
RACING, GAMING AND LIQUOR

RG301*

Betting Control Act 1954

**Betting Control Amendment Regulations
(No. 2) 2007**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Betting Control Amendment Regulations (No. 2) 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Betting and Racing Legislation Amendment Act 2006* section 9 comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Betting Control Regulations 1978**.

[* *Reprint 4 as at 6 May 2005*.

For amendments to 28 May 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]

4. Part 5 inserted

After regulation 97 the following Part is inserted —

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**Part 5 — Approval to publish or make available
WA race fields****98. Terms used in this Part**

In this Part —

“**another jurisdiction**” means a jurisdiction outside the State, including a jurisdiction outside Australia;

“**approval**” has the meaning given in section 27C(1) of the Act;

“**authorisation**” includes a licence;

“**relevant person**”, in relation to a decision by the Minister under section 27D(5) of the Act relating to an approval, means the person applying for, or holding, the approval, as the case requires;

“**wagering**” includes any activity referred to in section 27C(2)(a) of the Act.

99. Prescribed criteria under section 27D(5)

- (1) For the purposes of section 27D(5) of the Act, the prescribed criteria are as follows —
- (a) if the relevant person conducts, or intends to conduct, wagering that is required under the laws of this State or another jurisdiction to be licensed or otherwise authorised — whether the relevant person holds, or continues to hold, the required authorisation to do so;
 - (b) to the extent that the *Financial Transaction Reports Act 1988* of the Commonwealth is relevant to wagering that the relevant person conducts, or intends to conduct — whether the relevant person complies with that Act, particularly the requirements of Part II Division 2 in relation to reporting suspect transactions and of Part III in relation to opening and maintaining accounts;
 - (c) whether the Minister is satisfied that —
 - (i) the relevant person; or
 - (ii) if the relevant person is a partnership, each member of the partnership who is a natural person,
is, or continues to be, a fit and proper person to be granted, or continue to hold, an approval;
 - (d) if the relevant person is —
 - (i) a body corporate; or
 - (ii) a partnership, the members of which include a body corporate,
whether the Minister is satisfied that each person who occupies a position of authority in the body corporate would be a fit and proper person to be granted, or continue to hold, an approval if the person were to apply for, or hold, the approval personally.

- (2) For the purposes of, and without limiting, subregulation (1)(c) and (d), the Minister may take into account —
- (a) the repute and background of persons suspected by the Minister to be associated with the relevant person or with another person referred to in subregulation (1)(c)(ii) or (d); and
 - (b) the number and nature of any convictions recorded, or charges pending, against the relevant person or another person referred to in subregulation (1)(c)(ii) or (d) for offences against the laws of this State or another jurisdiction, having particular regard to offences against laws in relation to wagering; and
 - (c) any information lawfully provided to the Minister by —
 - (i) the Commission; or
 - (ii) RWWA; or
 - (iii) a steward; or
 - (iv) a person in another jurisdiction with functions corresponding to those of a person referred to in subparagraph (i), (ii) or (iii).

100. Application for approval

- (1) An application for an approval —
- (a) is to be in the form approved by the Minister; and
 - (b) is to be accompanied by any information required by the application form.
- (2) An applicant for an approval is to provide to the Minister any further information that the Minister reasonably requires for the proper consideration of the application.

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By Command of the Lieutenant-Governor and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.
