

- (1) The Commission may by arrangement with the relevant employing authority make use, either full-time or part-time, of the services of any officer or employee —

- (a) in the Public Service;
- (b) in a State agency or instrumentality; or
- (c) otherwise in the service of the Crown in right of the State.

- (1a) The Commission may by arrangement with —

- (a) a department of the Public Service; or

- (b) a State agency or instrumentality,
make use of any facilities of the department, agency or
instrumentality.
- (2) An arrangement under subsection (1) or (1a) is to be
made on such terms as are agreed to by the parties.
- (2a) In subsections (1) and (1a) —
“**employing authority**”, “**Public Service**” and other
expressions used in the *Public Sector Management
Act 1994* have the same meanings as they have in
that Act. ”.
- (2) Section 18(3) is amended as follows:
- (a) by deleting “function under this Act” and inserting
instead —
“
functions under this Act, the RWWA Act and the
Betting Control Act 1954 ”;
- (b) by inserting after “purposes of this Act” —
“
, the RWWA Act or the *Betting Control Act 1954* ”.
- (3) Section 18(4) is amended as follows:
- (a) in paragraph (a) by deleting “pursuant to a” and
inserting instead —
“
pursuant to the *Betting Control Act 1954*, the
RWWA Act or any other ”.

- (b) by inserting after paragraph (c) the following paragraphs —

“

- (ca) the suitability of —

- (i) such a person to conduct, or to be concerned in the conduct of, wagering under the *Betting Control Act 1954* or the RWWA Act;
- (ii) any individual appointed on behalf of such a person, whether as a nominee or otherwise; or
- (iii) a person for whom another acts, whether as a nominee or otherwise;

- (cb) the character, reputation, and antecedents of any person who occupies or seeks to occupy a position of authority in a body corporate or is or wishes to become a member of a partnership that is the holder of, or an applicant for, a bookmaker's licence under the *Betting Control Act 1954*, and of any associate or suspected associate of that person, including as to whether or not, and the extent to which, that person acts or is reputed to be accustomed to act in accordance with the directions or interests of any other person;

”;

- (c) in paragraph (d) by deleting “gaming equipment” and inserting instead —

“ gaming or other equipment ”.

133. Section 19 amended

Section 19(2) is amended by inserting after “this Act” —

“ and the *Betting Control Act 1954* ”.

138. Section 34 amended

Section 34 is amended by inserting after “this Act” the following —

“ or the *Betting Control Act 1954* ”.

139. Section 38 amended

Section 38 is amended by deleting “betting or gaming” and inserting instead —

“ gambling ”.

140. Section 39 amended

- (1) Section 39(1)(e) is amended by deleting “bet” in both places where it occurs and inserting instead —

“ wager ”.

- (2) Section 39(4)(b) is amended by deleting “bet” and inserting instead —

“ wager ”.

- (3) Section 39(4)(c) is amended by deleting “bets” and inserting instead —

“ wagers ”.

141. Section 40 amended

- (1) Section 40(1)(c) is amended as follows:

- (a) in subparagraph (ii) by deleting “betting” and inserting instead —

“ wagering ”;

- (b) in subparagraph (vi) —

- (i) by deleting “bets” in both places where it occurs and inserting instead —

“ wagers ”; and

- (ii) by deleting “betting” and inserting instead —
“ waging ”.
- (2) Section 40(3) is repealed and the following subsections are inserted instead —
- “
- (3) Despite any rule of law, premises shall not be taken to be a common gaming house or a common betting house by reason only of the carrying on there of gaming or wagering.
- (3a) It shall be a defence for a person charged with an offence under section 41 in relation to gaming or wagering at any premises to show that the gaming or wagering was permitted gaming or social gambling.
- ”.

142. Section 40A inserted

After the heading to Part IV the following section is inserted —

- “
- 40A. Part does not apply to gambling under other written laws**
- In this Part —
- “**gambling**” and “**wagering**”, except in relation to section 44, do not include gambling under and in accordance with —
- (a) the *Betting Control Act 1954*;
- (b) the *Lotteries Commission Act 1990*;
- (c) the *RWWA Act*; or
- (d) the *Casino Control Act 1984*.
- ”.

143. Section 41 amended

- (1) Section 41(1) is amended by inserting after “permitted gaming” —
“ or social gambling ”.
- (2) Section 41(3)(c) is amended by inserting after “permitted gaming” —
“ or social gambling ”.
- (3) Section 41(7) is amended by inserting after “gaming houses” —
“ and common betting houses ”.
- (4) After section 41(7) the following subsection is inserted —
“
 - (8) Any money or other consideration received by a person referred to in subsection (4) from another person in the circumstances referred to in paragraph (c)(ii) of that subsection is to be taken to have been received on trust by the person for the other person and may be recovered accordingly in a court of competent jurisdiction.”.

144. Section 42 amended

- (1) Section 42(1)(e) is amended by inserting after “permitted gaming” —
“ or social gambling ”.
- (2) Section 42(5) is amended by deleting “bets” and inserting instead —
“ wagers ”.

145. Section 43A inserted

After section 43 the following section is inserted —

“

43A. Advertising unlawful gambling

(1) In this section —

“prohibited advertisement” means any form of advertisement that conveys, or is likely to be understood as conveying —

- (a) the existence of a common gaming house (as defined in section 41(1));
- (b) the existence of a person (in this State or elsewhere) who will, on application, give information or advice with respect to unlawful wagering, to unlawful gaming or to an unlawful lottery; or
- (c) the existence of a person (in this State or elsewhere) who will, on application, engage in or conduct unlawful wagering, unlawful gaming or an unlawful lottery;

“unlawful wagering” means wagering other than —

- (a) social gambling; and
- (b) wagering under and in accordance with the *Betting Control Act 1954*;

“unlawful gaming” means gaming other than —

- (a) permitted gaming; and
- (b) social gambling.

(2) A person who broadcasts, prints, publishes or distributes, or has in his or her possession for the purpose of publication or distribution, a prohibited advertisement, commits an offence.

Penalty: \$5 000.

- (3) A person who broadcasts, prints, publishes or distributes, or has in his or her possession for the purpose of publication or distribution, an advertisement that conveys, or is likely to be understood as conveying, the existence of a person (in this State or elsewhere) other than —
- (a) RWWA;
 - (b) the Lotteries Commission established under the *Lotteries Commission Act 1990*;
 - (c) the holder of an approval, authorisation, permit or licence issued under this Act, the *Betting Control Act 1954* or the *Casino Control Act 1984*; or
 - (d) any other person or class of person prescribed by the regulations,

who will, on application, engage in or conduct gaming, wagering or a lottery, commits an offence.

Penalty: \$2 000.

”.

146. Section 44 amended

Section 44(2) is amended as follows:

- (a) in paragraph (c) by deleting “bets” and inserting instead —
“ wagers ”;
- (b) in paragraph (d) by deleting “betting” and inserting instead —
“ wagering ”.

147. Section 45 amended

- (1) Section 45(1) is amended by deleting “or permitted gaming” and inserting instead —

“ , permitted gaming or social gambling ”.

- (2) Section 45(2) is amended by deleting “or permitted gaming” and inserting instead —
“ , permitted gaming or social gambling ”.
- (3) Section 45(4) is amended by deleting “, gaming or betting” in both places where it occurs and inserting instead —
“ or gambling ”.

148. Part V heading and Division heading amended

- (1) The heading to Part V is amended by deleting “gaming” and inserting instead —
“ **gambling** ”.
- (2) The heading to Part V Division 1 is amended by deleting “Gambling” and inserting instead —
“ **Gaming** ”.

149. Section 54 amended

Section 54(1) is amended by deleting “bets” and inserting instead —
“ wagers ”.

150. Section 64 amended

- (1) Section 64(2)(c) is amended as follows:
- (a) in subparagraph (ii) by deleting “bets” in both places where it occurs and inserting instead —
“ wagers ”;
- (b) in subparagraph (iii) by deleting “game or betting” and inserting instead —
“ game or wagering ”.

- (2) Section 64(3)(b) is amended by deleting “bets” in both places where it occurs and inserting instead —

“ wagers ”.

- (3) Section 64(6) is amended by inserting after “a reference to” in both places where it occurs the following —

“ gambling, ”.

151. Section 80 amended

- (1) Section 80(1) is amended as follows:

- (a) by deleting “or bet” and inserting instead —

“ or conduct gaming ”;

- (b) by deleting “the betting” and inserting instead —

“ the conduct of gaming ”;

- (c) in paragraph (a)(ii) by inserting after “race meeting” —

“

licensed by RWWA under the RWWA
Act or the *Racing Restriction Act 2003*

”.

- (2) Section 80(1a) is amended as follows:

- (a) by deleting “that authorizes playing or betting” and inserting instead —

“ that authorises playing or the conduct of gaming ”;

- (b) by deleting “also authorize playing or betting” and inserting instead —

“ also authorise playing or gaming ”.

- (3) Section 80(1b) is amended by deleting “or betting” in both places where it occurs and inserting instead —

“ or gaming ”.

- (4) Section 80(2) is repealed and the following subsection is inserted instead —

“

- (2) A reference in this section to a country race club is a reference to a club which is not a club situate inside a radius in any direction of 200 kilometres of the Burswood Casino as referred to in the *Casino (Burswood Island) Agreement Act 1985*.

”.

152. Section 81 amended

- (1) Section 81(1) is amended as follows:
- (a) by deleting “bet” and inserting instead —
“ conduct gaming ”;
 - (b) by deleting “betting” and inserting instead —
“ gaming ”.
- (2) Section 81(2)(b)(ii) is amended as follows:
- (a) by deleting “side bettors” and inserting instead —
“ players ”;
 - (b) by deleting “bets” and inserting instead —
“ stakes ”.
- (3) Section 81(3) is amended by deleting “betting” and inserting instead —
“ gaming ”.

153. Section 82 amended

Section 82(a) is amended by deleting “or betting associated with the gaming”.

154. Section 83 amended

Section 83(b) is amended by deleting “and betting”.

155. Section 84 amended

Section 84(1) is amended in the definition of “slot machine” by deleting “betting” and inserting instead —

“ wagering ”.

156. Section 85 amended

Section 85(1) is amended by deleting “bets” and inserting instead —

“ wagers ”.

157. Section 102 amended

Section 102 is amended by inserting after “permitted gaming,” —

“ social gambling, ”.

158. Section 103 amended

Section 103(1)(a)(ii) is amended by deleting “, betting”.

159. Section 107 amended

(1) Section 107(2)(b) is amended by inserting after “permitted gaming” —

“ or social gambling ”.

(2) Section 107(4) is amended by deleting “, betting”.

160. Section 108 amended

Section 108(1) is amended by deleting “gaming , betting,” and inserting instead —

“ gambling ”.

161. Part VA inserted

After section 109D the following Part is inserted —

“

Part VA — Supervision of RWWA

109E. Interpretation

A reference in this Part to the gambling operations of RWWA is a reference to the business of RWWA referred to in section 50(b) of the RWWA Act.

109F. Supervision of RWWA

- (1) Without limiting sections 20 to 20C of the *Betting Control Act 1954*, the Commission and an authorised officer have and may exercise in relation to —
 - (a) RWWA, the directors of the board of RWWA, the employees, officers and agents of RWWA, and the premises and property of RWWA;
 - (b) any thing that the Commission or that officer has reasonable cause to believe relates to, or may be likely to affect, a person or matter referred to in paragraph (a); and
 - (c) the organisation, management and operations of RWWA including the related accounting and audit procedures of, and amenities or facilities ancillary to, the operations of RWWA,like powers to those conferred on the Commission or an authorised officer, as the case may be, in relation to gambling under this Act, and persons, premises or things relating to gambling.
- (2) Where a member of the Police Force or other person acts in aid of an authorised officer at the request of that officer, the person so acting is taken whilst so acting to

have, and to be authorised to exercise, the powers conferred by this Part.

109G. Directions to RWWA

- (1) The Commission may give directions to RWWA —
 - (a) with respect to the systems of internal controls and administrative and accounting procedures that are to apply to the gambling operations of RWWA;
 - (b) to adopt, vary, cease or refrain from any practice in respect of the gambling operations of RWWA.
- (2) A direction may be amended from time to time by the Commission as the Commission thinks fit.
- (3) A direction or an amendment of a direction has effect when written notice of it is given to RWWA or on a later date specified in the notice.
- (4) The controls and procedures referred to in directions, or in amendments of directions, may be described in words or represented diagrammatically, or by a combination of both methods.
- (5) Where a direction given by the Commission so provides, a power of approval or other function specified in that direction may be exercised or carried out by a person or body to whom it has been delegated under section 16.
- (6) For the purposes of a direction referred to in subsection (5), the giving of an approval or the imposition of a prohibition by a delegate referred to in that subsection is as effective as if given or imposed by the Commission.

- (7) To the extent that a direction is inconsistent or in conflict with regulations made under the RWWA Act, the regulations prevail.

109H. RWWA must comply with directions

- (1) RWWA must ensure that any direction given to it under section 109G, or section 52 of the RWWA Act, is brought to the notice of, and not contravened by, any person who is responsible for the organisation or management of gambling operations of RWWA or any other person acting in relation to those gambling operations as an employee, agent or otherwise on behalf of, or subject to the control of, RWWA.
- (2) If —
- (a) RWWA; or
 - (b) a person to whom or which subsection (1) refers,

contravenes a direction made under section 109G, or section 52 of the RWWA Act, the person commits an offence.

Penalty: \$5 000.

109I. Complaints about RWWA

Without limiting section 109F, the Commission or an authorised officer may receive, investigate and deal with complaints from members of the public with respect to any aspect of the gambling operations of RWWA, and advise the complainant of the result of the complaint.

109J. Report on or inquiry into RWWA

- (1) Where the Commission thinks fit, the Commission may report to the Minister and make recommendations as to

any action that the Commission considers should be taken under section 109K.

- (2) Where it appears to the Minister that it is in the public interest that an inquiry be carried out into the affairs, or into particular affairs, of RWWA or related matters the Minister may, in writing, direct the Commission to arrange the inquiry and a report on the findings of the inquiry.
- (3) Related matters that may be made the subject of an inquiry include —
 - (a) gambling operations of RWWA;
 - (b) RWWA's compliance with the RWWA Act, this Act and other written laws;
 - (c) suspected corruption;
 - (d) the directors of the board of RWWA, and their relationship with other persons, or a class of persons which includes other persons, who, in the opinion of the Minister, are associated with them or could affect or be in a position to exercise direct or indirect control over the carrying out of any function in, or in relation to, RWWA; and
 - (e) whether or not it is in the public interest that a director of the board of RWWA remain as a director.
- (4) A direction given under subsection (2) —
 - (a) must specify the affairs or matters to be the subject of the inquiry; and
 - (b) may require the inquiry to be carried out by a person appointed by the Minister.

- (5) Where the Commission is directed under subsection (2) to arrange for an inquiry, the Commission must publish in the *Gazette* a notice —
 - (a) specifying the affairs or matters concerned; and
 - (b) stating the name of the person carrying out the inquiry.

- (6) For the purposes of an inquiry carried out at the direction of the Minister under subsection (2), the person carrying out the inquiry has the powers of a Royal Commission and the chairman of a Royal Commission, and the provisions of the *Royal Commissions Act 1968* have effect as if they were enacted in this Act with any necessary changes and in terms made applicable to the inquiry by that person.

109K. Powers of Minister following report and recommendations, or inquiry

- (1) On receiving a report and recommendations made under section 109J(1) or as a result of an inquiry carried out pursuant to a direction given under section 109J(2), the Minister must, if of the opinion that any of the powers conferred by subsection (3) should be exercised, serve on RWWA and on any other person who is considered by the Minister to be likely to be affected by the exercise of that power a notice in writing —
 - (a) specifying the reasons for the Minister's opinion and which of the powers the Minister proposes to exercise; and
 - (b) requiring RWWA and any other person served with the notice to show cause in writing within 14 days after the date of that service why the power specified in that notice should not be exercised.

- (2) A person on whom a notice has been served under subsection (1) may, within the period of 14 days after the date of that service, serve on the Minister a submission in writing showing cause why the power specified in that notice should not be exercised.
- (3) After receiving and considering each submission served under subsection (2) the Minister may, subject to subsection (4) and if the Minister considers it in the public interest to do so —
 - (a) serve a letter of censure on RWWA;
 - (b) revoke the licence of a director given under section 14 of the RWWA Act;
 - (c) with the prior approval of the Governor, order RWWA to pay a monetary penalty fixed by the Minister but not exceeding \$100 000.
- (4) The Minister must not exercise a power conferred under subsection (3) unless that power was specified in the relevant notice served under subsection (1).
- (5) The Minister may recover a penalty imposed under subsection (3)(c) in a court of competent jurisdiction as a debt due by RWWA to the Crown.
- (6) A certificate signed by the Minister specifying the amount of penalty imposed under subsection (3)(c) and that the amount has not been paid is evidence that the amount so specified is payable in accordance with this Act and has not been paid.

”.

162. Section 110 amended

Section 110(1)(a) is amended by deleting “betting conducted in accordance with the *Totalisator Agency Board Betting Act 1960*,” and inserting instead —

“
wagering conducted in accordance with the
RWWA Act or betting conducted in accordance
with the *Betting Control Act 1954*,
”.

163. Section 110A inserted

After section 110 the following section is inserted —

“

110A. Sports Wagering Account

- (1) Moneys paid by RWWA under section 104 or 107 of the RWWA Act shall be —
 - (a) credited to an account at the Treasury, forming part of the Trust Fund constituted under section 9 of the *Financial Administration and Audit Act 1985*; or
 - (b) paid into and placed to the credit of an account at a bank approved by the Treasurer,

and the account shall be called the Sports Wagering Account.

- (2) Moneys for the time being held by the Commission in respect of payments of bookmakers’ betting levy made under section 15 of the *Betting Control Act 1954* in relation to betting of the kind referred to in sections 4A and 4B of that Act are to be credited to the Sports Wagering Account until applied under subsection (3).

- (3) The Sports Wagering Account shall —
- (a) subject to subsection (4), be administered by the Commission; and
 - (b) be applied for the purpose of the payment of outgoings referred to in subsection (5).
- (4) The Commission shall, at quarterly intervals, notify the Minister of the Crown responsible for sport and recreation of —
- (a) the amount of moneys referred to in subsection (1); and
 - (b) the amount of moneys for the time being standing to the credit of the Sports Wagering Account, which shall be held by the Commission for distribution in accordance with subsection (5).
- (5) The Commission on being directed by the Minister of the Crown responsible for sport and recreation, shall distribute the moneys referred to in subsection (1) and the moneys from time to time standing to the credit of the Sports Wagering Account —
- (a) to the persons or bodies of persons;
 - (b) for the purposes; and
 - (c) in the respective amounts,
- directed by that Minister.

”.

164. Section 115 repealed

Section 115 is repealed.

165. Section 117 amended

Section 117(a) is amended by deleting “and betting”.

166. References to “gaming or betting” amended

In each place listed in the Table to this section “gaming or betting” is deleted and the following is inserted instead —

“ gambling ”.

Table

s. 3(1) (definition of “social gambling”)	s. 37(1)
s. 6(4)(a)	s. 39(2)(d)
s. 7(1)(c)	s. 39(3)(b) (twice)
s. 7(1)(g) (twice)	s. 41(1) (twice)
s. 8(2)(e)	s. 41(3)(a)
s. 8(3)	s. 41(3)(b)
s. 9(4)(a)	s. 41(3)(c) (twice)
s. 18(4)(a)	s. 41(4) (3 times)
s. 18(4)(d) (twice)	s. 41(6) (3 times)
s. 18(4)(f) (twice)	s. 46(3)
s. 20(3)(a)	s. 54(1) (twice)
s. 20(3)(b)	s. 54(2)
s. 22(5)	s. 54(3)
s. 24(a)	s. 62(6)
s. 25(1)(c)	s. 64(1)
s. 25(2)(b)	s. 64(2) (4 times)
s. 27(1)	s. 64(5) (twice)
s. 29(1)(a)(i) (twice)	s. 85(2)
s. 29(1)(b)(i)	s. 92(3)
s. 29(2) (3 times)	s. 108(3) (3 times)
s. 30	s. 110(1) (3 times)
s. 31	
s. 33(1)	
s. 33(2)	

167. References to “or betting” deleted

In each place listed in the Table to this section “or betting” is deleted.

Table

s. 3(1) (definition of “permitted gaming”)	s. 54(5) (twice)
s. 27(3) (3 times)	s. 55(1)
s. 39(5) (twice)	s. 57(1)(a)
s. 46(1)	s. 57(1)(b)
s. 46(4)	s. 81(2)(b)
s. 47(2)	s. 83(d)
s. 48(1)(a)	s. 83(e)
s. 49(1)(c)	s. 84(1) (definition of “prescribed gaming equipment”)
s. 49(1)(d)	s. 91(2)(a)
s. 49(1)(e)(twice)	s. 91(2)(c)(twice)
s. 49(2)(b)(i), (iii) (twice) and (iv)	s. 91(6)
s. 49(3)(b)	s. 91(7)
s. 51(2)(a)	s. 91(8)
s. 51(2)(b)(ii) and (iii)	s. 92(2)(b)
s. 51(3)(a)	s. 93 (twice)
s. 51(4)(b)(iii) and (iv)	s. 107(3)
s. 52(a)(ii)	s. 109B(1) (twice)
s. 53(3) (5 times)	s. 109B(5)

168. References to “Chairman” amended

In each place listed in the Table to this section “Chairman” is deleted and the following is inserted instead —

“ chairperson ”.

Table

s. 12(5) (3 times)	s. 109D(3)(a)
s. 17(2) (3 times)	

Division 2 — Transitional and savings provisions

169. Gaming and Wagering Commission

- (1) The body renamed as the Gaming and Wagering Commission by section 124 is the same body as the Gaming Commission previously established under section 4 of the *Gaming Commission Act 1987*.
- (2) The account renamed as the Gaming and Wagering Commission Account by section 128 is the same account as the Gaming Commission Account previously referred to in section 9 of the *Gaming Commission Act 1987*.
- (3) If, in a written law or in a document of any kind there is a reference to the Gaming Commission, that reference is, unless because of the context it would be inappropriate to do so, to be read and construed as if it had been amended to be a reference to the Gaming and Wagering Commission.

170. Members of the Commission

Each person holding office as a member of the Gaming Commission under the *Gaming Commission Act 1987* immediately before the coming into operation of this section continues in office as a member of the Gaming and Wagering Commission under and subject to the *Gaming and Wagering Commission Act 1987* until the expiry of the term of office.

Division 3 — Consequential amendments

171. Casino Control Act 1984 amended

- (1) The amendments in this section are to the *Casino Control Act 1984**.

[* *Reprinted as at 30 October 1998.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 44.]

- (2) Section 3(1) is amended as follows:

- (a) by inserting after the definition of “casino licensee” the following definition —

“

“**Commission**” means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;

”;

- (b) by deleting the semicolon after the definition of “the Chief Casino Officer” and inserting a full stop instead;

- (c) by deleting the definition of “the Commission”.

- (3) In each place listed in the Table to this section the following is inserted after “*Gaming*” —

“ *and Wagering* ”.

Table

s. 3(1) (definition of “common gaming house”)	s. 15(4)
s. 3(2)	s. 21A(1) (twice)
s. 3(3)	s. 21A(2) (twice)
s. 3(4)	s. 23(1)
s. 9(1)	s. 24(4)
s. 9(2)	s. 25(1)
s. 11(1)(b)	s. 29M

- | | |
|-------------|----------|
| s. 13 | s. 30(1) |
| s.14(1)(b) | s. 32(1) |
| s. 14(2)(a) | |
| s. 15(3)(d) | |

172. Gaming Commission (Continuing Lotteries Levy) Act 2000 amended

- (1) The amendments in this section are to the *Gaming Commission (Continuing Lotteries Levy) Act 2000**.
[* Act No. 5 of 2000.]
- (2) Section 1 is amended by inserting after “*Gaming*” —
“ *and Wagering* ”.
- (3) Section 3(1) is amended by inserting after “*Gaming*” —
“ *and Wagering* ”.

173. Liquor Licensing Act 1988 amended

- (1) The amendments in this section are to the *Liquor Licensing Act 1988**.
[* Reprinted as at 23 February 2001.
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 211 and Act No. 23 of 2002.]
- (2) Section 3(1) is amended by deleting the definition of “Gaming Commission” and inserting instead —
“
 “Gaming and Wagering Commission” means the Gaming and Wagering Commission established under the *Gaming and Wagering Commission Act 1987*;
”.

Racing and Gambling Legislation Amendment and Repeal Act 2003

Part 9 Gaming Commission Act 1987 amended, transitional and

Division 3 Consequential amendments

s. 174

- (3) Section 115(1)(c) is amended by deleting “the *Gaming Commission Act 1987*” and inserting instead —
“ the *Gaming and Wagering Commission Act 1987* ”.
- (4) In each place listed in the Table to this section “the Gaming Commission” is deleted and the following is inserted instead —
“ the Gaming and Wagering Commission ”.

Table

s. 44(1)	s. 97(2)(d)
s. 44(3)	s. 97(3)(d)
s. 45(1)(b)	s. 97(4)(d)
s. 45(2)	s. 97(5)(d)
s. 45(4)(a)	s. 97(6)(d)
s. 78	
s. 83(1)	

174. *Racing and Wagering Western Australia Act 2003* amended

- (1) The amendments in this section are to the *Racing and Wagering Western Australia Act 2003*.
- (2) In each place listed in the Table to this subsection “*and Wagering*” is inserted after “*Gaming*”.

Table

s. 3(1) (definitions of “Commission”, “gaming”, “Sports Wagering Account” and “wagering”)	s. 104(1)
s. 10(1)(i)	s. 107(1)
s. 14(5)	Schedule 1 clause 2(1)(e)
s. 86(2)	

- (3) The definition of “Commission” in section 3(1) is amended by inserting “and Wagering” after “the Gaming”.

175. Consequential amendments to other Acts

- (1) Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by deleting “Gaming Commission of Western Australia” and inserting instead —

“ Gaming and Wagering Commission of Western Australia ”.

[* *Reprinted as at 16 September 2002.*

For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

- (2) Sections 61(2)(c) and 74 of the *Police Act 1892** are amended by inserting after “Gaming” —

“ and Wagering ”.

[* *Reprinted as at 12 January 2001.*

For subsequent amendments see Act No. 6 of 2002.]

- (3) Section 9(1a) of the *Stamp Act 1921** is amended by deleting “Gaming Commission established under section 4 of the *Gaming Commission Act 1987*” and inserting instead —

“

Gaming and Wagering Commission of Western
Australia established under the *Gaming and Wagering
Commission Act 1987*

”.

[* *Reprinted as at 3 August 2001.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 354 and Acts Nos. 7, 11 and 25 of 2002.]

Part 10 — Police Act 1892 amended and savings provision

176. The Act amended

The amendment in this Part is to the *Police Act 1892**.

[* *Reprinted as at 12 January 2001.*

For subsequent amendments see Act No. 6 of 2002.]

177. Part VI Division 2 repealed

Part VI Division 2 is repealed.

178. Savings provision

Despite section 11 of *The Criminal Code* and section 10 of the *Sentencing Act 1995* and the repeal by section 177 of a provision of the *Police Act 1892* that creates an offence —

- (a) an investigation or legal proceedings in respect of any such offence alleged to have been committed before the commencement of section 177 may be commenced or continued; and
- (b) a person may be sentenced or otherwise dealt with for the alleged offence as if the provision had not been repealed.

**Part 11 — *Racing Penalties (Appeals) Act 1990*
amended and transitional provisions**

Division 1 — Amendments

179. The Act amended

The amendments in this Part are to the *Racing Penalties (Appeals) Act 1990**.

[* *Reprinted as at 19 October 2001.*]

180. Section 3 amended

(1) Section 3 is amended as follows:

- (a) by inserting after the section designation “3.” the subsection designation “(1)”;
- (b) by deleting the definitions of “club”, “committee”, “controlling authority”, “galloper”, “greyhound racing”, “greyhound racing club”, “*Greyhound Racing Rules*”, “harness racing”, “harness racing club”, “horse racing”, “horse racing club”, “racing club”, “*Rules of Racing*” and “*Rules of Trotting*”;
- (c) by deleting the definition of “the TAB”;
- (d) by inserting in the appropriate alphabetical places the following definitions —

“

“**RWWA**” means Racing and Wagering Western Australia established under the *Racing and Wagering Western Australia Act 2003*;

“**RWWA Act**” means the *Racing and Wagering Western Australia Act 2003*;

“**steward**” means a steward appointed under the RWWA Act;

“**thoroughbred**” means a horse which when raced is galloped and is ridden by a jockey;

”;

- (e) in the definition of “race meeting” by deleting “gallopers” and inserting instead —
“ thoroughbreds ”;
 - (f) in the definition of “racing” in paragraph (c) by deleting “horse” and inserting instead —
“ thoroughbred ”;
 - (g) in the definition of “runner” —
 - (i) by deleting “horse” and inserting instead —
“ thoroughbred ”; and
 - (ii) by deleting “galloper” and inserting instead —
“ thoroughbred ”.
- (2) At the end of section 3 the following subsection is inserted —
- “
- (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.
- ”.

181. Section 7 amended

Section 7(1)(b) is amended as follows:

- (a) by deleting “galloper” and inserting instead —
“ thoroughbred ”;
- (b) by deleting “horse” and inserting instead —
“ thoroughbred ”.

182. Section 12 amended

(1) Section 12(1) is amended as follows:

- (a) by deleting “a controlling authority, racing club, committee or stewards” and inserting instead —
“ a steward, a racing club or a committee ”;

- (b) by deleting “the rules of the appropriate controlling authority” and inserting instead —
“ the rules of racing ”;
 - (c) by deleting “that controlling authority” and inserting instead —
“ RWWA ”.
- (2) Section 12(2) is repealed and the following subsection is inserted instead —
- “
- (2) An appeal under subsection (1) to RWWA shall be heard and determined in accordance with the rules of racing.
- ”.
- (3) Section 12(3) is amended by deleting “an appropriate controlling authority” and inserting instead —
- “ RWWA ”.

183. Section 13 amended

Section 13(1) is amended by deleting “an appropriate controlling authority, of a racing club, or of any committee or stewards” and inserting instead —

“

RWWA, of a steward, of a racing club, or of a committee

”.

184. Section 14 amended

Section 14(1)(a) is amended by deleting “the appropriate controlling authority, or of any racing club, or of any committee or stewards” and inserting instead —

“

RWWA, of a steward, of a racing club, or of a committee

”.

185. Section 15 amended

(1) Section 15(1) is amended as follows:

(a) in paragraph (b) by deleting “*Greyhound Racing Rules*, the *Rules of Racing* or the *Rules of Trotting* or in the constitution, rules, or articles of an appropriate controlling authority, or a racing club,” and inserting instead —

“

Rules of Greyhound Racing, the Rules of Harness Racing or the Rules of Thoroughbred Racing or in the constitution, rules or articles of a racing club,

”.

(b) by deleting “a controlling authority” and inserting instead —

“ RWWA ”.

(2) Section 15(2) is amended by deleting “a controlling authority” and inserting instead —

“ RWWA ”.

186. Section 16 amended

(1) Section 16(2)(d) is amended by deleting “controlling authority or other persons” and inserting instead —

“ person ”.

(2) Section 16(3) is amended as follows:

(a) in paragraph (d)(i) by deleting “on the appropriate controlling authority, or”;

(b) by inserting after paragraph (d)(i) the following subparagraph —

“

(ia) on RWWA;

”.

- (3) Section 16(4) is amended by deleting “any controlling authority, club, committee or stewards” and inserting instead —

“ RWWA, a steward or a club or committee ”.

187. Section 17 amended

- (1) Section 17(7) is amended as follows:

- (a) by deleting “any appropriate controlling authority, racing club, committee or stewards” and inserting instead —

“

RWWA, a steward, racing club or committee, as appropriate

”;

- (b) by deleting paragraph (a) and inserting the following paragraph instead —

“

- (a) to RWWA;

”;

- (c) by deleting “that controlling authority, racing club or committee or by those stewards” and inserting instead —

“

RWWA or by that steward, racing club or committee

”;

- (d) by deleting “the controlling authority” and inserting instead —

“ RWWA ”.

- (2) Section 17(9) is amended as follows:

- (a) in paragraph (b) by deleting “the appropriate controlling authority,” and inserting instead —

“ RWWA or the appropriate ”;

- (b) in paragraph (d) by deleting “the appropriate controlling authority,” and inserting instead —
“ RWWA or the appropriate ”.

188. Section 19 amended

- (1) Section 19(1) is amended as follows:

- (a) by deleting “Every controlling authority, racing club, committee, stewards or” and inserting instead —

“
RWWA and each steward, racing club, committee and
”.

- (b) by inserting after “given by the Tribunal” the following —

“ to that person ”.

- (2) Section 19(2) is amended as follows:

- (a) by deleting paragraph (a) and inserting the following paragraphs instead —

“
(a) RWWA;
(aa) a steward;
”.

- (b) in paragraph (c) by deleting “or stewards”.

189. Section 24 amended

- (1) Section 24(1)(c) and “and” following are deleted and the following paragraph is inserted instead —

“
(c) moneys payable in accordance with subsection (4); and
”.

- (2) Section 24(2), (3) and (4) are repealed and the following subsections are inserted instead —

“

- (2) The Registrar, before the end of each financial year, shall —
- (a) make an estimate of the total anticipated cost of the operations of the Tribunal for the ensuing financial year of the Tribunal; and
 - (b) submit that estimate, adjusted in accordance with subsection (3), to the Minister for approval.
- (3) The estimate submitted under subsection (2)(b) shall be adjusted —
- (a) to include the amount, if any, by which the amount paid by RWWA under subsection (4) in respect of the previous financial year, fell short of the actual total cost of the operations of the Tribunal for that financial year; or
 - (b) to exclude the amount, if any, by which the amount paid by RWWA under subsection (4) in respect of the previous financial year, exceeded the actual total cost of the operations of the Tribunal for that financial year,
- as the case requires.
- (4) The amount representing the estimate approved by the Minister under subsection (2) shall be —
- (a) deducted by RWWA from the moneys that, but for section 105(1)(h) or 106(1)(h) of the RWWA Act, would otherwise be available to be paid or credited to racing clubs by RWWA under section 105 or 106 of the RWWA Act; and
 - (b) paid by RWWA to the Tribunal.

”.

- (3) Section 24(5), (6) and (7) are repealed.

190. Section 25 amended

Section 25(2)(a) is amended by deleting “the appropriate controlling authority” and inserting instead —

“ RWWA ”.

191. Section 27 repealed

Section 27 is repealed.

192. Schedule amended

Clause 3(2) of the Schedule is amended as follows:

- (a) in paragraph (b) by deleting “galloper” and inserting instead —

“ thoroughbred ”;

- (b) in paragraph (c) by deleting “gallopers” and inserting instead —

“ thoroughbreds ”;

- (c) by deleting paragraph (d) and inserting the following paragraph instead —

“

- (d) a director of RWWA or a member of staff of RWWA.

”.

Division 2 — Transitional provisions

193. Appeals

If, immediately before the coming into operation of this section, the Tribunal had the jurisdiction to hear and determine an appeal, or an application for leave to appeal and subsequent appeal, any appeal, or application for leave to appeal and subsequent appeal, that could have been made under that jurisdiction in relation to a determination made before the

coming into operation of this section, may be made to or continued by, and determined by, the Tribunal.

194. Funds of Tribunal

Despite the amendments to section 24 of the *Racing Penalties (Appeals) Act 1990* effected by section 189 of this Act —

- (a) the amount of funds available to the Racing Penalties Appeal Tribunal of Western Australia under subsection (1)(c) of section 24 of the *Racing Penalties (Appeals) Act 1990* for any financial year commencing before the coming into operation of section 189 of this Act is to be the amount approved by the Minister for that financial year under that section before the coming into operation of section 189 of this Act;
- (b) to the extent that that amount has not been paid to the Tribunal by the Totalisator Agency Board before the coming into operation of section 189 of this Act, the amount is to be paid by RWWA.

**Part 12 — Western Australian Greyhound Racing
Authority Act 1981 amended, transitional provision,
and consequential amendments**

Division 1 — Amendments

195. The Act amended

The amendments in this Part are to the *Western Australian Greyhound Racing Authority Act 1981**.

[* Reprinted as at 1 January 1999.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 410.]

196. Long title amended

The long title is amended by deleting “Authority” and inserting instead —

“ **Association** ”.

197. Section 1 amended

Section 1 is amended by deleting “Authority” and inserting instead —

“ *Association* ”.

198. Section 3 repealed

Section 3 is repealed.

199. Section 4 amended

Section 4 is amended as follows:

- (a) by deleting the definitions of “Authority” and “warn off”;

- (b) in the definition of “greyhound racing club” by deleting “but does not include the Authority” and inserting instead —

“ and includes the Association ”;

- (c) in the definition of “greyhound trial track” by deleting “a race course at which greyhound racing is conducted by the Authority or”;

- (d) by deleting the definition of “licensed” and inserting instead —

“

“licensed”, in relation to a race course, means licensed by RWWA under the RWWA Act;

”;

- (e) by deleting the definitions of “registered” and “rules of racing” and inserting instead —

“

“registered” means registered by RWWA under the RWWA Act;

“rules of racing” means rules made by RWWA under section 45 of the RWWA Act;

”;

- (f) in the definition of “trainer” by deleting the semicolon and inserting a full stop instead;

- (g) by inserting in the appropriate alphabetical positions the following definitions —

“

“Association” means the Western Australian Greyhound Racing Association established by this Act;

“RWWA” means Racing and Wagering Western Australia established under the RWWA Act;

“RWWA Act” means the *Racing and Wagering Western Australia Act 2003*;

”.

200. Headings to Parts II and III amended

The headings to Parts II and III are amended by deleting “Authority” and inserting instead —

“ **Association** ”.

201. Section 5 amended

- (1) Section 5(1) is amended by deleting “ the “Western Australian Greyhound Racing Authority”” and inserting instead —

“

the “Western Australian Greyhound Racing Association”

”.

- (2) After section 5(5) the following subsection is inserted —

“

- (6) The Association is a racing club eligible for registration under the RWWA Act and, if so registered, the board is taken to be the committee of the racing club.

”.

202. Section 7 amended

Section 7 is amended as follows:

- (a) in paragraph (a) by deleting “control, supervise, promote and regulate” and inserting instead —
“ promote ”;
- (b) by deleting paragraphs (ba) and (bb).

203. Section 7A amended

Section 7A(2) is repealed.

204. Section 7B repealed

Section 7B is repealed.

205. Section 8 amended

Section 8(1) is amended by deleting “delegation and its powers in relation to the making of rules of racing) to a member of the board, a steward or other” and inserting instead —

“ delegation) to a member of the board, an ”.

206. Section 12 amended

Section 12 is amended by deleting “Governor on the nomination of the”.

207. Section 13 amended

(1) Section 13(1) is amended as follows:

(a) by deleting “Governor” and inserting instead —

“ Minister ”;

(b) by deleting “Betting Control Board” and inserting instead —

“ Gaming and Wagering Commission ”.

(2) Section 13(2) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

208. Section 15 amended

(1) Section 15(1) is amended by deleting “stewards and other”.

(2) Section 15(3) is amended by deleting “after consultation with the Public Service Board”.

(3) Section 15(4) is amended by deleting “a steward or other officer” and inserting instead —

“ an officer ”.

209. Section 16 amended

Section 16(2) is amended as follows:

- (a) by deleting paragraph (a);
- (b) in paragraph (b) by deleting “all other” and inserting instead —
“ all ”.

210. Section 17 repealed

Section 17 is repealed.

211. Section 21 replaced

Section 21 is repealed and the following section is inserted instead —

“

21. Preventing performance of powers and functions

A person shall not obstruct, threaten or insult the Association, the board, a member of the board or an officer, employee or agent of the Association.

Penalty: \$5 000.

”.

212. Section 22 amended

Section 22(2) is repealed and the following subsection is inserted instead —

“

- (2) Without limiting subsection (1) a statement is made in relation to greyhound racing if it is made to the Association, the board, a member of the board or an officer, employee or agent of the Association while that body or person is exercising powers or functions conferred by or under this Act.

”.

213. Section 23 repealed

Section 23 is repealed.

214. Part VI repealed

Part VI is repealed.

215. Section 35 amended

Section 35(b) is amended by deleting “a steward or other officer” and inserting instead —

“ an officer ”.

216. Section 36 amended

Section 36 is amended as follows:

- (a) by deleting paragraph (a);
- (b) by deleting “the board.”;
- (c) by deleting “or any stewards”.

217. Schedule 1 amended

- (1) Schedule 1 clause 1(3) is amended by deleting “Governor” and inserting instead —

“ Minister ”.

- (2) Schedule 1 clause 4 is amended by deleting “on the recommendation of the Public Service Board”.

218. References to “Authority” amended

In each place listed in the Table to this section “Authority” is deleted and the following is inserted instead —

“ Association ”.

Table

s. 4 (definitions of “Chairman”, “Chief Executive Officer”, “Deputy Chairman”, “Fund”, “member” (twice))	s.15(1)
s. 5(2)	s.15(3)
s. 5(3)	s.15(4)
s. 5(4)	s. 16(1) (twice)
s. 5(5)	s. 16(2)(b) (twice) and (c)
s. 6	s. 16(3)
s. 7 (twice)	s. 16(4) (3 times)
s. 7A(1)	s. 18
s. 8(1) (twice)	s. 19(1)
s. 8(2) (twice)	s. 19(2)
s. 8(3) (twice)	s. 32
s. 9 (twice)	s. 33 (twice)
s. 10	s. 34(1) (twice)
s. 13(1) (twice)	s. 34(2) (3 times)
s. 13(2)	s. 35(b)
	s. 40(1)
	s. 40(2)

Division 2 — Transitional provision

219. Renamed body is same body

- (1) The body renamed as the Western Australian Greyhound Racing Association by section 201(1) is the same body as the Western Australian Greyhound Racing Authority previously established under section 5 of the *Western Australian Greyhound Racing Authority Act 1981*.
- (2) Where in a written law or in any document of any kind, there is a reference to the Western Australian Greyhound Racing Authority, that reference is, unless because of the context it would be inappropriate to do so, to be read and construed as if it

had been amended to be a reference to the Western Australian Greyhound Association.

Division 3 — Consequential amendments

220. Dog Act 1976 amended

- (1) The amendments in this section are to the *Dog Act 1976**.

[* *Reprinted as at 9 November 2001.*]

- (2) Section 30(3)(a) is deleted and the following paragraph is inserted instead —

“

- (a) a greyhound participating in a greyhound race or trial held under a licence issued under the *Racing and Wagering Western Australia Act 2003*;

”.

- (3) Section 33(2)(b) and “and” following are deleted and the following paragraph is inserted instead —

“

- (b) a greyhound is exempt from section 31(1) while it is participating in a greyhound race or trial held under a licence issued under the *Racing and Wagering Western Australia Act 2003*; and

”.

221. Consequential amendments to other Acts

- (1) Schedule V Part 3 to the *Constitution Acts Amendment Act 1899** is amended in the item relating to the Western Australian Greyhound Racing Authority as follows:

- (a) by deleting “Authority” and inserting instead —

“ Association ”;

- (b) by deleting “Authority” and inserting instead —

“ Association ”.

[* Reprinted as at 8 June 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 72 and Acts Nos. 24 and 25 of 2001, and 5, 20 and 30 of 2002.]

- (2) Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by deleting “Western Australian Greyhound Racing Authority” and inserting instead —

“ Western Australian Greyhound Racing Association ”.

[* Reprinted as at 16 September 2002.

For subsequent amendments see Acts Nos. 30 and 38 of 2002.]

- (3) Schedule 1 item 20 to the *Public Sector Management Act 1994** is amended as follows:

(a) by deleting “Authority” and inserting instead —

“ Association ”;

(b) by deleting “Authority” and inserting instead —

“ Association ”.

[* Reprinted as at 9 February 2001.

For subsequent amendments see Acts Nos. 24 of 2001 and 20 of 2002.]

- (4) Schedule 1 to the *Sentencing Act 1995** is amended in the item relating to the Western Australian Greyhound Racing Authority Fund as follows:

(a) by deleting “Authority” and inserting instead —

“ Association ”;

(b) by deleting “Authority” and inserting instead —

“ Association ”.

[* Reprinted as at 4 May 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 339 and Acts Nos. 24 of 2001 and 7 of 2002.]

**Part 13 — Western Australian Trotting Association
Act 1946 amended and transitional and savings
provisions**

Division 1 — Amendments

222. The Act amended

The amendments in this Division are to the *Western Australian Trotting Association Act 1946**.

[* *Reprinted as at 2 May 1977.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 415.]

223. Long title amended

The long title is amended by deleting “; to provide for the establishment of a Country Clubs’ Benefit Fund”.

224. Section 2 amended

Section 2 is amended as follows:

- (a) by deleting the semicolon after the definition of “Committee” and inserting a full stop;
- (b) by deleting the definitions of “Country Club”, “District Council”, “metropolitan area” and “Minister”.

225. Section 6 repealed

Section 6 is repealed.

226. Section 7 replaced

Section 7 is repealed and the following section is inserted instead —

“

7. By-laws

- (1) The Committee may make by-laws prescribing all matters that are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1), by-laws may —
 - (a) prescribe the objects, purposes and powers of the Association;
 - (b) regulate the application of the income and property of the Association and the manner in which funds of the Association are to be controlled;
 - (c) regulate the management of the Association;
 - (d) provide for the election of members of the Committee and the constitution, procedure, functions and powers of the Committee;
 - (e) regulate the election or qualifications for admission of members of the Association;
 - (f) regulate the suspension or expulsion of members of the Association;
 - (g) regulate appeals from decisions of the Committee;
 - (h) provide for the entrance fees, subscriptions and other amounts (if any) to be paid by members of the Association;
 - (i) provide for the keeping of a register of members;
 - (j) regulate the procedure at and in relation to general or special meetings of members;

- (k) provide for the custody and use of the common seal of the Association;
 - (l) provide for matters concerned or connected with the property of, or held in trust for, the Association, including admission fees and other charges;
 - (m) provide for the general management of the property of, or held in trust for, the Association, races and race meetings.
- (3) By-laws shall be —
- (a) made by resolution passed by an absolute majority of members of the Committee; and
 - (b) published in any manner that the Committee considers appropriate.
- (4) By-laws are not —
- (a) written laws or subsidiary legislation as defined in the *Interpretation Act 1984*;
 - (b) regulations as defined in the *Interpretation Act 1984* section 42.
- (5) Section 43 (other than subsections (6) and (8)(a)(ii)), 44, 45 and 47 of the *Interpretation Act 1984* apply to by-laws as if they were subsidiary legislation as defined in that Act.
- (6) To the extent that by-laws are inconsistent with any written law or with rules of racing made under the *Racing and Wagering Western Australia Act 2003*, the by-laws are of no effect.

”.

227. Section 8 repealed

Section 8 is repealed.

228. Section 9 amended

Section 9(3) is amended by deleting “or of the by-laws made thereunder” in both places where it occurs.

229. Section 12 repealed

Section 12 is repealed.

230. Section 14 amended

Section 14 is amended by deleting “the fifteenth day of ” and inserting instead —

“ 30 ”.

231. Sections 15 and 16 repealed

Sections 15 and 16 are repealed.

232. First Schedule repealed

The First Schedule is repealed.

233. Second Schedule repealed

The Second Schedule is repealed.

Division 2 — Transitional and savings provisions

234. Interpretation

In this Division —

“**WATA**” means the Western Australian Trotting Association constituted under the WATA Act;

“**WATA Act**” means the *Western Australian Trotting Association Act 1946*.

235. Country Clubs’ Benefit Fund

- (1) Any funds which immediately before commencement day are held in the Country Clubs’ Benefit Fund under section 15 of the

WATA Act are on commencement day to be transferred to an account maintained under section 88 of the RWWA Act and nominated by RWWA.

- (2) Funds transferred under subsection (1) may be expended by RWWA for any purpose the board of RWWA thinks fit.

236. By-laws — continuation and expiry

- (1) Despite section 232, and subject to subsections (2) and (3), any rules of racing and rules of wagering made by RWWA under the RWWA Act, by-laws made under the WATA Act that were in force immediately before commencement day continue in force with such changes as are necessary on and after commencement day as if they were made under section 7 of that Act as amended by this Act.
- (2) Subsection (1) does not continue the operation of any by-law that could not be made under section 7 of the WATA Act as amended by this Act.
- (3) The by-laws continued in force under subsection (1), expire 12 months after the coming into operation of this section, or on a day fixed by order of the Minister published in the *Gazette*, whichever is the earlier day.
- (4) Nothing in this section affects the operation of section 37 of the RWWA Act.

**Part 14 — *The Western Australian Turf Club Act 1892*
amended and transitional provision**

Division 1 — Amendments

237. The Act amended

The amendments in this Part are to *The Western Australian Turf Club Act 1892**.

[* *Reprinted as at 18 August 1986.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 416.]

238. Section 13 replaced

Section 13 is repealed and the following section is inserted instead —

“

13. By-laws

- (1) The committee may make by-laws prescribing all matters that are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1) by-laws may —
 - (a) prescribe the objects, purposes and powers of the club;
 - (b) regulate the application of the income and property of the club and the manner in which funds are to be controlled;
 - (c) regulate the management of the club;
 - (d) provide for the election of members of the committee and the constitution, procedure, functions and powers of the Committee;
 - (e) regulate the election or qualifications for admission of members of the club;

by-laws as if they were subsidiary legislation as defined in that Act.

- (6) To the extent that a by-law is in conflict or inconsistent with any written law or with rules of racing made under the *Racing and Wagering Western Australia Act 2003*, the by-law is of no effect.

”.

239. Sections 14 to 20 repealed

Sections 14, 15, 16, 17, 18, 19 and 20 are repealed.

240. Section 22 amended

Section 22 is amended by deleting “or of the by-laws made under this Act”.

241. Section 23 amended

Section 23 is amended by deleting “or of the by-laws made under this Act”.

Division 2 — Transitional provision

242. By-laws — continuation and expiry

- (1) Subject to subsections (2) and (3) and any rules of racing and rules of wagering made by RWWA under the RWWA Act, by-laws made under *The Western Australian Turf Club Act 1892* that were in force immediately before commencement day continue in force with such changes as are necessary on and after commencement day as if they were made under section 13 of that Act as amended by this Act.
- (2) Subsection (1) does not continue the operation of any by-law that could not be made under section 13 of *The Western Australian Turf Club Act 1892* as amended by this Act.
- (3) The by-laws continued in force under subsection (1), expire 12 months after the coming into operation of this section, or on

a day fixed by order of the Minister published in the *Gazette*,
whichever is the earlier day.

- (4) Nothing in this section affects the operation of section 36 of the
RWWA Act.

Part 15 — Workers' Compensation and Rehabilitation Act 1981 amended

243. The Act amended

The amendments in this Part are to the *Workers' Compensation and Rehabilitation Act 1981**.

[* Reprinted as at 14 September 2001.]

244. Section 11A amended

Section 11A(1) is amended as follows:

- (a) by deleting "licensed as a jockey with The Western Australian Turf Club" and inserting instead —

“

licensed as a jockey under the *Racing and Wagering Western Australia Act 2003*

”;

- (b) in paragraph (a) by deleting "with The Western Australian Turf Club" and inserting instead —

“

under the *Racing and Wagering Western Australia Act 2003*

”;

- (c) in paragraph (b) by deleting "licensed by The Western Australian Turf Club" and inserting instead —

“

licensed as a trainer under the *Racing and Wagering Western Australia Act 2003*

”;

- (d) by deleting "and The Western Australian Turf Club" and inserting instead —

“ and Racing and Wagering Western Australia ”.

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