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**RACING, GAMING AND LIQUOR**

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RG301\*

Racing and Wagering Western Australia Act 2003  
Racing and Gambling Legislation Amendment and Repeal Act 2003

## **Racing and Wagering Western Australia Amendment Regulations (No. 2) 2004**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Racing and Wagering Western Australia Amendment Regulations (No. 2) 2004*.

### **2. Commencement**

These regulations come into operation on the day on which they are published in the *Gazette*.

### **3. The regulations amended**

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

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

*For amendments to 6 September 2004 see Gazette 30 January 2004.]*

### **4. Part 13 inserted**

After Part 12 the following Part is inserted —

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## **Part 13 — Disciplinary action — Racing**

### **72. Warning off**

- (1) If RWWA is of the opinion that the attendance of a person at a racecourse may be prejudicial to the proper conduct or control of racing or any other lawful activity carried on at a racecourse, RWWA may exercise its powers under section 44(1)(e) of the Act against the person by giving a notice (a “**warning off notice**”) to the person.
- (2) Before giving a warning off notice to a person, RWWA must comply with subregulations (3) to (5).

- (3) RWWA must give the person a notice (a “**show cause notice**”) setting out —
  - (a) that RWWA proposes to exercise its powers under section 44(1)(e) of the Act against the person;
  - (b) the grounds upon which RWWA proposes to exercise those powers against the person; and
  - (c) that the person may be heard by RWWA as to why RWWA should not exercise those powers against the person, if the person requests a hearing within 14 days of receiving the notice.
- (4) If a person given a show cause notice requests a hearing by RWWA, RWWA must hear that person within 28 days of receiving the person’s request.
- (5) RWWA must take into account any matter raised by the person at the hearing.
- (6) The person may be represented at the hearing by another person and that person may be a legal practitioner.
- (7) Nothing in this regulation is to be taken to prevent RWWA delegating any function under this regulation.

**73. Failure to comply with a warning off**

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

Penalty: \$1 000.

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**5. Transitional provision**

- (1) If, immediately before the expiry of the old Rules, an old warning off notice is in force in respect of a person under the old Rules then, on the expiry of the old Rules, the old warning off notice is to be taken to have been made by RWWA in accordance with regulation 72(1) of the *Racing and Wagering Western Australia Regulations 2003* (as inserted by regulation 4 of these regulations).
- (2) In this regulation —

“**old Greyhound Racing Rules**” has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;

“**old Rules**” means the old Greyhound Racing Rules, the old Rules of Harness Racing and the old Rules of Racing;

“**old Rules of Harness Racing**” has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;

**“old Rules of Racing”** has the meaning given to that term in section 4 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003*;

**“old warning off notice”** means a notice having the same or similar effect as a notice that could be made by RWWA in accordance with regulation 72(1) of the *Racing and Wagering Western Australia Regulations 2003* (as inserted by regulation 4 of these regulations);

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

By Command of the Governor,

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