

**GAMING AND BETTING  
(CONTRACTS AND  
SECURITIES).**

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No. 28 of 1985.

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**AN ACT to amend and consolidate the law in respect of contracts, agreements and securities relating to gaming or betting, and matters incidental thereto.**

*[Assented to 24 April 1985.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Gaming and Betting (Contracts and Securities) Act 1985*. Short title.

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation, being a day not earlier than the day fixed for the coming into operation of Part IV of the Acts Amendment (Gaming and related provisions) Act 1985.

Interpreta-  
tion.

3. (1) Subject to subsection (2), in this Act expressions defined in and for the purposes of Division 2 or Division 4 of Part VI of the Police Act 1892 have the like meaning in and for the purposes of this Act.

(2) In this Act—

“lawful bet” means a bet made otherwise than by way of unlawful betting, and includes a prescribed bet, and “lawful betting” shall be construed accordingly;

“lawful gaming” means gaming other than unlawful gaming, and includes prescribed gaming;

“prescribed bet” means—

(a) a bet made with a person lawfully carrying on the business of a bookmaker under the Betting Control Act 1954, entered into in the course and for the purposes of that business;

(b) a bet made, with a person authorized to accept bets of that kind, under an Act specified in the Schedule or under a prescribed provision; or

(c) a bet of a kind prescribed, or made in circumstances prescribed, for the purposes of this definition,

and “prescribed betting” shall be construed accordingly;

“prescribed gaming” means gaming conducted under and in accordance with an authorization conferred by an Act specified in the Schedule or under a prescribed provision, or which (whether it relates to a game of chance or a game of skill or a game of chance and skill combined) is of a prescribed kind or is conducted in prescribed circumstances;

“prescribed provision” means a provision of an Act declared by the regulations to be a prescribed provision for the purposes of this Act;

“unlawful betting” means betting of a kind declared or deemed to be unlawful by or under any Act or law;

“unlawful gaming” means the playing of any game deemed to be unlawful pursuant to section 86 of the Police Act 1892, or which is otherwise declared or deemed to be unlawful by or under any Act or law.

4. (1) Except in so far as they relate to, or arise out of a contract or agreement relating to, prescribed gaming or prescribed betting—

Certain contracts and agreements relating to gaming and betting to be unenforceable.

(a) all contracts or agreements, whether in writing or otherwise, by way of gaming or betting are null and void, and no proceedings shall be brought or maintained in any court for recovering any money or other valuable thing alleged to be won at gaming or upon a bet, or deposited with any person to abide the event on which a bet is made; and

(b) subject to section 6, any bill, note, cheque, mortgage, or other security drawn, accepted, made, given, granted, or

entered into or executed by any person where the whole or any part of the consideration therefor is money, or any other valuable thing, won—

- (i) by way of gaming; or
- (ii) by a bet on the chances of any player or participant in, or the outcome of, any game or race in progress or to be held,

is deemed to be drawn, accepted, made, given, granted, or entered into or executed for an illegal consideration.

(2) In so far as subsection (1) might but for this subsection apply to, or in relation to—

- (a) any stake, deposit, or allowance payable to the owner or connections of a horse or dog engaged in a race run under the Betting Control Act 1954 in respect of its participation in that race; or
- (b) any subscription or contribution to, or agreement to subscribe or contribute to, any sum of money or valuable thing to be awarded to a person who is the winner of any award in any lawful race or lawful game, sport, pastime, or exercise,

the provisions of that subsection shall not apply thereto.

Contracts relating to prescribed gaming or betting may be enforced etc.

5. Subject to the provisions of an Act specified in the Schedule or to any prescribed provision relating thereto, where in the course and for the purposes of prescribed gaming or prescribed betting a person makes a lawful bet with any other person the person making that bet—

- (a) shall be deemed to have made a contract in the terms of the bet with the person with whom he has made that bet; and

- (b) may sue that other person and be sued by that other person in any court of competent jurisdiction on that contract in like manner as a party to a contract which had not arisen out of or in connection with gaming or betting might have sued,

and that contract shall not be deemed to be illegal or void by reason only that it arises out of or in connection with gaming or betting, and effect may be given to the judgment given in the proceedings.

6. Where—

- (a) money or any valuable thing is lent or advanced for the purpose of lawful gaming or of making any lawful bet, or for the purpose of the payment of any debt in respect of lawful gaming or lawful betting; or
- (b) any bill, note, cheque, mortgage or other security is accepted, made, given, granted, entered into or executed by any person for the purpose of repaying or re-imbursing, or as security for the repayment or re-imburement of, money or any valuable thing lent or advanced for the purpose of lawful gaming or of making any lawful bet or to secure the payment of any debt in respect of lawful gaming or lawful betting,

Money or security lent for lawful gaming or betting recoverable.

that money or valuable thing is recoverable in a court of competent jurisdiction and that money or valuable thing and any such security shall be taken to have been used or given for a lawful consideration.

7. The Governor may make regulations for the purposes of this Act. Regulations.

No. 28.] *Gaming and Betting (Contracts and Securities)*. [1985.

SCHEDULE. (s. 3).

Totalisator Act 1883

Totalisator Regulation Act 1911

Totalisator Agency Board Betting Act 1960

Lotteries (Control) Act 1954

Lotto Act 1981

Soccer Football Pools Act 1984

Casino Control Act 1984

Casino (Burswood Island) Agreement Act 1985

Police Act 1892

Race Meetings (Two-up Gaming) Act 1985

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