

WESTERN AUSTRALIA

BETTING CONTROL ACT 1954

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WESTERN AUSTRALIA

BETTING CONTROL ACT 1954

AN ACT to authorize, regulate and control, betting and bookmaking on horse and greyhound racing; to regulate the assessment, collection, and allocation of a tax on money paid or promised to bookmakers or the Totalisator Agency Board as consideration for bets, to repeal certain Acts; to amend certain Acts; and for other purposes.

*[Long title amended by No. 49 of 1960 s.3;
No. 77 of 1976 s.3]*

Short title

1. This Act may be cited as the *Betting Control Act 1954* ¹.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation ¹.

[Section 2 amended by No. 77 of 1976 s.4.]

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[3. *Repealed by No. 11 of 1992 s.26.*]

Interpretation

4. (1) In this Act unless the context requires otherwise —

“approved area”, in relation to race course, means an area approved by the committee or other controlling authority of that race course as a place where betting to which section 4B applies may be carried on;

“Board” means the Betting Control Board established under this Act;

“betting material” includes —

(a) any list, card, board, racebook, ticket, voucher or other record of any race or sporting event or any betting transaction; and

(b) any accounts or accounting record,

however compiled, recorded or stored, and any computer or other machine, used in the course of, or in relation to, betting;

“bookmaker” means a person holding a current bookmaker’s licence;

“Commissioner” means the person holding the office of Commissioner of State Taxation under the *Public Service Act 1978*;

“condition”, in relation to a licence, includes —

(a) a limitation, restriction or prohibition; and

(b) any other provision of that licence affecting the authorization conferred,

whether or not it purports to be expressed by way of a condition;

“consideration” used in relation to bets has the meaning attributed in the interpretation, “to bet”;

“employee” means a person employed by a bookmaker as the agent or substitute of that bookmaker or otherwise for the purpose of the carrying on of the business of the bookmaker, whether or not that person receives remuneration in any form from the bookmaker;

“licence” means a licence issued under this Act;

“licensed employee” means the holder of a bookmaker’s employee licence issued under section 11;

“machine” includes any computer or other apparatus or device, and any electrical, electronic, mechanical or other equipment or contrivance constructed or adapted for use in or in relation to betting;

“metropolitan area” has the meaning given to that term in the *Town Planning and Development Act 1928*;

“money” includes bank notes, bank drafts, cheques and any other orders, warrants, authorities, or requests, for the payment of money;

“place” means a building, erection, structure, house, office, room, tent, vessel, vehicle, premises, land whether enclosed or otherwise or part of any of them, and includes any other place or part of a place whether of the same kind as, or a different kind from, places specified in this interpretation;

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“possession” includes having under control in any place whatever whether for the use or benefit of the person of whom the term is used or of another person, and notwithstanding that another person has the actual possession or custody of the thing in question;

“public place” means any place, used, or available for use, by the public, and includes a road, street, lane, footpath, thoroughfare, cul de sac, doorway, convenience, reserve, or part of any of them, and any other place or part of a place used, or available for use, by the public whether of the same kind as or a different kind from, those specified in this interpretation or the interpretation of the expression, place;

“race” means a race of any kind by horses whether ridden or driven or by greyhounds, but does not include a race conducted as a trial;

“race course” means a race course used for races;

“racing club” means a body which conducts race meetings;

“race meeting” means a meeting at which races are held;

“record” means —

- (a) any book, account, accounting records (within the meaning of the Corporations Law), document, paper, return, register or other source of information compiled, recorded or stored in written form or on microfilm, or by electronic or other means or process;
- (b) the contents, in a printout or other intelligible format, of records that are kept, by computer or otherwise, in a format that is not readily intelligible; and

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- (c) any other sources of information prescribed for the purposes of this definition;

“to bet” means to pay or deliver, or promise or agree to pay or deliver, or to receive or agree or promise to receive, any money or other property for the consideration for —

- (a) an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any race or any sporting event in relation to which betting is authorized under this Act; or
- (b) securing the paying or giving by some other person of any money or other property on any such event or contingency;

“vessel” means every description of vessel used in navigation;

“vehicle” means every description of vehicle whether stationary or in motion.

(2) In this Act unless the context otherwise requires, a reference —

- (a) to a bookmaker, includes a reference to a licensed employee acting as the agent of or substitute for the bookmaker;
- (b) to a betting ticket includes a reference to a betting ticket which is produced or issued by a computer or other machine used to facilitate the betting; and

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- (c) to writing includes a reference to the printing of a betting ticket, form or other record produced by a computer or other machine so used.

[Section 4 amended by No. 49 of 1960 s.4; No. 21 of 1970 s.48; No. 77 of 1976 s.5; No. 6 of 1987 s.4; No. 11 of 1992 ss.27 and 29.]

Application of this Act to foot-races

4A. (1) This Act applies to and in relation to a foot-race conducted by an approved organization at an approved place as though —

- (a) the foot-race were a race;
- (b) the approved organization were a racing club; and
- (c) the approved place were a race course.

(2) A person or organization that desires to become an approved organization shall apply to the Minister in the prescribed form and shall indicate in the application the place or places at which foot-races are to be conducted as approved places under the approval.

(3) An application under subsection (2) shall be accompanied by such information as is prescribed by the regulations and an applicant shall furnish the Minister with such further information as the Minister directs.

(4) The Minister may approve an application made under this section, refuse to approve an application or defer an application as the Minister thinks fit.

(5) An approval granted under subsection (4) is valid for a period of 12 months and may be renewed on application made in accordance with the regulations.

(6) The Minister may impose conditions, restrictions and prohibitions with respect to an approval granted under this section with respect to an approved organization or an approved place or both.

(7) A person (which in this context includes an approved organization) who contravenes any condition, restriction or prohibition imposed under subsection (6) commits an offence.

Penalty: \$500.

(8) The Minister may cancel or suspend any approval granted under this section if the Minister is satisfied that any condition, restriction or prohibition imposed under this section has not been complied with and whether or not a person is convicted of an offence under subsection (7).

(9) In this section —

“approved organization” means a person or organization approved by the Minister under subsection (4);

“approved place” means a place approved by the Minister under subsection (4).

[Section 4A inserted by No. 78 of 1987 s.4.]

Application of this Act to sporting events

4B. (1) This Act applies to the conduct of betting, by the holder of a bookmaker’s licence endorsed to authorize such betting, on a sporting event or a contingency where bookmaking on that event, or that contingency, has been approved by the Minister under this section.

(2) The Minister may, upon application by the Board, approve bookmaking on or in relation to —

(a) any sporting event; or

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- (b) a specific contingency of, or relating to, such a sporting event.

(3) An approval given under subsection (2) shall take effect on publication by notice in the *Gazette*, and may be made subject to conditions, or to requirements as to the recording of bets, specified in that notice.

(4) It shall be a condition deemed to be applicable to every approval under this section that the bookmaking is carried on —

- (a) at a race course; and
- (b) subject to a permit having been granted or endorsed for betting of that kind by the committee or other authority controlling the race course,

in accordance with section 12.

(5) The Board and the Commissioner, respectively, shall have the same functions, and may exercise like powers and perform like duties, in relation to betting on sporting events as in relation to a race.

[Section 4B inserted by No. 11 of 1992 s.28.]

Legalization of betting with bookmakers

5. (1) Notwithstanding any law to the contrary, persons may, in accordance with this Act, lawfully bet by way of wagering or gaming on a race course —

- (a) on races —
 - (i) during the holding at the race course of a race meeting; or
 - (ii) in the case of a race meeting held at the race course on Anzac Day, during the period

commencing at 12 noon on Anzac Day and ending at the completion of that race meeting;

or

- (b) on a sporting event or contingency, in accordance with section 4B,

and their so doing does not of itself constitute a contravention of the law, and is not a ground for the race course or any part of it being deemed or declared to be, or to be used as, a common betting house or a common gaming house, or to be a common nuisance and contrary to the law.

(1a) At the premises situate in the City of Perth and known as "Tattersalls Club", and at such other premises as may be prescribed, subject to the Board after consultation with the Commissioner being satisfied that adequate provision is made and maintained for the supervision of the proceedings and that all bets there made are brought to account the Board may, by notice published in the *Gazette*, authorize —

- (a) the settlement of bets; and
- (b) the practice known as "the calling of the card", and the making of bets in relation thereto, on such occasions and events as are specified in the notice,

and notwithstanding any law to the contrary the activities authorized by such a notice when carried out in compliance with such conditions, if any, as are specified in that notice shall be lawful.

[(2) *repealed*]

(3) No person is liable to prosecution or conviction under the *Gaming Commission Act 1987*, by reason of anything done pursuant to this Act but, subject to this Act, the provisions of that Act

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relating to common gaming houses and common betting houses, or unlawful betting, have effect.

[Section 5 amended by No.19 of 1960 s.5; No. 28 of 1963 s.2; No. 77 of 1976 s.6; No. 78 of 1978 s.3; No. 29 of 1985 s.6; No. 34 of 1985 s.4; No. 74 of 1987 s.4; No. 11 of 1992 s.30.]

Betting Control Board

6. (1) On and after the date fixed for the coming into operation of the *Betting Control Act Amendment Act 1976*¹ there shall be a Betting Control Board established in accordance with the succeeding provisions of this Act in place of the Board existing immediately prior to that date.

(2) The Board shall consist of —

(a) the chief executive officer²;

and of 5 members appointed by the Minister, of whom —

(b) one shall be a person who is not a member of any organization referred to in paragraphs (c) to (f);

(c) one shall be a person nominated for appointment by The Western Australian Turf Club;

(d) one shall be a person nominated for appointment by the Western Australian Trotting Association;

(e) one shall be a person nominated for appointment by the Western Australian Greyhound Racing Association; and

(f) one shall be a person nominated for appointment by the W.A. Bookmakers' Association Inc.

(2a) The Minister may appoint the chief executive officer ² or the member appointed under subsection (2) (b) to be chairman of the Board.

(3) Subject to this Act, the appointed members of the Board shall hold office for such terms not exceeding 3 years as are specified in the respective instruments of their appointment, but shall be eligible for re-appointment.

(4) The Minister may —

- (a) appoint an officer of the Department of the Public Service of the State principally assisting the Minister in the administration of this Act to be deputy of the member referred to in subsection (2) (a);
- (aa) appoint a person who is not a member of any organization referred to in subsection (2) (c) to (f) to be deputy to the member referred to in subsection (2) (b);
- (b) appoint a person nominated by The Western Australian Turf Club to be the deputy of the member referred to in subsection (2) (c);
- (c) appoint a person nominated by the Western Australian Trotting Association to be the deputy of the member referred to in subsection (2) (d);
- (d) appoint a person nominated by the Western Australian Greyhound Racing Association to be the deputy of the member referred to in subsection (2) (e); and
- (e) appoint a person nominated by the W.A. Bookmakers' Association Inc. to be the deputy of the member referred to in subsection (2) (f),

and at any meeting of the Board at which a member is not present, the deputy of the member may exercise all the powers and functions of the member.

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(5) Prior to the first appointment of members and deputies of the Board and from time to time thereafter whenever the office of an appointed member or deputy becomes vacant, the Minister shall in writing request each of the bodies which is to nominate a member or deputy member for appointment to nominate a person or persons for appointment, and the body shall, within 14 days of receiving the request from the Minister, nominate in writing the person it wishes to be appointed a member or deputy, as the case requires.

(6) Where a body fails to nominate a person for appointment as member or deputy of the Board within the time provided by subsection (5), the Minister may appoint such person as he thinks fit to be a member or deputy of the Board, as the case requires, and that appointment shall be as valid and effectual for the purposes of this Act as if the person appointed had been nominated for appointment in accordance with subsection (5).

(7) The appointed members of the Board and the deputies of those members may be paid such fees and allowances as are from time to time determined by the Governor.

[Section 6 inserted by No. 77 of 1976 s.7; amended by No. 6 of 1987 s.5.]

Vacancies, etc.

6A. (1) The office of an appointed member of the Board shall become vacant if —

- (a) he is absent, except with leave of the Minister, from 4 consecutive meetings of the Board;
- (b) he resigns his office by writing under his hand served on the Minister;
- (c) in the case of a member appointed under section (2) (c), (d), (e) or (f), the body by which he was nominated for

appointment requests the Minister in writing to terminate his appointment; or

(d) he dies,

and the Minister shall appoint an eligible person to that office to hold office for the remainder of the term of office of the person in whose place he is appointed.

(2) The provisions of section 6 (3), and subsection (1) (b), (c) and (d) apply to and in relation to the deputies of appointed members of the Board as if they were appointed members of the Board

[Section 6A inserted by No. 77 of 1976 s.8; amended by No. 6 of 1987 s.6.]

Meetings of the Board

6B. (1) The Board shall hold such meetings as are necessary for the purposes of discharging its functions under this Act.

(2) The chairman may at any time convene a meeting of the Board.

(3) At any meeting of the Board —

(a) the chairman shall preside, and if the chairman is not present the deputy chairman shall preside, but if neither the chairman nor the deputy chairman is present, the members present at the meeting shall appoint one of their number to preside thereat;

(b) 3 members form a quorum;

(c) all questions arising at the meeting shall be decided by a majority of the votes of the members present;

(d) each member shall be entitled to one vote; and

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- (e) in the event of an equality of votes the question shall be determined in the negative.

(4) Subject to this Act the Board may regulate its procedure in such manner as it thinks fit, but shall cause minutes to be kept of its proceedings and shall, when so requested by the Minister, furnish to the Minister minutes of its proceedings at any meeting.

(5) The powers of the Board are not affected by any vacancy in the membership of the Board, and if a quorum is present all acts and proceedings of the Board are valid and effectual, notwithstanding the vacancy.

(6) All acts and proceedings of the Board are, notwithstanding any defect in the appointment of any member of the Board or deputy thereof, or that any such member or deputy was disqualified or not entitled to act, as valid as if the member or the deputy had been duly appointed and was qualified to act, and had acted, as a member or deputy, and as if the Board has been duly and fully constituted.

[Section 6B inserted by No. 77 of 1976 s.9]

Members of the Board, etc., not personally liable

6C. A person who is or has been a member of the Board, a deputy of such a member, or an officer or employee appointed under the *Public Service Act 1978* and assisting in the administration of this Act, shall not be personally liable for anything done or omitted to be done in good faith in or in connection with the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, by, or arising under this Act.

[Section 6C inserted by No. 77 of 1976 of s.10; amended by No. 6 of 1987 s.7.]

Delegation

6D. (1) Where the Board considers that any power of the Board should be exercised on its behalf by a person or body other than the Board, the Board may, by resolution, delegate all or any of its powers or duties, except this power of delegation —

- (a) to a member or a committee of the Board;
- (b) to a person appointed pursuant to section 7; or
- (c) in accordance with section 59 (1) (d) of the *Interpretation Act 1984*, as may be specified in the instrument of delegation,

either generally or as otherwise provided by the instrument of delegation.

(2) A power delegated by the Board shall be exercised by the delegate in accordance with the instrument of delegation, and when so exercised shall, for the purposes of this Act, be deemed to have been exercised by the Board and shall be presumed, unless the contrary is established, to have been exercised by a person duly authorized by a delegation under this section.

(3) A document purporting to be signed by a person as a delegate of the Board shall be deemed, unless the contrary is established, to have been signed by such a delegate and to have been so signed pursuant to the exercise of a power duly delegated to the person by the Board.

[Section 6D inserted by No. 11 of 1992 s.31.]

Administration

7. There shall be appointed under and subject to the *Public Service Act 1978* such officers and other employees as are necessary for the purpose of assisting in the administration of this Act.

[Section 7 inserted by No. 6 of 1987 s.8.]

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[8. *Repealed by No. 6 of 1987 s.8*]

Expenses of administration of this Act are payable out of money appropriated by Parliament

9. The expenses of the administration of this Act are payable out of such money as Parliament appropriates for the purpose.

Annual report

10. The Board shall prepare and submit to the Minister, not later than 30 September in each calendar year, a report on the exercise and performance by the Board of its powers, function, and duties under this Act during the 12 months ended on the preceding 31 July. A copy of such report shall be laid before both Houses of Parliament.

Applications for, and discretion of Board to grant, licences

11. (1) Applications for licences may be made to the Board, which may grant or refuse an application for a licence.

(1a) On the coming into operation of the amendments to this section effected by the *Acts Amendment and Repeal (Betting) Act 1992*¹, a person who immediately prior thereto was the holder of a Certificate of Authority issued by the Board under the *Betting Control Regulations 1978* shall be deemed on that date to have been issued with a licence as a bookmaker's employee.

(2) Subject to the provisions of this Act a licence, unless suspended or cancelled pursuant to a determination made administratively by the Board in the exercise of prescribed disciplinary powers, remains current —

(a) in the case of a bookmaker's licence, during the lifetime of the holder or until surrendered; and

- (b) in the case of a bookmaker's employee's licence, for a period of 5 years,

but no licence shall be transferable or pass to the personal representative of a deceased licensee or be, or be capable of being treated as, an asset in or the subject of any partnership.

(3) On an application in the prescribed form accompanied by the prescribed fee being lodged with the Board, unless subsection (1a) applies, and on such supporting information as the Board may direct being furnished to the satisfaction of the Board, and in the case of an application for a bookmaker's licence subject also to subsection (3a), the Board may grant the application and thereupon —

- (a) issue to the applicant a bookmaker's licence; or
- (b) issue to the applicant, or renew, a licence as a bookmaker's employee,

but if the application is refused the Board shall not be required to specify any reason.

(3a) On an application for a bookmaker's licence the applicant shall, on being required to do so by the Board, lodge with the Board —

- (a) a security for the prescribed amount, which shall (notwithstanding that it relates to gaming or wagering) be the liquidated damages that are recoverable in full as a debt due to the Board unless every condition upon which the security is defeasible is proved to have been performed, in the form of a bond approved by the Board, and shall be —
 - (i) accompanied by cash to be held by the Treasurer; or

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- (ii) entered into by an insurance company, bank, or person acceptable to the Board,

as security for the due observance by the bookmaker and the employees of the bookmaker of the provisions of this Act and the terms and conditions of any licence issued under this Act to that bookmaker or such an employee;

and

- (b) a statement of the assets and liabilities of the applicant verified in such manner as the Board may require.

(3b) An application for the issue of a bookmaker's licence in relation to any particular code of racing may be granted notwithstanding that the applicant is the holder of a licence as a bookmaker's employee in relation to some other code of racing.

(4) A bookmaker's licence subject to, and in accordance with, the provisions of this Act and the terms and conditions of the licence, entitles the holder to carry on the business of a bookmaker —

- (a) in person, or through the agency of a licensed employee, upon a race course if he holds a permit to do so from the committee or other authority controlling the race course;

[(b) deleted]

- (c) in person, or through the agency of a licensed employee, at a place, upon an occasion and in respect of an event authorized under section 5 (1a).

(5) The Board shall not grant a licence —

[(a) deleted]

- (b) to a person under the age of 18 years;
- (c) to a body corporate;

(d) to an undischarged bankrupt.

(6) A licence as a bookmaker's employee entitles the holder, subject to, and in accordance with, the provisions of this Act and the terms and conditions of the licence, to undertake employment with any bookmaker and in that capacity —

(a) upon a race course, if with the permission of the committee or other controlling authority of that race course —

(i) to make bets, write betting tickets, and carry out the activities of a bookmaker's clerk in relation to the business of a bookmaker;

or

(ii) to act as agent of or substitute for a bookmaker named in that permission;

and

(b) to carry out such other functions under this Act as the Board may, in writing from time to time, authorize.

(7) Where an employee of a bookmaker carries on the business, or any aspect of the business, of that bookmaker —

(a) the bookmaker —

(i) is responsible for all actions of the employee relating to the business, and for all betting tickets written;

(ii) is severally liable in respect of any offence against this Act committed by the employee by way of an act or omission related to the business of the bookmaker, notwithstanding that the bookmaker may have had no knowledge of or relating to that

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act or omission or any intention that the act should be done or omission made; and

(iii) shall be present at or in close proximity to the stand or other approved area where bets are made or tickets written by the employee unless that employee is authorized under this Act to carry on the business as an agent of or substitute for the bookmaker;

and

(b) the employee shall not, otherwise than in accordance with this Act, make bets or write betting tickets as if the employee were a bookmaker.

(8) When determining whether or not to approve an application under this section, the Board —

(a) is required to be satisfied that the applicant is a fit and proper person and that no circumstances make it undesirable to grant a licence to that person;

(b) may take into account not only the applicant but also the repute and background of persons suspected by the Board to be associated with the applicant;

and

(c) may cause inquiries to be made of the Commissioner of Police as to the character, antecedents and associates or suspected associates of any applicant, or of any such associate or suspected associate, for which purpose the Commissioner of Police is authorized to institute investigations, disclose criminal records and make reports.

(9) A person who in, or in relation to —

(a) any application or matter to be determined by the Board; or

- (b) any —
 - (i) statement of assets or liabilities;
 - (ii) return or other record; or
 - (iii) thing,

required, made, maintained, kept, delivered, furnished or produced under or for the purposes of this Act,

makes a statement that is false or misleading by reason of the inclusion in the statement of false or misleading matter or of the omission from the statement of any matter that is required or may be material, or furnishes or causes to be furnished any record or thing that is false or is misleading in a material particular or which makes any material omission, commits an offence.

Penalty: \$5 000, or imprisonment for one year, or both.

(10) A person who, by an act intended to falsify or destroy the record, alters or destroys any record to which subsection (9) relates commits an offence.

Penalty: \$5 000, or imprisonment for one year, or both.

(11) A person who, otherwise than in the course of a duty under this Act, makes a record of, or divulges or communicates to any person, information coming to the knowledge of that person by reason of —

- (a) a report to be made or made to the Board by the Commissioner of Police; or

- (b) this Act, in the course of the administration of this Act, commits an offence.

Penalty: \$5 000.

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(12) The Board may —

- (a) apply a security in relation to a betting debt, regardless of the date the debt was incurred by the bookmaker;
- (b) terminate a bond in accordance with its terms;
- (c) advertise, and call for claims, in respect of betting transactions and fix a period after the expiry of which claims may be disregarded;
- (d) hold any security until after the expiry of any period fixed for the filing of claims, and for a reasonable period thereafter;
- (e) where a bond is terminated, or if the Board otherwise determines that the security held should be reviewed, require a licensee to furnish —
 - (i) a statement of assets and liabilities;
 - (ii) further or other security;or
 - (iii) both,

and if the licensee fails to do so within the time fixed by the Board the operation of the licence may be suspended until the licensee has complied to the satisfaction of the Board; and

- (f) deduct from any sum recovered by the Board under a security the costs and expenses of that recovery.

(13) After deduction of the costs and expenses authorized by subsection (12) (f), the balance of any sum recovered by the Board under a security shall be applied —

- (a) firstly, in paying any tax, duty, fines or penalties payable under any written law by the bookmaker;

- (b) secondly, in payment or rateably in payment of what the Board decides are the betting debts of the bookmaker; and
- (c) if there is any sum then remaining, in repayment to the surety or bookmaker from whom the sum was recovered.

(14) Before a security lodged with the Board is discharged the Board may require a licensee, or former licensee, in respect of whose licence the security was lodged to produce at the office of the Board all records relating to the conduct of business under that licence, or such of those records as the Board specifies in writing, for inspection by the Board, and a person who contravenes any such requirement commits an offence.

Penalty: \$5 000.

(15) A member or officer of the Board may inspect and take copies of any records produced to the Board under this Act, for use at the discretion of the Board.

(16) A person who carries on the business of bookmaking, or any aspect of the business of a bookmaker, otherwise than in accordance with —

- (a) this Act;
 - (b) the terms and conditions of, and any endorsement on, a licence;
- and
- (c) the terms of, and conditions applicable to, a permit issued under section 12, in so far as is not inconsistent with this Act or that licence,

commits an offence.

Penalty: \$5 000.

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- (17) The suspension, cancellation or surrender of a licence —
- (a) does not affect the validity of a bond or other security entered into for the purposes of this Act by the holder or former holder of the licence, which security shall continue to have effect until discharged by the Board; or
 - (b) release the holder or former holder of the licence from any obligation in relation to a bet.

(18) Where the holder of a licence is convicted of an offence under any other written law, or employs or engages in relation to the business carried on under the licence a person who is so convicted, the holder of the licence shall notify the Board of the conviction as soon as may be practicable and shall furnish to the Board such information regarding that offence and the conviction as the Board may require.

[Section 11 amended by No. 66 of 1960 s.2; No. 77 of 1976 s.12; No. 78 of 1978 s.4; No. 6 of 1987 s.9; No. 11 of 1992 s.32.]

Permits required to bet on race courses, etc.

12. (1) Nothing in this Act authorizes a bookmaker, or the employee or agent of a bookmaker, to bet or carry on business as such on a race course without first having obtained a permit to do so from the committee or other authority controlling it.

(2) Subject to this section, the committee or other authority may grant permits to do so subject to such conditions as the committee or other authority thinks fit, but to such persons only as are the holders of a licence authorizing the carrying on of that activity under section 11 and, where appropriate, endorsed for the purposes of section 4B.

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(3) No bookmaker shall bet or carry on business as such on a race course, except on such parts of it as are specially set apart for that purpose by the committee or other authority controlling it, and then only —

(a) during the holding of a race meeting at the race course;
or

(b) in the case of a race meeting held at the race course on Anzac Day, during the period commencing at 12 noon on Anzac Day and ending at the completion of that race meeting.

(4) The committee or other authority controlling a race course may —

(a) permit a bookmaker to use a licensed employee, being an employee specifically nominated to and approved by that authority for that purpose —

(i) as substitute bookmaker on behalf of the bookmaker where that bookmaker is absent on account of sickness, leave or other circumstances acceptable to that authority;

(ii) as the agent of that bookmaker to operate a second stand, or in another approved area, on behalf of that bookmaker at that race course, either generally or on a particular occasion, whether or not subparagraph (i) applies;

or

(iii) as the agent of that bookmaker, to operate on behalf of that bookmaker at that race course notwithstanding the absence of the bookmaker, in the event of there otherwise being, in the opinion of that authority, insufficient bookmakers to meet public demand;

and

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- (b) in respect of all or any of the types of betting authorized by the licence, permit the carrying on of business and the making of bets at that race course by a bookmaker.

(5) The committee or other authority controlling a race course shall —

- (a) upon request, furnish to the Board a plan showing —
 - (i) the situation of any betting ring or approved area, or any proposed betting ring or approved area, on the race course; and
 - (ii) the positions and numbers of the stands to be allotted, and to whom they are allotted;
- (b) not permit —
 - (i) any person to carry on the business, or any aspect of the business, of a bookmaker on that race course unless the person holds a licence so to do under this Act;
 - (ii) any bookmaker to bet or offer to bet from a position other than the betting ring or an approved area and at the stand allotted by the racing club; or
 - (iii) any person to bet, or offer to bet, with any person other than a bookmaker;
- (c) ensure that —
 - (i) any duplicate record, or other betting material, required to be delivered to a person authorized by the racing club to receive it is duly received at the prescribed time by a person so authorized;
 - (ii) duplicate records are legible and complete, including any registered sheet number;

(iii) a return in the prescribed form, setting out the prescribed particulars of bookmakers, the consideration for bets and the betting tax paid and payable, is furnished to the Commissioner in the prescribed manner; and

(iv) payment of bookmaker's betting tax is duly made;

(d) report to the Board, as soon as is practicable, the result of any hearing or appeal, relating to improper conduct or a breach of the rules on the part of a bookmaker or licensed employee, conducted by or on behalf of that committee or other authority.

(6) Where an application by a licensee to the committee or other authority controlling a race course for a permit is refused under this section, or the permit of a licensee is cancelled or suspended, the committee or other authority controlling the race course to which that application or permit related shall forthwith inform the Board, in writing, of —

(a) the fact of the refusal, cancellation or suspension and the date it took effect; and

(b) their intentions in relation to applications for future permits made by that applicant or licensee.

[Section 12 amended by No. 77 of 1976 s.13; No. 34 of 1985 s.5; No. 11 of 1992 ss.29 and 33.]

[13. Repealed by No. 11 of 1992 s.34.]

Bookmakers' liability to pay bookmakers' betting tax

14. (1) In this section —

“on-course turnover” means the amounts of money paid or promised as the consideration for bets which are made by a bookmaker, and which are referred to in section 15,

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whether the bets are made by the bookmaker as a party to the bet, or whether the bets are negotiated by the bookmaker as agent for another person but —

- (a) does not include any money promised or paid by the bookmaker as the consideration for a bet made by him on his own behalf in the capacity of a backer but not in the capacity of bookmaker; and
- (b) the Commissioner shall have an absolute discretion to decide what is and what is not a bet made by a bookmaker on his own behalf in the capacity of a backer but not in the capacity of bookmaker;

“**tax**” means bookmakers’ betting tax imposed by the taxing Act;

“**taxing Act**” means the *Bookmakers Betting Tax Act 1954*.

(2) A bookmaker shall, in accordance with the provisions of this Act —

- (a) make true and full returns of his on-course turnover;
- (b) pay tax on the whole of that turnover, for the year commencing on 1 August 1989 and for each year thereafter, at the rate imposed by the taxing Act.

(3) The provisions of this section do not authorize a holder of any licence under this Act to act as agent contrary to any condition of his licence or to any provision of this Act.

(4) Where under this Act a payment of bookmakers’ betting tax was made in respect of the year commencing on 1 August 1989 at

a rate other than the rate imposed in respect of that year by the taxing Act —

- (a) if that rate was more than 2.25%, a refund of the overpayments shall be payable to the bookmaker —
 - (i) by the Commissioner, in respect of any amount remitted by a racing club under section 15 (5) (b); and
 - (ii) by the racing club, in respect of any amount received by the racing club but not remitted to the Commissioner, and of the proportion of any amount retained by the club under section 15 (5) (a) out of moneys remitted under section 15 (5) (b), as may be directed by the Commissioner and within such time of receiving that direction as the Commissioner appoints;

and

- (b) if that rate was less than 2.25%, the balance remaining owing shall be payable by the bookmaker to the Commissioner as may be directed by the Commissioner and within such time of receiving that direction as the Commissioner appoints, and on payment of that balance to the Commissioner the Commissioner shall cause 50% of that sum to be remitted to any racing club which would have been entitled under section 15 (5) (a) had the money been duly received by the racing club on payment of bookmakers' betting tax at the rate imposed by the taxing Act in respect of that year.

[Section 14 inserted by No. 50 of 1956 s.2; amended by No. 76 of 1959 s.3; No. 113 of 1965 s.8 (1); No. 58 of 1990 s.8; No. 11 of 1992 ss.29 and 35.]

Payment of tax by bookmakers on bets made at race meetings

15. (1) Where a person with permission of a racing club conducting a race meeting bets as a bookmaker (whether in person,

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or as the agent of or substitute for a bookmaker) at the meeting, subsections (2), (3), (4) and (5) shall apply as if a reference to the bookmaker included a reference to that person.

(2) The bookmaker shall cause to be recorded in duplicate on a form provided or approved by the Commissioner so that the original and duplicate are clearly legible and the duplicate is an exact copy of the original if the record is handwritten, and in a permanent documentary form if the record is to be made using a computer or other machine, particulars of the bets made by that person at the meeting in respect of —

- (a) each race held or to be held at the meeting;
- (b) each race held or to be held elsewhere; and
- (c) each sporting event on which bets are made,

and the bookmaker in person, or the agent or substitute where a person is so acting for the bookmaker, shall sign that record.

(3) The bookmaker shall cause to be delivered to a person authorized by the racing club to receive it on behalf of the club conducting the race meeting, the duplicate record of the particulars of the bookmaker's bets in respect of —

- (a) each race held at the meeting, before the conclusion of that race as soon as may be practicable after its commencement;
- (b) each race held or to be held otherwise than at that race course and during the meeting at which the bet was made, at the conclusion of the meeting at which the bet was made;

and

- (c) betting on sporting events, at the conclusion of the race meeting at which the bet was made,

and the bookmaker in person, or the agent or substitute where a person is so acting for the bookmaker, shall ensure that delivery is correctly effected.

(4) The bookmaker in person, or the agent or substitute where a person was at the time of the race meeting so acting for the bookmaker, shall cause to be delivered to the racing club within 3 days of the race meeting if the race meeting is one on which agencies of the Totalisator Agency Board have been open for the acceptance of investments thereon and within 7 days otherwise —

- (a) a return in the form approved by the Commissioner signed by the bookmaker and showing the amount of money paid or promised to the bookmaker as the consideration for bets made at the meeting by him in the capacity of bookmaker, and showing the sum payable on that amount as bookmakers' betting tax; and
- (b) payment of that sum of bookmakers' betting tax.

(5) The racing club receiving that sum of bookmakers' betting tax from the bookmaker —

- (a) shall retain 50 per centum of that sum and apply one-half of the amount retained towards increasing stakes, and apply the remaining half to such purposes as the club thinks fit;
- (b) shall within such time of receiving that sum from the bookmaker, as the Commissioner appoints and is hereby authorized to appoint from time to time, either generally or for a particular case, remit the balance of that sum to the Commissioner, and supply to the Commissioner such particulars as the Commissioner requisitions and is hereby authorized to requisition.

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(6) If the racing club does not remit that balance to the Commissioner by the appointed time, the Commissioner may, without prejudicing the liability of the club to penalty under this Act, sue the club in a court of competent jurisdiction for recovery of the amount of that balance as a debt due.

(7) The racing club shall preserve and retain possession of returns and duplicates of records delivered under this section to it by bookmakers, until the Commissioner consents to destruction of the returns and duplicates.

[Section 15 amended by No. 50 of 1956 s.3; No. 75 of 1970 s.3; No. 77 of 1976 s.14; No. 11 of 1992 s.36.]

Payment of tax by bookmakers on bets made at registered premises

16. (1) When a person bets as a bookmaker (whether in person or as the agent of or substitute for the bookmaker) in circumstances authorized pursuant to section 5 (1a), on races wherever held or to be held, the provisions of this section apply.

(2) The person shall cause to be recorded in duplicate, in a manner approved by the Commissioner so that the original and duplicate are clearly legible and the duplicate is an exact copy of the original, particulars of the bets made by that person in respect of —

- (a) races of ridden horses held or to be held in this State;
- (b) races of driven horses held or to be held in this State;
- (c) races of horses whether ridden or driven, held or to be held elsewhere than in this State;
- (d) races of greyhounds held or to be held within this State;
and

- (e) races of greyhounds held or to be held elsewhere than in this State,

and the bookmaker in person, or the agent or substitute where a person is so acting for the bookmaker, shall sign that record.

(3) The person shall cause to be delivered to the Commissioner at such times as the Commissioner appoints and is hereby authorized to appoint from time to time either generally or for a particular case —

- (a) duplicate recordings of bets mentioned in subsection (2) made during such period as the Commissioner determines and is hereby authorized to determine from time to time, either generally or for a particular case;
- (b) a return in the form approved by the Commissioner signed by the bookmaker in person, or the agent or substitute where a person is so acting for the bookmaker, showing the amount of money paid or promised to the bookmaker as consideration for those bets, and showing the sum payable on that amount as bookmakers' betting tax; and
- (c) payment for the use of the Crown, of that sum of betting tax.

[Section 16 amended by No. 50 of 1956 s.4; No. 49 of 1960 s.9; No. 77 of 1976 s.15; No. 78 of 1978 s.5; No. 6 of 1987 s.10; No. 11 of 1992 s.37.]

Books of account, records etc.

16A. (1) A bookmaker shall —

- (a) prepare and keep in the English language a true, complete, accurate and legible written record —
 - (i) setting out the financial position of the business carried on, in such a way as will enable the accounts to be conveniently inspected and properly audited; and

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- (ii) showing full particulars and details of each betting transaction made by or on behalf of that bookmaker and the betting turnover resulting,

in such manner as is required by or under this Act, or by the Board or the Commissioner;

- (b) prepare and deliver correctly the returns, forms or other records required by or under this Act, entering accurately and in a manner approved by the Commissioner full particulars and details of each betting transaction and the betting turnover resulting;
- (c) for the purpose of recording bets —
 - (i) use such a form and such a method of recording as may be required by or under this Act and is approved by the Board;
 - (ii) make the required entries in numerical sequence; and
 - (iii) ensure that the requirements of section 17A are complied with;
- (d) ensure that no alteration, erasure or obliteration in respect of an entry of a bet or in any record is made in such a manner as to prevent its legibility;
- (e) where an error is made in the recording of a bet a person making any alteration to that record shall, if the record is handwritten —
 - (i) rule through the incorrect entry, preserving its legibility; and

- (ii) make the correct entry immediately under it,
and if the record was made using a computer —
- (iii) cause the word “CANCELLED” to be endorsed adjacent to such details of the incorrect entry as will enable the reference to be identified; and
- (iv) make the correct entry immediately thereafter;
- (f) not remove, or permit to be removed, any part of any book of forms or of any form or other record, except for the purpose of delivering it to a racing club, the Board or the Commissioner as required by or under this Act;
- (g) ensure that any duplicate of a form or other record required by or under this Act is clearly legible and an exact copy of the original;
- (h) retain such of the records and betting material relating to the business carried on by or on behalf of that bookmaker as the Board or the Commissioner may from time to time in writing require for 5 years or such longer period after the completion of the transaction to which they relate as may be so required; and
- (j) on being required to do so by the Board, the Commissioner or some other person authorized by or under this Act so to require —
 - (i) notify the Board or the Commissioner, as may be required, where any betting material, form or other record may be inspected; and
 - (ii) furnish, deliver or produce any such betting material, form or other record to the Board or the Commissioner, or to a person authorized for the purpose under the Act, as may be required.

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(2) If default is made in complying with a provision of subsection (1), any licensed employee who is in default and any bookmaker who failed to take all reasonable steps to secure compliance with the provision commits an offence.

[Section 16A inserted by No. 11 of 1992 s.38.]

[16B. Repealed by No. 49 of 1960 s.11.]

[16C. Repealed by No. 49 of 1960 s.11.]

Effect on liability for payment of tax where racing authority declares bets off, etc.

17. Where a bookmaker or a licensed employee on behalf of that bookmaker has made a bet on a race or sporting event and has included the bet in a record or return as required under this Act, if it appears to the Commissioner that because of a decision of a competent authority controlling the race or sporting event or betting in respect of the race or sporting event, the bookmaker is not entitled to receive or retain the whole or part of the consideration for the bet, the Commissioner shall exempt the bookmaker from payment of bookmakers' betting tax on the whole or part as the case may be, of that consideration, and if the bookmaker has already paid the tax, the Commissioner shall refund it to the bookmaker on demand.

[Section 17 amended by No. 6 of 1987 s.12; No. 11 of 1992 s.39.]

Recording of bets by means of betting tickets

17A. Where a bookmaker, or a person employed by a bookmaker, makes a bet with any other person and that bet is to be recorded by means of a betting ticket in respect of the bet, that ticket shall be forthwith written out or issued in its correct consecutive numerical order in the prescribed form, cancelled in the prescribed manner, and delivered to the bettor.

[Section 17A inserted by No. 58 of 1990 s.9.]

Use of the totalisator by racing clubs

17B. (1) The possession by the committee or other authority controlling a race course of a totalisator at that race course shall be lawful if —

(a) it was authorized —

(i) immediately prior to the coming into operation of this section, by or under *The Totalisator Act 1883* or the *Totalisator Act Amendment Act 1899* or pursuant to a licence under the *Totalisator Regulation Act 1911*; or

(ii) by the Board under section 17D;

and

(b) that authorization is not suspended or cancelled by the Board under subsection (4),

and the operation of that totalisator by or on behalf of that committee or other authority for the purpose of making bets during the day of any race meeting conducted there, or in relation to prescribed activities with respect to the transmission of bets received to a totalisator pool operated by another operator so authorized, is hereby authorized, subject to subsection (3) and section 17C.

(2) Subject to subsection (3), it shall be lawful for any person, with the express or implied permission of the operator of that totalisator, to participate in the use of, and the facilities afforded by, a totalisator operated, or purporting to be operated, in accordance with the authorization conferred by subsection (1).

(3) No person under the age of 18 years shall —

(a) participate in; or

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- (b) be permitted by the operator of that totalisator to participate in,

the use of, or the facilities afforded by, a totalisator operated, or purporting to be operated, in accordance with an authorization conferred by subsection (1).

(4) For the purposes of section 32A, an authorization conferred by this section may be dealt with as though it were a licence held by a bookmaker, and the committee or other authority operating a totalisator on a race course shall be liable and may be dealt with as though the holder of such a licence.

[Section 17B inserted by No. 11 of 1992 s.61.]

Approved organizations conducting foot-races

17C. Notwithstanding the application of this Act to foot-races conducted by an approved organization at an approved place, and the deeming provisions of section 4A, section 17B shall not be taken to make the possession of a totalisator by such an organization lawful or to authorize the operation of a totalisator by such an organization for the purpose of making bets on a foot-race.

[Section 17C inserted by No. 11 of 1992 s.61.]

Board may authorize possession and operation of a totalisator by a racing club

17D. Where the Board is satisfied that a racing club has been established, the committee or other authority controlling the racecourse on which that body conducts race meetings may, on application being made to the Board in the prescribed manner and such information as may be prescribed or required by the Board having been furnished, be granted by the Board an authorization to possess and operate a totalisator at that racecourse.

[Section 17D inserted by No. 11 of 1992 s.61.]

Omission of bets from records or returns does not effect liability for tax or penalty

18. The omission from a record required to be made or from a return required to be delivered under this Act by a person, of a bet made by the bookmaker or a licensed employee on behalf of the bookmaker, does not relieve the bookmaker from liability for bookmakers' betting tax payable on the consideration for the bet or from penalty under this Act.

[Section 18 amended by No. 6 of 1987 s.12; No. 11 of 1992 s.40.]

Payment of tax

18A. (1) A racing club shall forward to the Commissioner, within 14 days after the conducting by it of a race meeting within the metropolitan area or within 21 days if the race meeting conducted by it is held in the country, a return in the form approved by the Commissioner setting out —

- (a) the names of all persons who have bet as bookmakers at the race meeting;
- (b) the total amount of money paid or promised to the bookmaker as the consideration for bets made at the meeting by him in the capacity of bookmaker; and
- (c) the total amount of bookmaker's betting tax paid by the bookmakers to the racing club and the balance of that amount payable to the Commissioner, after the racing club has deducted the amount due to it pursuant to section 15.

(2) When and as often as the return required by this section is forwarded to the Commissioner it shall be accompanied by —

- (a) the payment to the Commissioner of the amount shown in the return as the net amount of bookmaker's betting tax; and

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- (b) a statement of the total amount of stakes paid by the club.

[Section 18A inserted by No. 11 of 1992 s.41.]

Assessments, and additional tax

18B. (1) Where the Commissioner finds that bookmakers' betting tax or further tax is payable by any bookmaker or any racing club, the Commissioner may —

- (a) assess the amounts of money paid or promised as the consideration for bets which are made by or on behalf of a bookmaker and in respect of which a liability exists for the payment of bookmakers' betting tax; and
- (b) calculate the bookmakers' betting tax payable.

(2) Where —

- (a) the Commissioner is unable to ascertain the amount of bookmaker's betting tax or further tax properly payable by reason of a bookmaker or racing club failing to keep or deliver any return or other record, or to furnish any information, as and when required by this Act or by the Commissioner, or because the Commissioner has reason to believe or suspect that any record delivered or information furnished is materially incomplete and inaccurate; or
- (b) for any other cause the Commissioner has reason to believe or suspect that any bookmaker or racing club is liable to pay bookmakers' betting tax, whether or not a return was delivered in respect of that tax,

the Commissioner may cause an assessment to be made of the amount upon which, in the judgement of the Commissioner, bookmakers' betting tax or further tax ought to be levied.

(3) Where an assessment under subsection (2) is made in relation to any bookmaker or racing club —

- (a) the Commissioner shall cause notice in writing of the assessment and of the bookmakers' betting tax or further tax, and of any additional tax payable under subsection (5), to be served on the bookmaker together with the calculation of, and reasons for, such assessment; and
- (b) the bookmaker on whom the notice is served shall be liable to pay the amount of the bookmakers' betting tax or further tax, and any additional tax, in accordance with the notice of assessment on or before the date specified in that notice, except in so far as the bookmaker may establish that the assessment is excessive.

(4) An omission to give the notice required by subsection (3) does not invalidate any assessment or calculation made under this section.

(5) A bookmaker who becomes liable to pay bookmakers' betting tax or further tax by virtue of an assessment made under subsection (2) shall also be liable to pay, by way of additional bookmakers' betting tax, an amount equal to the amount of the tax payable by virtue of that assessment but the Commissioner may, for reasons which the Commissioner thinks sufficient in any particular case, remit the additional tax, wholly or in part.

(6) Where the Commissioner finds that an omission has been made from a record required to be made or a return required to be delivered under this Act in respect of any amount which the Commissioner has reason to believe or suspect represents a bet made, the Commissioner may determine that the bet of that amount was made and may cause an assessment to be made under subsection (2) as though information had been furnished which was materially incomplete and inaccurate.

[Section 18B inserted by No. 11 of 1992 s.41.]

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Commissioner may sue bookmaker for unpaid tax

19. (1) Where a bookmaker does not pay bookmakers' betting tax payable under this Act by the bookmaker, whether payable to the Commissioner or to a racing club, the Commissioner may, without prejudicing the liability of the bookmaker to penalty under this Act, sue the bookmaker for the amount of the tax unpaid in a court of competent jurisdiction.

(2) Where a racing club does not refund any overpayment of bookmakers' betting tax made under this Act proceedings for the recovery of the amount refundable may be brought in a court of competent jurisdiction —

- (a) where section 14 (4) (a) (ii) applies, by the Commissioner; or
- (b) by the bookmaker.

[Section 19 amended by No. 58 of 1990 s.10.]

Powers of inspection

20. (1) Officers authorized in writing by the Commissioner to do so, whether generally or for a particular case, may on producing the written authorization, or a person who is an authorized officer within the meaning of the *Gaming Commission Act 1987* may on producing the certificate evidencing his appointment under that Act —

- (a) require a bookmaker or any licensed employee or other person who the officer has reason to believe is or has been acting on behalf of a bookmaker, or a member or executive officer of the committee or other body controlling a racing club or race meeting, to produce for inspection anything in his control or possession relating to betting, or to answer questions relating to betting; and

- (b) make and retain a copy of the whole or part of any of those things.

(2) Officers of a racing club authorized in writing as the circumstances may require by the secretary of The Western Australian Turf Club or the secretary of the Western Australian Trotting Association or the secretary of the Western Australian Greyhound Racing Association and with the consent of the Secretary of the Board to do so, whether generally or for a particular case may, on producing the written authorization —

- (a) require a bookmaker or any person who the officer has reason to believe is or has been acting as a licensed employee or otherwise on behalf of a bookmaker to produce for inspection anything in his control or possession relating to betting or to answer questions relating to betting; and
- (b) in either case make and retain a copy of the whole or part of any of those things.

(3) A person, who on production by an officer of the written authorization —

- (a) does not, when required, produce any thing required under subsection (1) or (2) for inspection by the officer;
- (b) does not, when required, answer to the best of his knowledge, information, and belief, a question relating to betting put to him by the officer; or
- (c) hinders or obstructs the officer in carrying out his duties,

commits an offence.

Penalty: \$500 unless subsection (6) applies.

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(4) A member of the Board, the Commissioner, any person authorized by the Board or the Commissioner, a person who is an authorized officer within the meaning of that term in the *Gaming Commission Act 1987* on production by that person of the certificate evidencing appointment as such under that Act, and any police officer has at all times authority to enter, and authority to inspect, any —

- (a) race course;
- (b) premises to which section 5 (1a) for the time being applies; or
- (c) premises, vehicle or vessel from or on which a bookmaker carries on business.

(5) A person refusing to admit, or otherwise hindering, delaying or obstructing, a person authorized under subsection (4) in the exercise of that authority commits an offence.

Penalty: \$500, unless subsection (6) applies.

(6) A bookmaker or licensed employee —

- (a) contravening subsection (3); or
- (b) hindering, delaying or obstructing a person referred to in subsection (4) in the exercise of any power or duty conferred on such a person by or under this Act,

commits an offence.

Penalty: \$2 000.

[Section 20 amended by No. 77 of 1976 s.16; No. 6 of 1987 s.13; No. 74 of 1987 s.5; No. 11 of 1992 s.42.]

Prohibition of betting with minors, intoxicated persons, etc.

21. A bookmaker, or a licensed employee on behalf of a bookmaker, shall not knowingly —

- (a) bet with, or pay money or deliver property relating to a bet to, a person apparently under the age of 18 years;
- (b) bet with, or pay money or deliver property relating to a bet to, a person apparently under the influence of intoxicating liquor;

[(c) and (d) repealed]

- (e) advertise the carrying on of the business of the bookmaker, or in relation to any kind of betting or any offer to bet, in a manner prohibited by or under this Act;

[Section 21 amended by No. 113 of 1965 s.8 (1); No. 66 of 1970 s.2; No. 46 of 1972 s.6; No. 74 of 1987 s.6; No. 11 of 1992 s.43.]

Offences by minors

22. No person under the age of 18 years shall —

- (a) bet with a totalisator, or be permitted by a racing club its servants or agents to participate in the use of, or the facilities afforded by, a totalisator, being a totalisator to which section 17B applies;
- (b) bet with a bookmaker, or the employee of a bookmaker, licensed under this Act; or
- (c) request any other person to place a bet for him.

Penalty: For a first offence, \$50; for a subsequent offence, \$250.

[Section 22 amended by No. 113 of 1965 s.8 (1); No. 46 of 1972 s.6; No. 11 of 1992 ss.44 and 62.]

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Prohibition of betting on races unless in accordance with this Act

23. (1) No person shall make a bet at or in a place, or at or in a public place, either personally or by means of an agent, or by post, telegraph, telephone or other manner, whether of the same kind as or a different kind from any manner specified in this paragraph —

- (a) unless the premises are premises to which section 5 (1a) for the time being applies, or the place is a race course where —
 - (i) a race meeting is being held at the race course by the Western Australian Greyhound Racing Association or under permit or licence issued under Part VI of the *Western Australian Greyhound Racing Association Act 1981* or under the *Racing Restriction Act 1917*; or
 - (ii) in the case of a race meeting held at the race course within the meaning of subparagraph (i) on Anzac Day, a bookmaker is permitted by section 12 (3) to bet or carry on business as such at the race course on Anzac Day;
 - (b) unless the bet is made in accordance with the provisions of this Act or the *Totalisator Agency Board Betting Act 1960*;
- or
- (c) unless the bet constitutes permitted gaming within the meaning of the *Gaming Commission Act 1987*.

Penalty: \$500.

(2) No person shall knowingly —

- (a) place a bet for a person who is apparently under the age of 18 years; or

- (b) place a bet for, or assist in laying, procuring or obtaining a bet with any bookmaker for, a person to whom an order made under section 25 applies.

Penalty: \$200.

[Section 23 amended by No. 49 of 1960 s.12; No. 113 of 1965 s.8 (1); No. 66 of 1970 s.3; No. 46 of 1972 s.6; No. 77 of 1976 s.17; No. 34 of 1985 s.8; No. 74 of 1987 s.7; No. 11 of 1992 s.45.]

[24. Repealed by No. 11 of 1992 s.46.]

Bookmakers may be ordered not to bet

25. (1) Upon proof being given to the satisfaction of any 2 Justices of the Peace that any person by excessive betting is likely to be impoverished to a degree where that person or any member of the family of that person is in want, such justices may order that no bookmaker shall bet with such person for not exceeding the space of one year.

(2) Any 2 Justices of the Peace may in like manner renew such order from time to time as to all such persons as have not in their opinion reformed.

(3) No bookmaker after notice of such prohibition shall bet with the person named therein.

Penalty: \$250.

[(4) repealed]

(5) An order made under this section may be revoked by any 2 Justices of the Peace.

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s. 27

(6) All proceedings under subsection (1) or (2) shall be heard in camera.

[Section 25 amended by No. 113 of 1965 s.8 (1); No. 78 of 1978 s.6; No. 11 of 1992 s.47.]

[26. Repealed by No. 11 of 1992 s.48.]

Penalty on owner or occupier of premises used for unlawful betting

27. No person being the owner or occupier of a place shall open, use, or permit the use of the place for betting by any means whether by persons present or their agents, or by post, telegraph, telephone or other manner, whether of the same kind as or a different kind from any manner specified in this section —

[(a) deleted]

(b) unless the place is a race course where —

(i) a race meeting is being held at the race course by the Western Australian Greyhound Racing Association or under permit or licence issued under Part VI of the *Western Australian Greyhound Racing Association Act 1981* or under the *Racing Restriction Act 1917*; or

(ii) in the case of a race meeting held at the race course within the meaning of subparagraph (i) on Anzac Day, a bookmaker is permitted by section 12 (3) to bet or carry on business as such at the race course on Anzac Day;

(c) unless the betting is carried on in accordance with the provisions of this Act;

(ca) unless the provisions of section 5 (1a) apply;

(d) unless the betting is done with or through the Board in accordance with the provisions of the *Totalisator Agency Board Betting Act 1960*;

or

(e) unless the betting constitutes permitted gaming within the meaning of the *Gaming Commission Act 1987*.

Penalty: \$2 500, or imprisonment for 6 months, or both.

[*Section 27 amended by No. 49 of 1960 s.13; No. 113 of 1965 s.8 (1); No. 77 of 1976 s.18; No. 78 of 1978 s.7; No. 34 of 1985 s.8; No. 74 of 1987 s.8; No. 11 of 1992 s.49.*]

Forfeiture of betting material and money in certain cases

28. (1) A court recording a conviction of a charge of an offence against this Act, may order that betting material found and produced in evidence at the hearing of the charge be destroyed, and that money found on or in a place used for betting contrary to the provisions of this Act be forfeited to the Crown.

(2) Where money is found in the possession of an offender convicted of betting, contrary to this Act, and is proved to have been received in connection with that betting, the court shall order that the money be forfeited to the Crown.

[*Section 28 amended by No. 11 of 1992 s.50.*]

Search warrant

28A. (1) If it appears to a justice on complaint made on oath before him that there are reasonable grounds for suspecting that unlawful betting is or is about to be carried on in or upon any place or public place he may give to any member of the Police Force a warrant in the form of the Second Schedule.

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s. 28A

(2) A warrant so given authorizes the member of the Police Force therein named, with such assistance as may be necessary, —

- (a) to enter into and upon and search the place or public place named in the warrant at any time during the day or night and to open and break open if necessary and search all things found therein or thereupon;
- (b) to use force if necessary in making entry whether by breaking open doors or otherwise;
- (c) to search all persons found therein or thereupon;
- (d) to arrest and bring before a stipendiary magistrate or 2 justices all persons found therein or thereupon;
- (e) to seize all betting material and money found therein or thereupon or upon the persons referred to in paragraph (c) that may reasonably be supposed to have been used or designed for use in connection with or in relation to such suspected unlawful betting; and
- (f) to detain all such betting material and money until it is dealt with in accordance with the provisions of section 28.

(3) In this section “**unlawful betting**” means any contravention of or failure to observe any provision of section 23 or 27.

(4) No female person shall be searched under authority of a warrant given pursuant to this section, except by a female member of the Police Force and in the presence of female persons only.

[Section 28A inserted by No. 14 of 1961 s.2.]

Betting material *prima facie* evidence of offence

28B. If, on the hearing of any complaint for an offence against section 23 or 27, the court is of opinion that any betting material or money that has to its satisfaction been proved to have been found in any place or public place wherein it was suspected that unlawful betting was carried on and entered under a warrant given under section 28A and to have been so found in circumstances that in the mind of the court raises a reasonable suspicion that the betting material or money was used or designed for use in contravention of the purposes and provisions of the first mentioned sections or either of them, such finding shall be deemed *prima facie* evidence of the commission by the accused person of the offence charged against him in the complaint.

[Section 28B inserted by No. 14 of 1961 s.2.]

[29. Repealed by No. 11 of 1992 s.51.]

General penalty

30. (1) A person who contravenes or attempts to contravene any provision of this Act, the regulations or the Rules of Betting prescribed is liable to the penalty expressly provided for the offence, but if no penalty is expressly provided for the offence is liable —

- (a) if the contravention is a continuing offence, to a penalty of a sum not exceeding \$1 000, and in addition to a penalty of a sum not exceeding \$50 for each day the offence continues; or
- (b) if the contravention is not a continuing offence, to a penalty not exceeding \$1 000.

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s. 30A

(2) Any holder of a licence or authorization under this Act who —

- (a) causes, suffers or permits any other person to contravene a provision of this Act, the regulations or Rules of Betting prescribed; or
- (b) takes part in a betting transaction knowing that the transaction involves such a contravention,

commits an offence and is liable to the punishment to which a person convicted of that contravention would be liable.

[Section 30 amended by No. 11 of 1992 s.52.]

Prosecution of offenders

30A. (1) An offence under this Act may be prosecuted —

- (a) in relation to records or bookmakers' betting tax, by the Commissioner; or
- (b) by or on behalf of the Board.

(2) The conviction or acquittal of a person on a complaint of an offence under this Act shall not prevent a further prosecution and conviction in respect of a continuation of that offence after the date on which he was convicted or acquitted.

[Section 30A inserted by No. 11 of 1992 s.53.]

Conduct of betting

31. (1) A bookmaker shall not —

- (a) employ —
 - (i) in the business of the bookmaker or as an agent in relation to that business, any person other than a licensed employee; or

- (ii) on a race course, an employee who does not hold a permit from the committee or other controlling authority of that race course in respect of the aspects of the business to be carried on by that employee;
- (b) except in so far as the licence of a licensed employee may authorize that employee to carry on a specific aspect of the business of that bookmaker, fail personally —
 - (i) to conduct the business;
 - (ii) to make every bet; and
 - (iii) in respect of each bet, to write and deliver to the bettor the betting ticket;
- (c) allow any other person to have an interest, financial or otherwise, in the business of that bookmaker, whether that interest is direct or indirect;
- (d) pay or promise to pay to a person a sum of money the amount of which in any way depends upon —
 - (i) the amount of the profit or loss sustained by the bookmaker in betting related to the business of that bookmaker; or
 - (ii) the results of that betting;
- (e) pay or give, or promise to pay or give, to a person any payment, fee, commission, remuneration, reward or any valuable consideration whatsoever in consideration of that person on behalf of any other person —
 - (i) making; or
 - (ii) taking,bets with that bookmaker;

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- (f) receive, or agree or promise to receive, as the consideration for a bet the delivery of, or an agreement or promise to deliver, property other than money;
- (g) refuse or neglect to pay a bet as and when directed by the Board; or
- (h) bet on any event other than —
 - (i) a race or the result of a race; or
 - (ii) an approved sporting event, or an approved contingency related to an approved sporting event.

(2) A bookmaker who refuses or neglects to repay the bettor, immediately on demand, any money received by the bookmaker in connection with a bet made contrary to any provision of this Act, the regulations or the Rules of Betting prescribed, commits an offence.

[Section 31 inserted by No. 11 of 1992 s.54.]

Evidence

31A. (1) A person is not excused from giving information or producing records or any other thing when required to do so under this Act on the ground that the information, records or other thing might tend to incriminate him, but his answer to any question asked, his giving of any other information, the production by him of any records or other thing or his compliance with the requirement in any other respect is not admissible in evidence against him in any criminal proceedings, other than proceedings under this Act.

(2) In any proceedings under this Act —

- (a) it shall not be necessary to prove the appointment of the Commissioner or a member of the Board, and all courts and persons acting judicially shall take judicial notice of

a signature attached or appended to a document purporting to be issued under this Act if the signature purports to be that of a person who at the relevant time is or was the holder of such an office, unless the contrary is proved;

(b) a document signed by a member of the Board stating that at the time or during the period stated in the document —

(i) a person named in the document was an authorized person for the purposes of this Act specified in the document;

or

(ii) a licence, permit or approval was granted, a requirement was made, or a direction or notice was given, or was in force or had effect, or had been amended, or was not in force or was of no effect, in relation to the circumstances specified in the document, or had been served on any person, under this Act,

shall be evidence of the facts stated and, in the absence of evidence to the contrary, conclusive evidence;

(c) a document or writing purporting to be a copy of any licence, permit or approval granted, or of any requirement made or direction or notice given, under this Act shall be evidence of the licence, permit, approval, certificate, requirement, direction or notice of which it purports to be a copy and, in the absence of evidence to the contrary, conclusive evidence;

(d) an averment that —

(i) a person is of a specified age or is under or over a specified age;

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- (ii) that any place at which an offence was committed was a place to which a licence, permit or approval applies or did not apply;
- (iii) a specified term or condition had effect in relation to any specified licence, permit or approval;
- (iv) in proceedings against a person in his capacity as the holder of a licence, permit or approval, that the person is the holder of a specified licence, permit or approval; or
- (v) that a person is a person to whom a specified licence, permit or approval was not issued,

shall be evidence of the facts stated and, in the absence of evidence to the contrary, conclusive evidence;

- (e) where an officer authorized for the purpose by the Board, the Commissioner or a racing club, a police officer or a person acting at the request of such an authorized officer or police officer, enters into any bet and a complaint arising out of the bet is made against another person, on the hearing of the complaint that authorized officer, police officer or person acting on request —

- (i) is deemed not to be an accomplice of the person charged and not to be guilty of an offence; and
- (ii) may give evidence,

and his evidence shall be deemed not to be the evidence of an accomplice;

- (f) a person may be convicted on the uncorroborated evidence of an accomplice, and shall not be acquitted by reason only that the only evidence is the uncorroborated evidence of an accomplice unless the truth of that evidence is suspect;

and

- (g) an act, admission or statement of an employee or agent of the person against whom the complaint is made is admissible as evidence, whether it is done, made or given in the presence of that person or not.

(3) The Commissioner, or an officer authorized by the Board or the Commissioner, and any police officer may seize and take before a justice any betting material, money or other thing which he has reasonable cause to believe may be required as evidence for the purpose of proceedings in respect of an offence under this Act or which appears to him to contravene a condition of any licence, permit or approval under this Act.

[Section 31A inserted by No. 11 of 1992 s.55.]

Disputes as to bets with bookmakers

32. (1) A question or dispute as to whether a bet alleged to have been made with a bookmaker on a race course was so made, or as to the amount payable in respect of such a bet —

- (a) shall be referred in the first instance to and determined by the stewards of the race meeting, or as the committee or other authority controlling the race course may direct; and
- (b) may, by any party to the bet affected by that determination, be referred to the Board on an appeal from that determination made under subsection (2).

(2) An appeal from a determination made in the first instance shall be referred to the Board by notice in writing delivered to the Board —

- (a) if the race course is in the metropolitan area, within 3 days; or

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(b) in any other case, within 7 days,

of that determination, but may be heard at the discretion of the Board where special circumstances exist if lodged otherwise, and shall be decided by the Board as an administrative act.

(3) Where any question or dispute as to a bet relates only to a proportion of the amount otherwise payable then payment shall be made on the bet in so far as it is not so questioned or disputed.

(4) A bookmaker shall abide by —

(a) any determination in the first instance made under subsection (1), but if it is the intention of the bookmaker to withhold payment of the bet pending a decision of the Board on an appeal made under subsection (2) the bookmaker shall give to any other party to the question or dispute an acknowledgment in writing setting out the amount, nature and circumstances of the bet as alleged by the bookmaker and the fact of any determination made; and

(b) any decision of the Board made under subsection (2).

(5) Where a person is entitled to be given an acknowledgment of an alleged bet under subsection (4) (a), and payment on that bet is not made by the bookmaker, then on the expiry of the period permitted by subsection (2) if an appeal in respect of a determination of the question or dispute has not been referred to the Board for decision that person may apply to the Board for a direction that the bet, on terms decided by the Board, shall be payable by the bookmaker.

[Section 32 inserted by No. 11 of 1992 s.56.]

Disciplinary powers

32A. (1) The powers conferred by this section shall be exercised by the Board administratively, but the Board may require the holder of a licence, or of an authorization to possess or operate a totalisator, under this Act to show cause why such a power should not be exercised.

(2) Where the Board is satisfied that the holder of a licence or such an authorization —

- (a) has —
 - (i) been convicted of an offence under this Act;
 - (ii) at a material time employed or engaged, in relation to the business carried on under the licence or such an authorization, a person who in the course of that business committed an offence under this Act of which that person was convicted; or
 - (iii) has been convicted, or so employed or engaged a person who was convicted, of an offence, other than an offence under this Act, but has not notified the Board of that conviction;
- (b) notwithstanding that proceedings for an offence under this Act have not been taken, or are pending, has contravened —
 - (i) a provision of this Act, the regulations or the Rules of Betting prescribed; or
 - (ii) a term or condition of the licence or such an authorization, or has caused or permitted a licensed employee so to do;

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- (c) is guilty of conduct which renders it undesirable in the public interest that the licence or such an authorization should continue to be held; or
- (d) has become incapable of properly conducting the business, or any aspect of the business, of a bookmaker,

the Board may take disciplinary action.

(3) Where the Board determines that a proper cause for disciplinary action exists the Board may by order —

- (a) issue a reprimand;
- (b) impose a condition on, or otherwise limit the authority conferred by, the licence or such an authorization;
- (c) vary or cancel any term or condition to which the licence or such an authorization is subject;
- (d) suspend the operation of the licence or such an authorization, or of any term or condition of the licence or such an authorization —
 - (i) until further order; or
 - (ii) for a specified period;
- (e) cancel the licence or such an authorization;
- (f) require the holder of the licence or such an authorization to enter into a bond or otherwise give security for future conduct; and
- (g) give directions as to the conduct of business to which the licence or such an authorization relates.

(4) Where the Board is satisfied that the holder of a licence as a bookmaker or of such an authorization —

- (a) has carried on, or attempted to carry on, the business of a bookmaker or the operation of a totalisator authorized under this Act during any period when the operation of that licence or authorization was suspended; or
- (b) has committed, or has caused or permitted the commission of, a continuing breach of a provision the contravention of which was the subject of an order made under this section that has continuing effect,

the Board may with immediate effect make a further order that the licence or authorization shall be cancelled.

(5) An order made under this section —

- (a) may be varied or revoked, as the Board thinks fit; and
- (b) subject to subsection (4), takes effect on written notice of it being given to the holder of the licence or such an authorization.

(6) Where the operation of a licence or such an authorization is suspended or a licence or such an authorization is cancelled —

- (a) the Board may advertise the fact, and call for claims from persons to whom the holder or former holder is indebted in respect of betting transactions;
- (b) section 11 (12) and (13) apply in relation to the application of any security or the termination of any bond that relates to the licence or such an authorization;

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- (c) the holder or former holder shall upon demand reimburse the Board for any costs incurred under paragraphs (a) or (b); and
- (d) the obligation under any security lodged is not thereby discharged and its validity is not affected.

[Section 32A inserted by No. 11 of 1992 s.57; amended by No. 11 of 1992 s.63.]

Regulations

33. The Governor may make regulations for giving effect to the operation of this Act, and without affecting the generality of the foregoing may by the regulations —

- (a) make provision for betting under this Act on sporting events and contingencies related to those events, the recording of such bets and as to the liabilities arising out of such bets;
- (b) provide for —
 - (i) licensing of bookmakers;
 - (ii) licensing of bookmakers' employees;
 - (iii) classification of licences;
 - (iv) terms and conditions upon which licences or respective classes of licences may be obtained and which shall be observed by the holders of licences;
 - (v) payments to the Commissioner of, and amounts payable as, fees in respect of licences and applications for licences or respective classes of licences, and for different amounts to be payable in respect of different classes of licences;

- (vi) variation, suspension, and cancellation of licences, and the grounds upon which licences may be varied, suspended, or cancelled;
- (vii) bookmakers being required to keep accounts and records and furnish particulars of their betting transactions, and prescribing the form of betting tickets authorized to be used, the manner of cancellation of betting tickets, the particulars to be entered in the betting books and other matters relevant to those accounts, records, and particulars;
- (viii) prohibiting or restricting of advertising by bookmakers, their agents and employees;
- (ix) the conduct of bookmakers and their agents and employees;
- [(x) *deleted*]
- (xi) bookmakers being required to give security for the due observance of this Act and the regulations, and of the terms and conditions of their licences;
- (xii) meetings and procedure of the Board;
- (xiii) the payment and charges in respect of matters other than licences or applications for licences;
- (xiv) the supply and use of betting material;
- (xv) the assessment, payment and recovery of bookmakers' betting tax, the kinds of bet that may be made or accepted and Rules of Betting regulating betting by or with bookmakers generally or in specific circumstances, the maximum amount which a bookmaker may be obliged to accept on any one bet, bets with other bookmakers, and betting boards;

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- (xvi) the authorization of the possession and operation of totalisators by racing clubs and, generally, for the duties of racing clubs in relation to the administration of this Act;
- (xvii) the general administration of this Act; and
- (xviii) imposing a monetary penalty for breach of a regulation so made, or the breach of a term or condition of a licence, not greater than the amount prescribed as a general penalty under section 30.

[Section 33 amended by No. 113 of 1965 s.8 (1); No. 77 of 1976 s.19; No. 6 of 1987 s.15; No. 78 of 1987 s.5; No. 58 of 1990 s.11; No. 11 of 1992 ss.29, 58 and 64.]

Inconsistency

34. Where and to the extent that there is inconsistency between —

- (a) the provisions of the *Gaming Commission Act 1987* or of regulations made under that Act or this Act, being provisions relating to the control of betting; and
- (b) the provisions of rules of racing or subsidiary legislation having effect —
 - (i) under *The Western Australian Turf Club Act 1892*;
 - (ii) under the *Western Australian Trotting Association Act 1946*;
 - (iii) under Part V of the *Western Australian Greyhound Racing Association Act 1981*; or

- (iv) where made by a racing club, under the *Associations Incorporation Act 1895*³, the *Associations Incorporation Act 1987*, or any other written law,

being provisions relating to the regulation of racing or the control of betting,

the provisions mentioned in paragraph (a) prevail.

[Section 34 amended by No. 77 of 1976 s.20; No. 74 of 1987 s.10.]

Application of this Act in totalisator agency regions

35. (1) The provisions of this Act other than sections 14, so far as it relates to on-course turnover, 15, 25 and this section do not apply to any part of the State that is a proclaimed totalisator agency region under the *Totalisator Agency Board Betting Act 1960*, but in relation to a person who is the holder of a licence that entitles him to carry on the business of a bookmaker in person upon a race course, if he holds a permit to do so from the committee or other authority controlling the race course, the provisions of this Act continue to apply to and in respect of that person, whether or not the race course is or is not within a proclaimed totalisator agency region.

(2) The provisions of section 25 apply in a proclaimed totalisator agency region as though the Board were a bookmaker within the meaning of this Act.

[Section 35 inserted by No. 49 of 1960 s.14; amended by No. 78 of 1978 s.9; No. 11 of 1992 s.29.]

Review of this Act

36. (1) The Minister shall as soon as is practicable after 1 January 1991 and every fifth anniversary of that date carry out a review of the operation of this Act and in the course of such review the Minister shall consider and have regard to —

- (a) the attainment of the purposes of this Act;

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- (b) the administration of this Act;
- (c) the effectiveness of the operation of the Board and the Department principally assisting the Minister in the administration of this Act in relation to this Act;
- (d) the need for the continuation of the Board; and
- (e) such other matters as appear to him to be relevant.

(2) The Minister shall prepare a report based on the review made under subsection (1) and shall as soon as is practicable after its preparation, cause the report to be laid before each House of Parliament.

[Section 36 inserted by No. 6 of 1987 s.16.]

[FIRST SCHEDULE Repealed by No. 11 of 1992 s.59.]

SECOND SCHEDULE

FORM OF WARRANT

To wit } To

WHEREAS it appears to me, a Justice of the Peace by the complaint on oath of (A.B.) of in the State (occupation) that there is reason to suspect that unlawful betting within the meaning of section 28A of the Betting Control Act 1954, as amended, is being or is about to be carried on in or upon a certain place or public place, to wit,

. This is therefore to authorize and request you with such assistance as may be necessary, to enter into and upon and search such place or public place at any time during the day or night and there to open and break open if necessary and search all things found therein or thereupon and search all persons found therein or thereupon subject to section 28A (4) and if necessary to use force in making such entry, whether by breaking open doors or otherwise and to arrest and bring before a Stipendiary Magistrate or 2 Justices of the Peace all such persons as may be found therein or thereupon and seize all money and betting material as defined in the said Act found upon such persons or in or upon such place, as may reasonably be supposed to have been used or designed for use in connection with or in relation to such unlawful betting and to detain any such betting material and money so found to be dealt with according to law: And for so doing this shall be your Warrant.

Given under my hand at in Western

Australia this day of

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NOTES

¹ This reprint is a compilation as at 20 August 1992 of the *Betting Control Act 1954* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Betting Control Act 1954</i>	63 of 1954	30 December 1954	1 August 1955 (see <i>Gazette</i> 29 July 1955 p.1767.)	
<i>Betting Control Act Amendment Act 1956</i>	50 of 1956	18 December 1956	18 December 1956	
<i>Betting Control Act Continuance Act 1957</i>	36 of 1957	18 November 1957	18 November 1957	
<i>Betting Control Act Amendment Act 1959</i>	76 of 1959	14 December 1959	21 December 1959 (see <i>Gazette</i> 18 December 1959 p.3339)	
<i>Betting Control Act Amendment Act 1960</i>	49 of 1960	28 November 1960	31 December 1960 (see <i>Gazette</i> 23 December 1960 p.4074)	
<i>Betting Control Act Amendment Act (No. 2) 1960</i>	66 of 1960	2 December 1960	2 December 1960	
<i>Anzac Day Act 1960 Section 9</i>	73 of 1960	12 December 1960	12 December 1960	
<i>Betting Control Act Amendment Act 1961</i>	14 of 1961	20 October 1961	20 October 1961	

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Table of Acts—*continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Betting Control Act Amendment Act 1963</i>	28 of 1963	13 November 1963	13 November 1963	
<i>Acts Amendment (Commissioner of State Taxation) Act 1970 Part IX</i>	21 of 1970	8 May 1970	1 July 1970 (see <i>Gazette</i> 26 June 1970 p.1831)	
<i>Betting Control Act Amendment Act 1970</i>	66 of 1970	17 November 1970	17 November 1970	
<i>Betting Control Act Amendment Act (No. 2) 1970</i>	75 of 1970	17 November 1970	1 January 1971 (see section 2)	
<i>Age of Majority Act 1972 section 6</i>	46 of 1972	18 September 1972	1 November 1972 (see <i>Gazette</i> 13 October 1972 p.4069)	
<i>Betting Control Act Amendment Act 1976</i>	77 of 1976	18 October 1976	10 December 1976 (see <i>Gazette</i> 10 December 1976 p.4879)	
<i>Betting Control Act Amendment Act 1978</i>	78 of 1978	27 October 1978	27 October 1978	
<i>Acts Amendment (Gaming and Related Provisions) Act 1985 Part V</i>	29 of 1985	24 April 1985	1 June 1985 (see <i>Gazette</i> 31 May 1985 p.1877)	

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Table of Acts—*continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Betting Control) Act 1985</i>	34 of 1985	24 April 1985	24 April 1985	
<i>Betting Control Amendment Act 1987</i>	6 of 1987	29 May 1987	6 November 1987 (see <i>Gazette</i> 6 November 1987 p.4069)	
<i>Acts Amendment and Repeal (Gaming) Act 1987 Part 11</i>	74 of 1987	26 November 1987	2 May 1988 (see <i>Gazette</i> 29 April 1988 p.1292)	
<i>Betting Control Amendment Act (No. 2) 1987</i>	78 of 1987	26 November 1987	4 March 1988 (see <i>Gazette</i> 4 March 1988 p.665)	
<i>Acts Amendment (Betting Tax and Stamp Duty) Act (No. 2) 1990 Part 3</i>	58 of 1990	17 December 1990	Deemed operative 1 August 1989 (see section 2)	
<i>Acts Amendment and Repeal (Betting) Act 1992 Part 3 and 4</i>	11 of 1992	16 June 1992	Part 3: 10 July 1992 (see <i>Gazette</i> 10 July 1992 p.3185) Part 4: 31 July 1992 (see <i>Gazette</i> 10 July 1992 p.3185)	

² Title substituted under section 7 (5) (a) of the *Reprints Act 1984* to give effect to section 31 (f) of the *Acts Amendment (Public Service) Act 1987*.

³ Repealed by Act No. 59 of 1987 s.47