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RACING AND WAGERING WESTERN AUSTRALIA ACT 2003

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**RACING AND WAGERING  
WESTERN AUSTRALIA  
AMENDMENT REGULATIONS  
2004**



Racing and Wagering Western Australia Act 2003

## **Racing and Wagering Western Australia Amendment Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Racing and Wagering Western Australia Amendment Regulations 2004*.

**2. Commencement**

These regulations come into operation on 30 January 2004.

**3. The regulations amended**

The amendments in these regulations are to the *Racing and Wagering Western Australia Regulations 2003*\*.

[\* *Published in Gazette 29 July 2003, p. 3273-91.*]

**4. Regulation 3 amended**

(1) Regulation 3 is amended as follows:

- (a) by inserting before “In these” the subregulation designation “(1)”;
- (b) by inserting in the appropriate alphabetical positions the following definitions —

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“**cash**” means bank notes or coins;

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**“depositor”** means a person who establishes a wagering account with RWWA for the purpose of wagering with or through RWWA;

**“investor”** means a person who makes or offers to make or attempts to make a wager with or through RWWA and includes a depositor;

**“participant”**, in relation to a sporting event, means an individual or a team contesting the outcome of that sporting event, but does not include a horse or a greyhound;

**“prescribed commission”**, in relation to a wager —

- (a) received in the first instance by RWWA, means the amount prescribed under section 17E of the *Betting Control Act 1954* as the commission for a wager of that kind; or
- (b) received in the first instance by a racing club for inclusion in a totalisator pool, means the amount prescribed under section 17F of the *Betting Control Act 1954* as the commission for a wager of that kind;

**“runner”**, in relation to race, means a horse or greyhound participating in that race;

**“scheduled starting time”** of a race or sporting event means the starting time of the race or sporting event that has been determined by the relevant racing club or body conducting the sporting event and notified to RWWA;

**“sporting event”** means an event set out in paragraph (a) or (b) of the definition of “sporting event” in section 3 of the Act, or prescribed in these regulations or the rules of wagering for the purposes of paragraph (c) of that definition;

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**“ticket”** means a ticket issued to an investor and on which is recorded details of the wager or wagers made by that investor;

**“unit”** means a unit of an investment;

**“wagering account”** means a wagering account established by a depositor under section 64 of the Act.

”;

- (c) by deleting the full stop after the definition of “RWWA key employee” and inserting a semicolon instead.

- (2) At the end of regulation 3 the following subregulations are inserted —

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- (2) For the purposes of these regulations a winning ticket means a ticket a dividend is payable or on which is recorded a winning wager, or one or more winning wagers.
- (3) For the purpose of calculating the number of winning tickets in relation to any kind of wager —
- (a) where a ticket for a winning wager of that kind records multiple units, it is to be counted as though it were a like multiple number of tickets for that kind of wager, each wager being for a unit of 50 cents; and
- (b) where a ticket records more than one winning wager of the same kind, the method of counting the units recorded referred to in paragraph (a) is to be used in respect of each of those wagers.
- (4) For the purposes of these regulations, the provisions of Part 4 are to be taken to be subject to section 59 of the Act.
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- (5) A reference in these regulations to the rules of racing or the rules of wagering includes a reference to the rules in force under section 11 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*.
- (6) For removal of doubt, a reference in these regulations to a wager includes a reference to a bet.

”.

**5. Heading to Part 4 replaced**

The heading to Part 4 is deleted and the following heading is inserted instead —

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**Part 4 — Offences**

”.

**6. Heading to Part 5 inserted**

After regulation 24 the following Part heading is inserted —

“

**Part 5 — Fees and taxes**

”.

**7. Regulation 26 inserted**

After regulation 25 the following regulation is inserted —

“

**26. RWWA wagering tax**

RWWA is to lodge with the Commissioner of State Revenue by the last business day for the Treasury in each month a return of all moneys paid to RWWA during the month immediately preceding that month in respect of wagers made through or with RWWA under the provisions of the Act, and such return is to be

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accompanied by the amount of the RWWA wagering tax payable in respect of those moneys so paid.

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**8. Parts 6 to 12 inserted**

Before Schedule 1 the following Parts are inserted —

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**Part 6 — General conditions relating to wagers made at or through totalisator agencies****27. Persons excluded from totalisator agencies**

- (1) The following classes of persons are excluded from entering or remaining in a totalisator agency —
  - (a) persons under disqualification imposed under —
    - (i) the rules of racing; or
    - (ii) the rules of thoroughbred racing, the rules of harness racing or the rules of greyhound racing made by the thoroughbred racing, harness racing or greyhound racing authority in any State or Territory;
  - (b) persons in respect of whom an order has been made under section 25 of the *Betting Control Act 1954*;
  - (c) persons apparently under the influence of intoxicating liquor; and
  - (d) persons who behave in an undesirable, offensive or disorderly manner.
- (2) A person who is smoking a tobacco product is excluded from entering a totalisator agency that is owned or held on lease or licence by RWWA and a

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person who smokes a tobacco product while in such an agency is excluded from remaining in the agency.

- (3) A person who is in a totalisator agency in contravention of subregulation (1) or (2) may be removed by a member, officer, employee or agent of RWWA or by a member of the police force of the State.

**28. Person making wager bound by these regulations, the rules of wagering and instructions**

- (1) A person making a wager with or through RWWA at a totalisator agency or attempting to make such a wager is taken to accept and be bound by the relevant provisions of these regulations and the rules of wagering.
- (2) RWWA is to ensure that copies of these regulations and the rules of wagering are, so far as is practicable, made available at its head office for perusal on demand.
- (3) A person giving particulars or instructions to RWWA in relation to a wager is bound by the information supplied by that person.

**29. Wagers accepted subject to the rules and these regulations**

- (1) Subject to these regulations and the rules of wagering, a wager made with or through RWWA at a totalisator agency is taken to be accepted subject to —
    - (a) in relation to a race that takes place in this State, the rules of racing, and in particular to the provisions of those rules in respect of the entry, acceptance, withdrawal, or disqualification of horses or greyhounds, the
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running of races, and the powers of the stewards; and

- (b) in relation to a race that takes place in another State or a Territory, the rules of thoroughbred racing or the rules of harness racing or the rules of greyhound racing (as the case may be) administered by the thoroughbred racing, harness racing or greyhound authority in the State or Territory where the race takes place, and in particular to the provisions of those rules in respect of the entry, acceptance, withdrawal, or disqualification of horses or greyhounds, the running of races, and the powers of the stewards;
- (c) in relation to a sporting event, the rules of the sporting authority recognised by RWWA as responsible for the conduct of that sporting event;
- (d) where the wager is placed by RWWA in a totalisator pool — the provisions of these regulations governing the operation of that totalisator pool by RWWA; and
- (e) where the wagers are to be included in a combined totalisator pool scheme — the regulations or rules governing the operation of that totalisator pool.

- (2) Any question as to whether a body is an authority recognised by RWWA for the purposes of these regulations is to be determined by RWWA.

**30. All wagers to be 50 cents or multiples of 50 cents**

- (1) The minimum wager that may be made with or through RWWA is to be a unit of 50 cents and larger wagers are to be made in multiples of 50 cents.
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- (2) Dividends are to be calculated and payable in multiples of 5 cents, rounded down if the dividend declared by reference to one unit of wagering would not be divisible by 5 cents.

**31. Dividend as declared**

- (1) The dividend for a unit of 50 cents is to be as declared —
    - (a) where the wager is placed by RWWA in a totalisator pool conducted by RWWA — by RWWA, on the race or races or the sporting event on which the wager was made; or
    - (b) where the wager is to be included in a combined totalisator pool scheme — by the organisation controlling, and in accordance with the regulations or rules governing the operation of, that totalisator pool.
  - (2) Subject to these regulations and the rules of wagering, where a totalisator pool is conducted by RWWA, RWWA is to —
    - (a) deduct the prescribed commission from the gross takings of the totalisator pool;
    - (b) add any jackpot under these regulations or the rules of wagering, or any supplementary amount set aside for that purpose under section 103 of the Act; and
    - (c) calculate, declare and pay the dividend in respect of each unit to the holder of each winning ticket.
  - (3) Except where a race or sporting event results in a dead heat, tie or draw, and a dead heat, draw or tie is not an outcome that can be nominated in the wager, the minimum dividend in respect of a wager for a unit of 50 cents —
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- (a) is not to be less than 50 cents; and
- (b) despite the dividend calculated being less than 55 cents, may be declared and paid by RWWA at 55 cents.

**32. Wagers may be refused**

- (1) The person in charge at any totalisator agency, unless otherwise directed by RWWA, is authorised on behalf of RWWA to refuse to accept, at any time and without giving any reason, all or any part of the amount of any wager offered to be made with or through RWWA.
- (2) Any wager offered to be made with or through RWWA by or on behalf of a person apparently under the age of 18 years must not be accepted.

**33. Only authorised wagers to be accepted**

Wagers with or through RWWA are to be accepted by or on behalf of RWWA at a totalisator agency —

- (a) subject to these regulations and the rules of wagering; and
- (b) only in respect of such race meetings or races, or such sporting events, as RWWA authorises in relation to that agency.

**34. Hours for opening**

- (1) Subject to subregulation (2), wagers made by the deposit of the amount of the wager in cash are to be accepted by or on behalf of RWWA only during the hours the totalisator agency is open for the acceptance of those wagers.
  - (2) RWWA, or the person in charge of the totalisator agency subject to the approval of RWWA, may at any
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time close the agency and decline to accept wagers or wagers of a particular kind.

**35. Wagers may be made by various methods**

- (1) Subject to these regulations and the rules of wagering, wagers will be accepted by RWWA, whether by or as agent or otherwise —
    - (a) on cash payment at a totalisator agency; or
    - (b) where instructions are given by letter sent through the post or by telephone or other electronic means, if —
      - (i) the instructions relate to, and the wager is made against, a wagering account previously established at a totalisator agency; or
      - (ii) where no wagering account has previously been established, the instructions are received at the totalisator agency at least 2 hours before the scheduled starting time of the particular race or sporting event on which the wager is to be made and are accompanied by a cash remittance of an appropriate amount.
  - (2) In addition to the circumstances set out in subregulation (1), RWWA or an agent of RWWA may accept a wager where part or full payment for the wager is —
    - (a) in the form of a wagering voucher for money's worth issued by RWWA;
    - (b) by means of a winning ticket; or
    - (c) subject to subregulation (3), by cheque.
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- (3) For the purposes of subregulation (2)(c), a cheque may be accepted as part or full payment for a wager if —
  - (a) the cheque is completed, signed and dated prior to the acceptance of the wager;
  - (b) the cheque has not been altered in a material particular;
  - (c) the cheque is banked no later than 3 days after the wager is received; and
  - (d) the cheque is accepted in accordance with any rules of wagering and directions issued by the Commission under section 109G of the *Gaming and Wagering Commission Act 1987*.
- (4) RWWA may at any time direct that a particular totalisator agency is not to accept wagers sought to be made by a particular method, and the totalisator agency is to comply with that direction.

**36. Wagers to be properly marked**

- (1) RWWA is not required to accept any wager unless the person making the wager with RWWA clearly indicates —
    - (a) all details and other information required by RWWA to identify the type and amount of the wager; and
    - (b) in the case of a wager made by post or electronic means, the surname, initials and address of the investor.
  - (2) RWWA is not to accept instructions for alternative wagers in the event of the horse or greyhound selected being scratched or participants in a sporting event not taking part.
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**37. RWWA may decide particulars of wagers**

- (1) Despite any other provisions of these regulations, a person making a wager on a race or sporting event may request RWWA to decide for the person, by means of computer random generation, such particulars of the wager as are specified by the person.
- (2) Where such a request is in respect of a race or sporting event, and such particulars of a wager as to such a race or sporting event, as to which RWWA has publicly made known it will receive such requests, RWWA is to decide the particulars by means of computer random generation.
- (3) The provisions of these regulations apply, subject to necessary modifications, to and in relation to a wager made under subregulations (1) and (2) in the same way as they would apply if all particulars of the wager had been decided by the person making the wager.

**38. Tickets to be properly marked**

Every ticket issued by RWWA is to be printed, written, stamped, punched or marked to show the kind of wager and —

- (a) in the case of a wager on a race or races, other than a favourite numbers wager —
    - (i) the designation of the race meeting and the date of the race meeting where the race on which the wager to which the ticket relates is to be run;
    - (ii) the number of the race or races in respect of which the ticket is issued; and
    - (iii) except where the ticket relates to a sweepstakes wager, the code number that has been allocated by RWWA to
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the horse or greyhound or horses or greyhounds on which the wager in respect of which the ticket is issued is made;

or

- (b) in the case of a wager on a sporting event, the description and date of the event and the participants in respect of which the wager is made,

together with sufficient details to identify the wager accepted and the amount of the wager expressed in units of 50 cents.

**39. RWWA to exhibit notices**

- (1) RWWA is to, so far as is practicable, cause notices to be exhibited at all totalisator agencies showing —
- (a) in the case of a wager on a race or races, the names and numbers of the horses and greyhounds known to have accepted as starters for races for the race meetings for which RWWA will receive wagers, the date and code or designation of each such race meeting, the numbers of races and the code numbers allotted to the horses or greyhounds; and
- (b) in the case of a wager on a sporting event, sufficient details to identify the sporting event, the participants, the distinguishing marks or code numbers or letters allotted to participants, the kind of wagers which RWWA will receive, and such other information as may be necessary,

including any brackets or other distinguishing mark of any double or other combination of races or kind of

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wager, as may be necessary for the proper identification of wagers.

- (2) Wagers are to be accepted by or on behalf of RWWA —
  - (a) in the case of wagering on a race or races, or in respect of a race meeting or race meetings, only in respect to runners accepted as starters and in accordance with any notice which may be exhibited; and
  - (b) in the case of a sporting event, only in accordance with any notice which may be exhibited in respect to that sporting event.
- (3) No wager on a race or sporting event is to be receivable by RWWA before the official publication of acceptances for that race or sporting event.

**40. Correction of errors and omissions, and the giving of certain refunds**

- (1) If a ticket has been issued by RWWA and there is recorded on the ticket in respect of a race meeting or sporting event either an incorrect date or incorrect designation of the race meeting or sporting event, or if either of those particulars is omitted, RWWA may, if satisfied that the record or omission is an error and that it is manifest that the ticket was issued and intended to apply to a particular wager, treat the ticket in the manner apparently intended by the investor and the wager is to be taken to have been made accordingly.
  - (2) Subject to this regulation, the person to whom a ticket is issued by RWWA is taken to accept the ticket issued to that person and to have agreed that the particulars shown are correct, unless the person applies immediately after the issue of the ticket to the person who issued it to have an error or omission rectified.
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- (3) Despite subregulation (2), on days designated as “major race days” by the Commission, a person who has made a wager in person at a totalisator agency may cancel the wager prior to the close of wagering on the race to which the wager relates, and receive a refund of the wager if the amount of the wager was less than \$200.
- (4) If the wager in respect of which a ticket was issued is one which cannot be recorded by RWWA on a totalisator, or is one for which notices exhibited by RWWA at the totalisator agency at the time the ticket is issued are not in accordance with these regulations, the person to whom the ticket belongs is entitled to a refund of the amount shown on the ticket.
- (5) Unless subregulation (1) applies, where a ticket is incomplete as to any of the particulars required to be shown on the ticket, or if any of those particulars are in the opinion of RWWA ambiguous, the person to whom the ticket belongs is entitled only to a refund of the amount shown on the ticket.
- (6) When a ticket is presented for the payment of a dividend or refund or for the purpose of correcting an alleged error, if the ticket has been altered, mutilated or defaced RWWA may reject the ticket and the person to whom the ticket belongs is not entitled to any dividend or refund in relation to that ticket.

**41. Time for payment of dividends or refunds for cash wagers**

- (1) Dividends or refunds are payable in respect of the running of any race or the holding of any sporting event, subject to subregulation (2), during the notified hours and days of business for a period of 7 months.
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- (2) Refunds in respect of tickets may be paid by or on behalf of RWWA at any time when the totalisator agency is open for the receiving of wagers, except that where dividends in respect of the same ticket may still become payable at a future time refunds due in respect of any race meeting, race or sporting event to which that ticket relates are payable only at the same time as, or after, those dividends would have become payable.

**42. Presentation of tickets or claims**

- (1) Subject to subregulations (2) and (6), a dividend or refund in respect of a wager, other than a wager against a wagering account, in cash made with RWWA is to be paid upon the presentation and surrender of the ticket issued by RWWA for that wager.
  - (2) RWWA may, upon the presentation or surrender of a ticket issued for a wager, refuse to pay a dividend or refund in respect of that wager if there are reasonable grounds to suspect that the person presenting the ticket is not entitled to that dividend or refund.
  - (3) The payment of any dividend or refund by RWWA is to be made in cash unless RWWA decides to make the payment by cheque or otherwise by the transfer of moneys.
  - (4) Subject to subregulation (6), RWWA may pay to a person any dividend or refund that is payable in respect of a ticket issued for a wager without the presentation and surrender to RWWA of the ticket if the person making the claim for the dividend or refund proves to the satisfaction of RWWA —
    - (a) that the ticket has been lost or destroyed; and
    - (b) that the person is the person entitled to the dividend or refund.
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- (5) RWWA may —
- (a) require a person making a claim for a dividend or refund to verify the claim in a manner required by RWWA, and may require verification of the claim by statutory declaration;
  - (b) pay the dividend or refund to which a claim made under paragraph (a) relates at such time as RWWA determines; and
  - (c) deduct from the amount of any dividend or refund paid under subregulation (4) the amount of the out-of-pocket expenses actually incurred by RWWA, including stamp duty if any, in connection with the establishment and payment of the claim.
- (6) RWWA may refuse to pay a dividend or refund in respect of a wager made with RWWA if the dividend or refund has already been paid under this regulation.

**43. When refunds of wagers are payable**

- (1) Subject to subregulation (2) and the rules of wagering, where a runner (or one of the runners) on which a wager other than —
- (a) a favourite numbers wager; or
  - (b) a sweepstakes wager,
- has been placed with RWWA is scratched before the start of its race or declared a non-starter, a person who placed a wager on (or involving) that runner with RWWA is entitled to a refund of that wager.
- (2) Where a refund is payable under subregulation (1) due to a scratching, and the person entitled to the refund wishes to obtain that refund prior to the running of the race, that person may, on request, obtain a refund of —
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- (a) the wager; or
- (b) if the wager is on one of 2 or more wagers recorded on the same ticket, and none of the wagers have been decided — the total value of that ticket,

prior to the running of the race, if the request is made before the close of wagering for each and every race to which the ticket relates.

- (3) If a race meeting or a race at a race meeting is postponed from one day to another or is abandoned, RWWA is to refund all of the amounts of wagers made in respect of races that were to be but were not held on that day at that race meeting other than —
    - (a) double event wagers in respect to which the first leg of the double event has already been run;
    - (b) sweepstakes wagers;
    - (c) favourite number wagers; and
    - (d) quaddie wagers, where a race nominated as part of that quaddie has already been successfully run or remains to be run.
  - (4) Subject to these regulations and the rules of wagering, where a sporting event, or any match comprising part of a sporting event, does not occur or is abandoned or does not run its full course or is postponed from one day to another, all of the amounts of wagers made in respect of that sporting event or match, as the case may be, are to be refunded by RWWA.
  - (5) Refunds of wagers accepted may also be made by RWWA in other circumstances provided for in these regulations and in circumstances provided for in the rules of wagering.
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- (6) Refunds of moneys may also be made by RWWA in other circumstances provided for in these regulations and in circumstances provided for in the rules of wagering.

**Part 7 — General conditions related to wagers  
received and transmitted by racing club  
to RWWA**

**44. Authorised racing club may transmit wagers**

- (1) RWWA may authorise a racing club to transmit wagers received by that racing club to a totalisator pool conducted by RWWA.
- (2) RWWA must not accept a wager transmitted by a racing club to a totalisator pool conducted by RWWA unless that racing club has been authorised by RWWA to so transmit wagers and the authorisation has not been withdrawn by RWWA.
- (3) RWWA may withdraw an authorisation given under subregulation (1) at any time.

**45. Person making wager bound by these regulations and rules of wagering**

A person making a wager with or through a racing club that is transmitted to a totalisator pool conducted by RWWA is taken to accept and be bound by the relevant provisions of these regulations and the rules of wagering as if that wager were a wager made with or through RWWA.

**46. Only authorised wagering to be accepted**

Wagers with or through a racing club for transmission to a totalisator pool conducted by RWWA are to be accepted by that racing club —

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- (a) subject to these regulations and the rules of wagering as if the wagers were wagers made with or through RWWA; and
- (b) only in respect of such race meetings or races, or such sporting events, as RWWA authorises in relation to that racing club.

**47. Wagers transmitted by racing club to be registered on RWWA's totalisator**

- (1) Whenever wagers received by a racing club are transmitted to RWWA for registration in respect of any race on the totalisator operated by RWWA, those wagers that are so transmitted up to the time when in respect of that race the totalisator is officially closed are to be accepted for registration, and registered, on the totalisator.
- (2) The wagers registered on the totalisator under subregulation (1) are to form part of the total amount invested on the totalisator in respect of the race for which the wagers were transmitted, and are to be taken into account in the calculation of the dividends to be declared payable on the result of that race.

**48. Apportionment of profit or loss**

Where a racing club transmits wagers to a totalisator pool conducted by RWWA, the profit, or loss, from the operation of that totalisator pool is to be apportioned by RWWA and paid, credited or debited to that racing club in proportion to the contribution of that racing club to the total investments in that totalisator pool.

**49. References to pool conducted by RWWA**

For the purposes of this Part, a reference to a totalisator pool conducted by RWWA is to be construed as

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including a reference to a totalisator pool operated pursuant to a combined totalisator pool scheme whether or not the pool was conducted by RWWA.

**Part 8 — Wagering accounts****50. Procedure for establishing wagering account**

- (1) An application to establish a wagering account for the purpose of wagering with or through RWWA is to be made in writing in a form acceptable to RWWA.
  - (2) A deposit to the account of an amount of not less than \$5 may be lodged with RWWA at the time of making the application and if the application is refused wholly or in part RWWA is to refund the deposit, wholly or in part, except in so far as it may relate to an account which is established.
  - (3) RWWA or, with the approval of RWWA, the person in charge of a totalisator agency may refuse to accept an application to establish a wagering account, or having accepted a deposit may refund it or any part of it, without giving any reason for doing so.
  - (4) RWWA may require any depositor to submit a new application in writing amending any or all of the particulars given or required to be given when originally establishing the wagering account.
  - (5) A depositor may cancel his or her original application, and substitute a new application, on satisfying RWWA that for his or her own protection there is reasonable need to do so.
  - (6) In either of the cases referred to in subregulation (4) or (5) any amount standing to the credit of the depositor in the original wagering account is to be transferred to his or her credit in the new wagering account.
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**51. Procedure for keeping, maintaining, increasing or renewing a wagering account**

- (1) A separate record is to be kept by RWWA of each wagering account and of the amount of the wagers made against it and of all transactions on that account, for a period of not less than 5 weeks.
- (2) A wagering account may be maintained, increased or renewed by the payment of further moneys or by the credit of winning dividends or other amounts to the account.
- (3) Where cheques are received as a deposit, no wager against that deposit is to be accepted by RWWA until the cheque is paid by the financial institution on which it is drawn.

**52. Recording of wagers against a wagering account**

- (1) At a totalisator agency equipped with automatic data processing facilities for the recording of wagers, a wager made with or through RWWA against a wagering account is to be recorded prior to the closing time fixed by RWWA for the acceptance of wagers for the race, sporting event or competition concerned at that totalisator agency.
  - (2) Where a wager is made in person at a totalisator agency, at the time a wager is recorded against a wagering account a ticket is to be printed showing details of the wager to be charged against the wagering account of the depositor placing the wager.
  - (3) In and by the printing of the ticket referred to in subregulation (2) the person in charge at the totalisator agency where the wager is received warrants that the wagering account against which the wager is to be charged has a credit balance sufficient to pay the
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amount of the wager and that the amount of the wager is held on behalf of RWWA.

**53. Crediting of dividends against a wagering account**

All dividends due and payable to the depositor are taken to be credited to the depositor's wagering account with RWWA immediately such dividends are known to RWWA.

**54. Wagering accounts to be disposed of in accordance with the instructions**

- (1) The amount standing to the credit of the wagering account of the depositor at any time is to be disposed of by RWWA in accordance with the instructions of the depositor.
- (2) Where no instructions have been received by RWWA the account may be retained by RWWA pending receipt by RWWA of instructions, or the whole or part of the amount may be remitted to the depositor at any time at the discretion of RWWA or person in charge of the totalisator agency where the wagering account is kept.

**55. General conditions applicable to wagering accounts**

- (1) Moneys payable in respect of dividends, refunds or of any balance of a wagering account may at the option of RWWA be paid to an account nominated by the depositor by bank transfer or otherwise or may be remitted to the address of the depositor at the address given by the depositor to RWWA.
  - (2) Any exchange, poundage or postage payable on any moneys relating to a wagering account may be charged to the person entitled to the moneys, and may be deducted by RWWA from the account.
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- (3) In respect of remittances or correspondence passing to and from RWWA and depositor, the depositor is to accept all risks, losses, delays, errors or omissions that may occur in the ordinary course of post and RWWA is not required to send any remittance or correspondence by registered post.
- (4) The transfer or posting of moneys by RWWA to an account nominated or the address given by the depositor to RWWA for the purpose is to be at the sole risk of the depositor.
- (5) RWWA is not responsible for any loss to a depositor arising from —
  - (a) the unauthorised use of a depositor's wagering account by any person other than RWWA, its employees or agents; or
  - (b) delay or no delivery of any moneys transferred or posted on to the depositor by RWWA.
- (6) Where, because of an error, oversight or system malfunction a debit balance arises as the result of a wager made by the depositor at a time when there is an insufficient credit balance in the wagering account to properly accommodate the wager RWWA may disallow, either in whole or in part, any credit, either by way of dividends or refunds, arising from the wager and may allow the debit to the depositor's wagering account on that wager to remain.

**56. General conditions on statements of account**

- (1) RWWA is not required to submit a statement of account when forwarding any remittance.
  - (2) RWWA may, unless instructed to the contrary by the depositor in the manner required by RWWA, send statements of the depositor's wagering account with
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RWWA by unregistered post to the address given by the depositor in his or her application form when applying to open the account or such other address as may be subsequently notified to RWWA by the depositor.

- (3) Any statement of account sent to a depositor by unregistered post is taken to be received by the depositor at the time when, by the ordinary course of post, the statement would be delivered.
- (4) Where RWWA has delivered to a depositor or sent to a depositor by post a statement of the depositor's account with RWWA, if the depositor claims that there is an alleged inaccurate entry in the statement, the depositor is to within 7 days after the statement has been received or is taken to have been received by the depositor notify that claim in writing to RWWA or the person in charge of the totalisator agency where the account is kept in accordance with regulation 58(4).

**57. General provisions relating to wagers made by post**

- (1) RWWA may at any time direct that wagers by post, or such wagers from any particular area, district or locality, are to be addressed to a particular totalisator agency.
  - (2) Remittances, other than deposits for the credit of a wagering account, sent to RWWA are to be by bank draft, postal note, money order or in cash for the amount of the wager or wagers required, and no more, calculated in multiples of units of 50 cents, and in any other case the person in charge of the totalisator agency where the remittance is received may —
    - (a) reject the wager altogether; or
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- (b) accept the wager up to the multiple of 50 cents next below the net amount received, and refund the balance to the investor.
  - (3) Where a remittance for a wager or deposit is sent to RWWA and has not been accepted by RWWA, a refund of the amount may be effected by RWWA by return to the investor of the remittance instrument.
  - (4) Where any written instructions received by RWWA are incomplete or ambiguous the officer in charge of the totalisator agency to which the instructions are addressed may reject the wager or accept it according to what the officer believes to be the intention of the person giving the instructions and that person is bound by the action of the officer.
  - (5) Where RWWA is not permitted to accept the whole of any written instructions relating to a wager, RWWA may accept that part of those instructions which it is permitted to accept.
  - (6) RWWA is to accept wagers by post up to 2 hours before the scheduled starting time of the particular race or of the particular sporting event in respect of which the wager is made, but instructions relating to wagers on a race or sporting event received by RWWA after that time are not to be accepted unless the officer in charge of the totalisator agency concerned so directs.
  - (7) RWWA is not bound to acknowledge receipt of any written instructions relating to a wager, or to comply with any such instructions otherwise than in accordance with these regulations or the rules of wagering.
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**r. 8****58. Crediting and payment of dividends and refunds on wagering accounts and wagers made by post**

- (1) Wagers against dividends or refunds payable or to become payable on previous wagers with RWWA are not to be accepted by RWWA, unless those dividends or refunds are credited, or deemed to have been credited, to a wagering account.
  - (2) In respect of wagers made with RWWA by post, dividends and refunds are to be posted by RWWA to the investor on the earliest convenient day next after the day of the race or sporting event on which the wagers were made.
  - (3) Where RWWA is in doubt as to whom or what address any refund or other remittance from RWWA should be sent, RWWA is to retain the amount payable until the person who claims to be entitled to it applies in writing or, if required by RWWA, in person to the totalisator agency where the wager was made and submits proof to the satisfaction of RWWA of his or her right to the amount held by RWWA.
  - (4) If a person who has made a wager with RWWA claims that he or she has not received the full dividend or refund to which that person alleges he or she is entitled or alleges that there is an inaccuracy in relation to the accounting in respect of that person's wagers with RWWA, that person must, if he or she requires an adjustment to be made —
    - (a) apply in writing to the totalisator agency where the wager was made on the account kept within 7 days of the day on which the race or sporting event on which the wager was made was held or the date on which the person received the statement; and
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- (b) include in the application all relevant information supporting the claim.
- (5) RWWA is to notify the claimant of its decision on the claim and the decision of RWWA is final.

**59. Wagers by telephone or other electronic means**

- (1) Subject to these regulations and the rules of wagering, wagers by telephone or other electronic means may be accepted by RWWA against a wagering account previously established with RWWA.
  - (2) A depositor making a wager with or through RWWA by telephone is to use only the telephone numbers notified to the depositor by RWWA for that purpose.
  - (3) Wagers may be made by telephone or other electronic means up to the closing time as fixed by RWWA from time to time for the acceptance of wagers for the race or sporting event concerned.
  - (4) When making a wager by telephone or other electronic means against a wagering account the depositor is to provide —
    - (a) his or her account number and account name and one or more of his or her codes, if required by RWWA; and
    - (b) such information to identify the wager to be made (of the type set out in regulation 36) as is required by RWWA.
  - (5) RWWA is to read back or otherwise present the wager as recorded to the depositor and, subject to subregulation (7), the depositor is taken to have accepted the wager as recorded unless the depositor cancels or amends the wager at that time.
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- (6) Subject to subregulation (7), once the depositor is taken to have accepted the wager, no amendment is to be made to it except with the approval of RWWA for the purpose of the correction of an error or omission.
- (7) A wager made on a race or sporting event with or through RWWA by telephone or other electronic means and against a wagering account in accordance with subregulation (1) may be amended or cancelled by the depositor if —
  - (a) the wager is of \$200 or less; and
  - (b) the amendment or cancellation is made 15 minutes or more before the scheduled starting time of the race or sporting event.

**60. Errors in wagers by telephone or other electronic means**

- (1) Subject to subregulation (2) where an error results in an incorrect wager being made by telephone or other electronic means with RWWA, prima facie the wager is taken to be that which is recorded by RWWA so that the depositor is to suffer the loss or receive the benefit as the case may be.
  - (2) Where a person alleges that an error as to a wager made by the telephone or other electronic means resulting in loss to a depositor was due to the mistake or other default of any employee of RWWA, or of any agent or of any employee of any agent, RWWA is to inquire into the circumstances.
  - (3) If RWWA is satisfied that the error was due either to the wilful default or to the negligence of the employee or agent RWWA is to refund the amount of the wager.
  - (4) If the error arises by reason of incorrect information obtained from reference material, whether or not
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supplied by RWWA, RWWA may, but is not liable to, refund the amount of the wager.

- (5) RWWA is not liable to pay, but may pay part or all of, any dividend that would have been payable but for the error.

**Part 9 — General provisions on wagering****61. Closing time for acceptance of wagers**

- (1) The closing time for the acceptance of wagers is the starting time for the race in respect of which the wagers are made.
- (2) For the purposes of wagering on a sporting event, RWWA is to display on the notices exhibited under regulation 39 the closing time for the acceptance of wagers in respect of the event.

**62. Totalisator pools — generally**

- (1) RWWA may conduct separate totalisator pools —
- (a) for different kinds of wagers;
  - (b) for different races or sporting events; or
  - (c) for such other purposes as RWWA may determine.
- (2) Where details of a wager otherwise properly received by RWWA to be recorded in a totalisator pool have not been duly recorded owing to a failure in the means of, or error in, transmission, or to other circumstances beyond the control of RWWA, RWWA, if a dividend would have been payable in respect of that wager had it been duly recorded, is to pay in respect of the wager the same dividend as would have been payable had the wager been duly recorded.
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**r. 8****63. Communication failure where a combined totalisator pool scheme is conducted**

Where a combined totalisator pool scheme is conducted and due to a communication failure normal procedures cannot be followed, RWWA has and may exercise discretion to determine dividend calculations.

**Part 10 — Sporting events****64. RWWA may specify aspects of sporting events**

- (1) For the purposes of conducting wagering in relation to prescribed sporting events, RWWA may specify in the rules of wagering any or all of the following —
    - (a) one or more games of a particular prescribed sporting event upon which it will accept wagers (*see also regulation 33*);
    - (b) one or more games of a particular prescribed sporting event that may be substituted in the case of a cancellation, postponement or other reason that as a result is not obtained from a prescribed sporting event, or may specify that the wagers will be refunded in those circumstances (*see also regulations 40, 41 and 43*);
    - (c) the requirement that the sporting event be conducted within the rules of, and under the authority of, a specified body if wagers are to be taken (*see also regulation 29(1)(c)*);
    - (d) whether a particular sporting event is to be taken as having a result, despite disqualifications, scratchings, ongoing protests, appeals, drug testing, or like events, or may specify a delegate (steward) as having the responsibility to make official announcements
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- of results in relation to a particular sporting event or type of sporting event;
- (e) the list that is to be used in determining which teams are to be described as “away teams” and as “home teams” from week to week, in relation to a sporting event (*see also regulation 39(1)*);
  - (f) a collection of games that is to be regarded as a pool of games in relation to the particular sporting event (*see also regulation 39(1)*);
  - (g) the hours during which, and the places at which, wagers may be made in relation to specific sporting events (*see also regulations 34 and 35*);
  - (h) the closing time for the acceptance of wagers (*see also regulations 39, 61(2) and 65(2)*);
  - (i) the dividend to be paid for a unit of 50 cents in relation to the sporting event on which the wager was made (*see also regulation 31*);
  - (j) whether the competition that is the subject of the wagering is at State, national or international level;
  - (k) whether a particular age group within the sport, or whether the male or female competition within the sport, is to be the subject of wagering.
- (2) In this regulation the description “**game**” includes the description “match”, “bout”, “round”, “competition”, “ceremony” and other common methods of describing a sporting event.
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**r. 8****65. General conditions relating to the conduct of totalisator pools**

- (1) Where there is a conflict between this regulation and a specific provision in this Part or in the rules of wagering, the specific provision applies.
- (2) RWWA in accordance with regulation 39, and otherwise by announcements and advertisements, is to give notice of —
  - (a) the teams (and, where RWWA considers it is appropriate, the individuals) participating in, and the venue and date of, the matches comprising a competition;
  - (b) the scheduled starting time for an event; and
  - (c) the details required by RWWA to be marked, or otherwise given to RWWA, in making a wager.

**66. General conditions relating to wagering on games and pools of games**

- (1) Where a match in a pool is postponed from one day to another, abandoned or cancelled, that match is to be omitted from the pool and the results of the pool are to be based upon the remaining matches.
  - (2) Where all the matches in a pool are abandoned or cancelled, all wagers on that pool are to be refunded by RWWA.
  - (3) If RWWA or, where appropriate, the steward, declares that a single sporting event does not have a result, due to that event being forfeit, cancelled, postponed, abandoned, or a like event, or due to scratchings or a lack of officially placed participants, all wagers on that sporting event are to be refunded by RWWA.
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- (4) If one or more of the participants in a sporting event are scratched, a person who has a wager on a scratched participant, or a combination wager that includes a scratched participant, is entitled to a refund representing the combinations of the wager that include the scratched participant.
- (5) If a single sporting event is forfeit or abandoned or a like event occurs, but despite that event RWWA or, where appropriate, the steward, declares that the sporting event does have a result, all wagers on that sporting event are to be paid in accordance with that declared result.

**Part 11 — Totalisator agencies****67. Notice of intention to establish long term totalisator agency (s. 52(2))**

- (1) If RWWA intends to establish a totalisator agency that will operate for a period of more than 30 days, RWWA is to give written notice of that intention to the Commission not later than 45 days before the intended commencement of operation or such lesser period as the Commission may permit.
  - (2) The notice is to include the following information —
    - (a) the location of the proposed totalisator agency;
    - (b) the date on which it is proposed to commence operation;
    - (c) a community and social impact statement including such information as the Commission may require generally in relation to proposed totalisator agencies; and
    - (d) such other information as the Commission may require generally in relation to proposed totalisator agencies.
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**r. 8****68. Notice of intention to establish temporary totalisator agency (s. 52(2))**

- (1) If RWWA intends to establish a totalisator agency that will operate for a period of less than 30 days, RWWA is to give written notice of that intention to the Commission not later than 24 hours before the intended commencement of the operation or such lesser period as the Commission may allow.
- (2) The notice is to include the following information —
  - (a) the location of the proposed totalisator agency;
  - (b) the nature of the event or other circumstances relating to the establishment of the temporary agency;
  - (c) the dates on which it is proposed to commence and finish operation.

**69. Information on totalisator agencies**

The Commission may require RWWA to provide further information in relation to the operation of a proposed totalisator agency or an established totalisator agency and RWWA is to comply with that requirement.

**70. Direction to close or not to establish totalisator agency (s. 52(3))**

- (1) The Commission is not to direct RWWA under section 52(3) of the Act not to establish a totalisator agency proposed to operate for more than 30 days, or to close a totalisator agency that has or will operate for more than 30 days, without first giving RWWA notice in writing of its intention to do so and affording RWWA reasonable opportunity to show why the direction should not be given.
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- (2) A direction under section 52(3) of the Act is to be given in writing.

**Part 12 — Consultation****71. Consultation (s. 82)**

The board of RWWA is to establish procedures for consulting with each body set out in column 1 of the Table in relation to the operations of RWWA set out opposite in column 2 of the Table.

**Table**

<b>Item</b>	<b>Column 1 Prescribed bodies</b>	<b>Column 2 Prescribed operations</b>
1.	The Western Australian Turf Club	Racing and supervision of on-course wagering
2.	Western Australian Provincial Thoroughbred Racing Association Inc	Racing and supervision of on-course wagering
3.	Country Racing Association	Racing and supervision of on-course wagering
4.	Western Australian Racehorse Owners' Association	Racing
5.	Western Australian Bloodhorse Breeders' Association	Racing
6.	Western Australian Jockeys' Association	Thoroughbred racing
7.	Western Australian Racing Trainers' Association	Racing
8.	Western Australian Trotting Association	Racing and supervision of on-course wagering
9.	Fremantle Trotting Club (Inc.)	Racing and supervision of on-course wagering

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| 10. | Western Australian Country Trotting Association  | Racing and supervision of on-course wagering |
| 11. | Western Australian Harness Racing Breeders, Owners, Trainers and Reinspersons' Association (Inc) | Racing                                       |
| 12. | Harness Racing Owners' Association of WA Incorporated  | Racing                                       |
| 13. | Western Australian Standardbred Breeders' Association Inc.                                       | Racing                                       |
| 14. | Western Australian Greyhound Racing Association  | Racing and supervision of on-course wagering |
| 15. | Western Australian Greyhound Breeders, Owners and Trainers' Association                          | Racing                                       |
| 16. | WA Bookmakers' Association (Inc)   | Racing and supervision of on-course wagering |
| 17. | WA TAB Agents' Association   | Off-course wagering                          |
| 18. | Avon Valley Greyhound Racing Association   | Non-metropolitan greyhound racing            |
| 19. | Peel Horse Industry Council  | Welfare of horses                            |
| 20. | Southern Districts Thoroughbred Association Inc  | Horse training facilities                    |
| 21. | Western Australian Thoroughbred Racing Industry Council  | Racing                                       |
| 22. | WA Farriers' Association   | Welfare of horses                            |
| 23. | WA Horse Council   | Welfare of horses                            |
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24.	Unions WA	Racing
25.	WA Racing Media Guild	Promotion of racing

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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