

Western Australia

Racing and Wagering Western Australia Act 2003

**Racing and Wagering Western Australia
Regulations 2003**

As at 28 Oct 2008

Version 01-h0-01

Extract from www.slp.wa.gov.au, see that website for further information

Racing and Wagering Western Australia Regulations 2003

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Racing and Wagering Western Australia Regulations 2003

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Racing and Wagering Western Australia Regulations 2003*¹.

2. Commencement

These regulations come into operation on the day on which the *Racing and Wagering Western Australia Act 2003* comes into operation¹.

3. Meaning of terms used in these regulations

- (1) In these regulations, unless the contrary intention appears —
cash means bank notes or coins;

Commission Act means —

- (a) before the appointed day fixed by order under section 7 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*, the *Gaming Commission Act 1987*;
- (b) on and after the appointed day fixed by order under section 7 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*, the *Gaming and Wagering Commission Act 1987*;

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

director includes an alternate director nominated or selected under Schedule 1 clause 4 of the Act;

director's licence means a licence of a director granted under section 14 of the Act;

employ includes engage under a contract for services;

employee's licence means a licence of a RWWA key employee granted under regulation 15;

Flexi Bet means a method of wagering an amount on one or more combinations of outcomes, where the amount of the investment on each combination covered by the wager can be a percentage, or fraction of the unit of investment;

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

licence means a director's licence or an employee's licence;

multi-bet means a wager involving the selection of a series of propositions in relation to any sporting event available for fixed odds wagering where the final dividend is —

- (a) reliant on all propositions being correctly selected; and
- (b) determined by multiplying together the odds of each selection;

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;

RWWA key employee has the same meaning as in section 24 of the Act;

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;

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.

- (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

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referred to in paragraph (a) is to be used in respect of each of those wagers.

- (3a) Despite subregulation (3), a number of printed tickets comprising a single multi-bet are collectively regarded as a single “ticket” for the purposes of the definition of that term in subregulation (1).
- (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.
- (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.

[Regulation 3 amended in Gazette 30 Jan 2004 p. 357-60; 14 Jul 2006 p. 2569-70; 18 Sep 2007 p. 4715.]

Part 2 — Licensing of directors

4. Notifications by RWWA to Commission

- (1) RWWA must, not later than 7 days after the appointment, nomination or selection, or the reappointment, renomination or reselection, of a director takes effect, give the Commission written notice of that occurrence.

Penalty: \$1 000.

- (2) RWWA must, not later than 7 days after the office of a director becomes vacant, whether by effluxion of time or under Schedule 1 clause 2 of the Act, notify the Commission of the vacancy.

Penalty: \$1 000.

5. Application for licence

A person who is appointed, nominated or selected as a director must, not later than 7 days after the appointment, nomination or selection takes effect or such longer period as the Commission approves, apply to the Commission to be licensed as a director.

6. Form of application

- (1) An application for a director's licence or renewal of a director's licence must —

- (a) be in writing in a form approved by the Commission;
- (b) include such information as the Commission may require either generally or in relation to a specific person or matter; and
- (c) be accompanied by —
 - (i) the fee set out in Schedule 1; and
 - (ii) any records that the Commission may require either generally or in relation to a specific person or matter.

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- (2) The Commission may at any time request an applicant to provide further information or further records and the applicant must comply with that request.

7. Investigation by police

- (1) The Commission may submit particulars of, and any information or inquiry as to, an applicant for a director's licence or renewal of a director's licence, to the Commissioner of Police.
- (2) The Commissioner of Police is to cause an investigation to be made, in the State and elsewhere as the Commissioner of Police thinks fit, as to —
- (a) the suitability of the applicant to hold, or to continue to hold, the licence;
 - (b) the reputation of the applicant;
 - (c) the financial status of the applicant;
 - (d) the capacity to be concerned in the management of RWWA of the applicant; and
 - (e) any known or suspected associates of the applicant giving cause for concern that that applicant may not be a suitable person to hold a licence.
- (3) The Commissioner of Police is to report to the Commission —
- (a) the result of any investigation made, including any record of the conviction of the applicant for any offence; and
 - (b) the opinion of the Commissioner of Police as to the suitability of the applicant to hold, or to continue to hold, the licence.

8. Commission may licence, or refuse to licence, director

- (1) If a director refuses or fails —
- (a) to apply for a licence under regulation 5 or for renewal of a licence under regulation 10; or

- (b) to provide to the Commission information or documents under regulation 6(1) or 6(2),

the Commission may refuse to license the director.

- (2) Upon consideration of —

- (a) an application for a director's licence or renewal of a director's licence;
- (b) any information or other matters relevant to or accompanying the application; and
- (c) the results of any investigation of the director, whether by the Commission or the Commissioner of Police,

the Commission may, in its absolute discretion, license, or refuse to license, the director.

- (3) If the Commission refuses to license a director, Schedule 1 clause 2(1)(e) of the Act has effect.

9. Duration of director's licence

Subject to these regulations and section 109K(3) of the Commission Act, a director's licence remains in force for so long as the director holds office as a director.

10. Renewal of licence

If a director is reappointed, renominated or reselected, the director must, not later than 7 days after the reappointment, renomination or reselection takes effect or such longer period as the Commission approves, apply to the Commission for a renewal of the director's licence.

11. Further investigation

- (1) The Commission may at any time make further inquiries about the holder of a director's licence.

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- (2) The Commission may at any time request the holder of a director's licence to provide further information or further records.

Part 3 — Licensing of RWWA key employees

12. RWWA key employees taken to hold provisional licence

Each person who becomes a RWWA key employee is taken to hold a provisional employee's licence until a decision is made as to the licensing of that person under regulation 15.

13. Application for employee's licence

- (1) A person who becomes a RWWA key employee must, within 7 days of becoming such an employee or such longer period as the Commission approves, apply for an employee's licence.
Penalty: \$1 000.
- (2) Subsection (1) applies irrespective of whether or not the person was employed by or worked for RWWA before becoming a RWWA key employee.
- (3) An application for an employee's licence or for the renewal of an employee's licence is to be made to the Commission.
- (4) The application must —
 - (a) be in writing in a form approved by the Commission;
 - (b) include such information as the Commission may require either generally or in relation to a specific person or matter; and
 - (c) be accompanied by —
 - (i) the fee set out in Schedule 1; and
 - (ii) any records that the Commission may require either generally or in relation to a specific person or matter.
- (5) The Commission may at any time request an applicant to provide further information or further records and the applicant must comply with that request.

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14. Investigation by police

- (1) The Commission may submit particulars of, and any information or inquiry as to, an applicant for an employee's licence or renewal of an employee's licence, to the Commissioner of Police.
- (2) The Commissioner of Police is to cause an investigation to be made, in the State and elsewhere as the Commissioner of Police thinks fit, as to —
 - (a) the suitability of the applicant to hold, or to continue to hold, the licence;
 - (b) the reputation of the applicant;
 - (c) the financial status of the applicant; and
 - (d) any known or suspected associates of the applicant giving cause for concern that that applicant may not be a suitable person to hold a licence.
- (3) The Commissioner of Police is to report to the Commission —
 - (a) the result of any investigation made, including any record of the conviction of the applicant for any offence; and
 - (b) the opinion of the Commissioner of Police as to the suitability of the applicant to hold, or to continue to hold, the licence.

15. Commission may licence, or refuse to licence, employee

- (1) If a RWWA key employee refuses or fails —
 - (a) to apply for an employee's licence under regulation 13; or
 - (b) to provide to the Commission information or documents under regulation 13(4) or 13(5),

the Commission may refuse to license the RWWA key employee.

- (2) Upon consideration of —
- (a) an application for an employee's licence or renewal of an employee's licence;
 - (b) any information or other matters relevant to or accompanying the application; and
 - (c) the results of any investigation of the applicant, whether by the Commission or the Commissioner of Police,
- the Commission may, in its absolute discretion, license, or refuse to license, the applicant as a RWWA key employee.
- (3) An employee's licence may be granted subject to such terms, conditions and restrictions as the Commission thinks fit.

16. Person may reapply for licence

- (1) A person who has been refused an employee's licence or whose employee's licence is cancelled may, not earlier than 6 months after being refused the licence or after the licence is cancelled, apply again for the licence as if the person were a RWWA key employee.
- (2) If a person is granted an employee's licence on a reapplication, regulation 17 does not apply to the person while the licence is in force.

17. RWWA must not employ person who has been refused an employee's licence

- (1) RWWA must not employ or continue to employ a person, or permit or continue to permit a person to work, as a RWWA key employee if —
- (a) that person has been refused an employee's licence by the Commission; or
 - (b) that person's employee's licence is suspended or cancelled.

Penalty: \$1 000.

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- (2) A person who is employed or works as a RWWA key employee —
- (a) after having been refused an employee's licence by the Commission; or
 - (b) while that person's employee's licence is suspended or cancelled,

commits an offence.

Penalty: \$1 000.

18. Duration of employee's licence

- (1) Subject to subregulation (2), an employee's licence remains in force for 5 years or such shorter period as is specified in the licence and may be renewed from time to time.
- (2) An employee's licence ceases to be in force if —
- (a) the holder dies;
 - (b) it is surrendered by the holder;
 - (c) it is cancelled by the Commission; or
 - (d) the holder ceases to be employed or to work for RWWA.

19. Disciplinary action

- (1) The Commission may serve on the holder of an employee's licence a written notice requiring the holder to show cause why a power conferred on the Commission under subregulation (2) should not be exercised in relation to the holder.
- (2) If the Commission, having given the holder of an employee's licence an opportunity to show cause under subregulation (1), is satisfied that the holder —
- (a) has been convicted of an offence punishable by imprisonment;
 - (b) is not a fit and proper person to hold an employee's licence;

- (c) has failed to comply with any of these regulations or any term, condition or restriction to which the employee's licence is subject; or
- (d) has provided false or misleading information, or omitted material particulars, in an application for an employee's licence or the renewal of an employee's licence,

the Commission may take disciplinary action.

- (3) For the purposes of subregulation (2) the Commission may take disciplinary action by doing any one or more of the following —
 - (a) cancelling the employee's licence;
 - (b) suspending the employee's licence for a period specified by the Commission;
 - (c) serving a letter of censure on the holder of the employee's licence;
 - (d) imposing a fine not exceeding \$1 000 on the holder of the employee's licence.
- (4) The Commission may at any time —
 - (a) revoke a decision to suspend an employee's licence; or
 - (b) reduce the period of suspension of an employee's licence.
- (5) The Commission must give the RWWA key employee and RWWA written notice of any disciplinary action taken under this regulation.

20. Surrender of licence

The holder of an employee's licence may, by written notice given to the Commission, surrender the licence.

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21. Notification of termination of employment

If —

- (a) the employment of a RWWA key employee is terminated by RWWA or the RWWA key employee; or
- (b) a RWWA key employee has otherwise ceased to be an employee or to work for RWWA,

RWWA must give the Commission written notice within 7 days of the termination or cessation.

Penalty: \$200.

22. Further investigation

- (1) The Commission may at any time make further inquiries about the holder of an employee's licence.
- (2) The Commission may at any time request the holder of a employee's licence to provide further information or further records and the holder must comply with that request.

Penalty: \$1 000.

Part 4 — Offences

[Heading inserted in Gazette 30 Jan 2004 p. 360.]

23. Offence relating to misleading information

An applicant for a licence or renewal of a licence must not, in relation to the application —

- (a) make a statement which the applicant knows is false or misleading in a material particular;
- (b) make a statement which is false or misleading in a material particular, with reckless disregard as to whether or not the statement is false or misleading in a material particular;
- (c) provide information that the person knows is false or misleading in a material particular;
- (d) provide information that is false or misleading in a material particular, with reckless disregard as to whether the information is false or misleading in a material particular; or
- (e) fail to disclose all information that the person knows is materially relevant.

Penalty: \$1 000.

24. Notification of conviction

- (1) If the holder of a licence is convicted of an offence, the holder must give the Commission written notice of the conviction within 7 days of becoming aware of the conviction and must give the Commission any information regarding the conviction that the Commission requires.

Penalty: \$500.

- (2) If RWWA becomes aware that the holder of a licence has been convicted of an offence, RWWA must give the Commission written notice of the conviction within 7 days of becoming aware of the conviction.

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Penalty: \$500.

24A. Offences relating to making and accepting wagers

- (1) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who accepts a wager contrary to regulation 32(3) commits an offence.

Penalty: \$500.

- (2) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who accepts a cheque as part or full payment for a wager when the cheque does not satisfy one or more of the requirements set out in regulation 35(3) commits an offence.

Penalty: \$500.

- (3) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who accepts a cheque as part or full payment for a wager when the cheque is not made payable to the TAB or RWWA commits an offence.

Penalty: \$500.

- (4) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who makes a personal wager while on duty in an agency commits an offence.

Penalty: \$500.

- (5) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who accepts an uncleared cheque as part or full payment for a wager when the value of the cheque, when added to the uncleared cheques already accepted by the agent during the relevant period, results in a total amount that is more than that agent's bond, commits an offence.

Penalty: \$500.

- (6) A RWWA agent or any person employed or otherwise engaged by the agent to assist in the operation of a totalisator agency who accepts an uncleared cheque as part or full payment for a wager when the value of the cheque, when added to the uncleared cheques already accepted by the agent during the relevant period, results in a total amount that is more than \$20 000 or (where applicable) an appropriate amount specified by RWWA in relation to that agent, commits an offence.

Penalty: \$500.

[Regulation 24A inserted in Gazette 5 May 2006 p. 1737-8.]

Part 5 — Fees and taxes

[Heading inserted in Gazette 30 Jan 2004 p. 360.]

25. Section 53 fee

The fee determined by the Commission and approved by the Minister under section 53 of the Act is to be paid to the Commission —

- (a) in equal or nearly equal instalments during the year in respect of which the fee is determined; and
- (b) at intervals determined by the Commission from time to time.

26. RWVA wagering tax

RWVA 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 RWVA during the month immediately preceding that month in respect of wagers made through or with RWVA under the provisions of the Act, and such return is to be accompanied by the amount of the RWVA wagering tax payable in respect of those moneys so paid.

[Regulation 26 inserted in Gazette 30 Jan 2004 p. 360-1.]

Part 6 — General conditions relating to wagers made at or through totalisator agencies

[Heading inserted in Gazette 30 Jan 2004 p. 361.]

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*;
 - (ba) persons to whom a “warning off” notice has been given under regulation 72(1), while that notice is in force;
 - (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 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.

*[Regulation 27 inserted in Gazette 30 Jan 2004 p. 361-2;
amended in Gazette 5 May 2006 p. 1738.]*

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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.
[Regulation 28 inserted in Gazette 30 Jan 2004 p. 362.]

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 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.

[Regulation 29 inserted in Gazette 30 Jan 2004 p. 362-3.]

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

- (1) Subject to subregulation (3), 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.
- (2) Dividends are to be rounded down if the total dividend payable would not be divisible by 5 cents.
- (3) The minimum amount of a Flexi Bet made with or through RWWA is an amount determined by reference to the Rules of Wagering.

[Regulation 30 inserted in Gazette 30 Jan 2004 p. 363-4; amended in Gazette 5 May 2006 p. 1738; 18 Sep 2007 p. 4715-16.]

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

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- (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) after allowing for refunds, deduct the prescribed commission from the sum of the wagers included in 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 —
 - (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.

[Regulation 31 inserted in Gazette 30 Jan 2004 p. 364-5; amended in Gazette 5 May 2006 p. 1738.]

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.
- (3) Any wager offered to be made with or through RWWA by or on behalf of a person to whom a “warning off” notice has been given under regulation 72(1), while that notice is in force, must not be accepted.

*[Regulation 32 inserted in Gazette 30 Jan 2004 p. 365;
amended in Gazette 5 May 2006 p. 1739.]*

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.

[Regulation 33 inserted in Gazette 30 Jan 2004 p. 365.]

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 time close the agency and decline to accept wagers or wagers of a particular kind.

[Regulation 34 inserted in Gazette 30 Jan 2004 p. 365-6.]

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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.
- (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.

[Regulation 35 inserted in Gazette 30 Jan 2004 p. 366-7.]

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.

- (1a) Despite subregulation (1), a person may submit a betting ticket for a race with the race meeting designation or race number selection incomplete, in which case —
- (a) when the ticket is submitted at an on-course totalisator, the next race at the racecourse will be selected; or
 - (b) when the ticket is submitted at an agency, the next race on the program will be selected.

- (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.

[Regulation 36 inserted in Gazette 30 Jan 2004 p. 367; amended in Gazette 5 May 2006 p. 1739.]

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

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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.

[Regulation 37 inserted in Gazette 30 Jan 2004 p. 368.]

38. Tickets to be properly marked

- (1) 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 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.
- (2) A ticket issued by RWWA must show details of the amount of the wager and —
 - (a) where the wager is not a Flexi Bet, the amount is to be expressed in units of 50 cents;
 - (b) where the wager is a Flexi Bet, the amount may be expressed in units of 50 cents, percentages of 50 cent units or fractions of units of 50 cents.

*[Regulation 38 inserted in Gazette 30 Jan 2004 p. 368-9;
amended in Gazette 18 Sep 2007 p. 4716.]*

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 wager, as may be necessary for the proper identification of wagers.
- (2) Wagers are to be accepted by or on behalf of RWWA —

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- (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.

[Regulation 39 inserted in Gazette 30 Jan 2004 p. 369-70.]

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 may cancel that ticket —
- (a) more than 30 minutes prior to the advertised starting time for the race or sporting event, for any reason; or
 - (b) within 30 minutes prior to the advertised starting time for the race or sporting event, if the cancellation is —
 - (i) requested within 2 minutes of the ticket being issued or the closing sell time, whichever occurs first; and
 - (ii) to correct an error or omission.

- (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.
 - (4a) Where a ticket is issued as a result of a wager being made, but the person does not have sufficient funds to pay for that wager, that ticket may be cancelled immediately by RWWA.
 - (4b) In exceptional circumstances, including equipment failure or where a ticket is misread electronically, RWWA may cancel a ticket at any time before the declaration of dividends.
- (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.

*[Regulation 40 inserted in Gazette 30 Jan 2004 p. 370-1;
amended in Gazette 5 May 2006 p. 1739-40.]*

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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.
- (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.

[Regulation 41 inserted in Gazette 30 Jan 2004 p. 371-2.]

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.
- (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.

[Regulation 42 inserted in Gazette 30 Jan 2004 p. 372-3.]

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

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that refund prior to the running of the race, that person may, on request, obtain a refund of —

- (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, including cancellation of the ticket or wager under regulation 40 or 59, and in circumstances provided for in the rules of wagering.

- (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.

*[Regulation 43 inserted in Gazette 30 Jan 2004 p. 373-5;
amended in Gazette 5 May 2006 p. 1740.]*

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

[Heading inserted in Gazette 30 Jan 2004 p. 375.]

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.

[Regulation 44 inserted in Gazette 30 Jan 2004 p. 375.]

**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.

[Regulation 45 inserted in Gazette 30 Jan 2004 p. 375.]

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 —

- (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.

[Regulation 46 inserted in Gazette 30 Jan 2004 p. 375-6.]

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.

[Regulation 47 inserted in Gazette 30 Jan 2004 p. 376.]

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.

[Regulation 48 inserted in Gazette 30 Jan 2004 p. 376.]

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 including a reference to a totalisator pool operated pursuant to a combined

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totalisator pool scheme whether or not the pool was conducted
by RWWA.

[Regulation 49 inserted in Gazette 30 Jan 2004 p. 376-7.]

Part 8 — Wagering accounts

[Heading inserted in Gazette 30 Jan 2004 p. 377.]

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.

[Regulation 50 inserted in Gazette 30 Jan 2004 p. 377.]

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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.

[Regulation 51 inserted in Gazette 30 Jan 2004 p. 378.]

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 amount of the wager and that the amount of the wager is held on behalf of RWWA.

[Regulation 52 inserted in Gazette 30 Jan 2004 p. 378-9.]

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.

[Regulation 53 inserted in Gazette 30 Jan 2004 p. 379.]

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.

[Regulation 54 inserted in Gazette 30 Jan 2004 p. 379.]

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.
- (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

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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.

[Regulation 55 inserted in Gazette 30 Jan 2004 p. 379-80.]

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 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).

[Regulation 56 inserted in Gazette 30 Jan 2004 p. 380-1.]

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
 - (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

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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.

[Regulation 57 inserted in Gazette 30 Jan 2004 p. 381-2.]

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
 - (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.

[Regulation 58 inserted in Gazette 30 Jan 2004 p. 383-4.]

58A. Refunds to wagering accounts following scratchings

- (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 using a wagering account is scratched before the start of its race or declared a non-starter, the investor who placed a wager on (or involving) that runner with RWWA is entitled to have a refund of the wager amount credited to his or her wagering account.
- (2) Where a refund is payable under subregulation (1) due to a scratching, and the investor entitled to the refund wishes to

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obtain that refund prior to the running of the race, the investor may, on request, obtain a refund of —

- (a) the wager; or
- (b) if the wager is on one of 2 or more wagers for which a single ticket number is generated, and none of the wagers have been decided — the total value of the wagers relating to that ticket number,

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 particular ticket number relates.

[Regulation 58A inserted in Gazette 7 Dec 2007 p. 5986.]

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.

- (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 the amendment or cancellation is requested —
 - (a) during the course of the relevant phone call or electronic contact used to make the wager; and
 - (b) before any further wager is made.

[Regulation 59 inserted in Gazette 30 Jan 2004 p. 384-5; amended in Gazette 5 May 2006 p. 1740.]

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 supplied by RWWA,

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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.

[Regulation 60 inserted in Gazette 30 Jan 2004 p. 385-6.]

Part 9 — General provisions on wagering

[Heading inserted in Gazette 30 Jan 2004 p. 386.]

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.

[Regulation 61 inserted in Gazette 30 Jan 2004 p. 386.]

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.

[Regulation 62 inserted in Gazette 30 Jan 2004 p. 386.]

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.

[Regulation 63 inserted in Gazette 30 Jan 2004 p. 387.]

Part 10 — Sporting events

[Heading inserted in Gazette 30 Jan 2004 p. 387.]

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 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.

[Regulation 64 inserted in Gazette 30 Jan 2004 p. 387-8.]

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.

[Regulation 65 inserted in Gazette 30 Jan 2004 p. 389.]

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.
- (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.

[Regulation 66 inserted in Gazette 30 Jan 2004 p. 389-90.]

Part 11 — Totalisator agencies

[Heading inserted in Gazette 30 Jan 2004 p. 390.]

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.

[Regulation 67 inserted in Gazette 30 Jan 2004 p. 390.]

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;

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- (c) the dates on which it is proposed to commence and finish operation.

[Regulation 68 inserted in Gazette 30 Jan 2004 p. 391.]

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.

[Regulation 69 inserted in Gazette 30 Jan 2004 p. 391.]

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.
- (2) A direction under section 52(3) of the Act is to be given in writing.

[Regulation 70 inserted in Gazette 30 Jan 2004 p. 391-2.]

Part 12 — Consultation

[Heading inserted in Gazette 30 Jan 2004 p. 392.]

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

Item	Column 1 Prescribed bodies	Column 2 Prescribed operations
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
10.	Western Australian Country Trotting Association	Racing and supervision of on-course wagering

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Item	Column 1 Prescribed bodies	Column 2 Prescribed operations
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
24.	Unions WA	Racing
25.	WA Racing Media Guild	Promotion of racing

[Regulation 71 inserted in Gazette 30 Jan 2004 p. 392-4.]

Part 13 — Disciplinary action — Racing

[Heading inserted in Gazette 5 Nov 2004 p. 4984.]

72. Warning off

- (1) If RWWA is of the opinion that the attendance of a person at a racecourse may be prejudicial to the proper conduct or control of racing or any other lawful activity carried on at a racecourse, RWWA may exercise its powers under section 44(1)(e) of the Act against the person by giving a notice (a **warning off notice**) to the person.
- (2) Before giving a warning off notice to a person, RWWA must comply with subregulations (3) to (5).
- (3) RWWA must give the person a notice (a **show cause notice**) setting out —
 - (a) that RWWA proposes to exercise its powers under section 44(1)(e) of the Act against the person;
 - (b) the grounds upon which RWWA proposes to exercise those powers against the person; and
 - (c) that the person may be heard by RWWA as to why RWWA should not exercise those powers against the person, if the person requests a hearing within 14 days of receiving the notice.
- (4) If a person given a show cause notice requests a hearing by RWWA, RWWA must hear that person within 28 days of receiving the person's request.
- (5) RWWA must take into account any matter raised by the person at the hearing.
- (6) The person may be represented at the hearing by another person and that person may be a legal practitioner.

- (7) Nothing in this regulation is to be taken to prevent RWWA delegating any function under this regulation.

[Regulation 72 inserted in Gazette 5 Nov 2004 p. 4984-5.]

73. Failure to comply with a warning off

A person against whom RWWA has exercised its powers under section 44(1)(e) of the Act must not attend or take part in a race meeting, or enter upon or remain on a racecourse, covered by the notice while the notice is in force.

Penalty: \$1 000.

[Regulation 73 inserted in Gazette 5 Nov 2004 p. 4985.]

Schedule 1 — Fees

[r. 6(1), 13(4)]

[Heading inserted in Gazette 14 Oct 2005 p. 4568.]

Item	Subject	\$
1	Application fee for licence (r. 6(1)(c)(i); 13(4)(c)(i))	365
2	Application fee for renewal of licence (r. 6(1)(c)(i); 13(4)(c)(i))	100

[Schedule 1 inserted in Gazette 14 Oct 2005 p. 4568; amended in Gazette 14 Nov 2006 p. 4737; 9 Oct 2007 p. 5357.]

Notes

¹ This is a compilation of the *Racing and Wagering Western Australia Regulations 2003* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Racing and Wagering Western Australia Regulations 2003</i>	29 Jul 2003 p. 3273-91	1 Aug 2003 (see r. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259)
<i>Racing and Wagering Western Australia Amendment Regulations 2004</i>	30 Jan 2004 p. 355-94	30 Jan 2004 (see r. 2)
<i>Racing and Wagering Western Australia Amendment Regulations (No. 2) 2004</i> ²	5 Nov 2004 p. 4984-6	5 Nov 2004 (see r. 2)
<i>Racing and Wagering Western Australia Amendment Regulations 2005</i>	14 Oct 2005 p. 4567-8	1 Jan 2006 (see r. 2)
<i>Racing and Wagering Western Australia Amendment Regulations 2006</i>	5 May 2006 p. 1737-40	5 May 2006
<i>Racing and Wagering Western Australia Amendment Regulations (No. 2) 2006</i>	14 Jul 2006 p. 2569-70	14 Jul 2006
Reprint 1: The <i>Racing and Wagering Western Australia Regulations 2003</i> as at 6 Oct 2006 (includes amendments listed above)		
<i>Racing and Wagering Western Australia Amendment Regulations (No. 3) 2006</i>	14 Nov 2006 p. 4736-7	1 Jan 2007 (see r. 2)
<i>Racing and Wagering Western Australia Amendment Regulations 2007</i>	18 Sep 2007 p. 4715-16	r. 1 and 2: 18 Sep 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 19 Sep 2007 (see r. 2(b))
<i>Racing and Wagering Western Australia Amendment Regulations (No. 3) 2007</i>	9 Oct 2007 p. 5357	r. 1 and 2: 9 Oct 2007 (see r. 2(a)) Regulations other than r. 1 and 2: 1 Jan 2008 (see r. 2(b))
<i>Racing and Wagering Western Australia Amendment Regulations (No. 2) 2007</i>	7 Dec 2007 p. 5985-6	r. 1 and 2: 7 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2:

Citation	Gazettal	Commencement
		8 Dec 2007 (see r. 2(b))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Racing and Wagering Western Australia Amendment Regulations 2008</i> r. 4 ³	28 Oct 2008 p. 4738	1 Jan 2009 (see r. 2(b))

² The *Racing and Wagering Western Australia Amendment Regulations (No. 2) 2004* r. 5 reads as follows:

“

5. Transitional provision

- (1) If, immediately before the expiry of the old Rules, an old warning off notice is in force in respect of a person under the old Rules then, on the expiry of the old Rules, the old warning off notice is to be taken to have been made by RWWA in accordance with regulation 72(1) of the *Racing and Wagering Western Australia Regulations 2003* (as inserted by regulation 4 of these regulations).
- (2) In this regulation —
old Greyhound Racing Rules has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;
old Rules means the old Greyhound Racing Rules, the old Rules of Harness Racing and the old Rules of Racing;
old Rules of Harness Racing has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;
old Rules of Racing has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;
old warning off notice means a notice having the same or similar effect as a notice that could be made by RWWA in accordance with regulation 72(1) of the *Racing and Wagering Western Australia Regulations 2003* (as inserted by regulation 4 of these regulations);

RWWA has the meaning given to that term in section 3(1) of the *Racing and Wagering Western Australia Act 2003*.

³ On the date as at which this compilation was prepared, the *Racing and Wagering Western Australia Amendment Regulations 2008* r. 4 had not come into operation. It reads as follows:

“

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in item 1 by deleting “365” and inserting instead —
“ 380 ”;
- (b) in item 2 by deleting “100” and inserting instead —
“ 105 ”.

”.