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BETTING CONTROL ACT 1954

**BETTING CONTROL
AMENDMENT
REGULATIONS 2006**

Betting Control Act 1954

Betting Control Amendment Regulations 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Betting Control Amendment Regulations 2006*.

2. 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 22 May 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 35, and Gazette 28 April 2006.]

3. Part 1 heading inserted

Before regulation 1 the following Part heading is inserted —

“

Part 1 — Preliminary

”

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4. Regulation 3 amended

After regulation 3(3) the following subregulation is inserted —

“

- (4) For the purpose of these regulations, a bet is an on-course totalisator bet if —
- (a) the person making the bet is physically present at the racecourse; and
 - (b) the bet is placed through a totalisator located on that racecourse; and
 - (c) payment for the bet is made at the time the bet is placed, either in cash or from an established RWWA wagering account; and
 - (d) the bet is placed in person and not by telephone.

”

5. Part 2 heading inserted

After regulation 3 the following Part heading is inserted —

“

Part 2 — Licences, fees and commissions

”

6. Regulation 17C amended

Regulation 17C(c) is amended by deleting “regulation 38(1) of the *Totalisator Agency Board (Betting) Regulations 1988*,” and inserting instead —

“ the rules of wagering, ”.

7. Part 3 heading inserted

After regulation 17D the following Part heading is inserted —

“

Part 3 — Provisions relating to bookmakers

”

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Regulation 70 is repealed.

9. Part 4 inserted

After regulation 77 the following Part is inserted —

“

**Part 4 — General conditions relating to bets
made at or through on-course totalisators and
local on-course totalisators****Division 1 — Preliminary****78. Interpretation**

(1) In this Part —

“**Australian Greyhound Racing Rules**”, “**Australian Rules of Harness Racing**” and “**Australian Rules of Racing**” have the meanings given in the RWWA Act;

“**local on-course totalisator**” means —

- (a) a totalisator operated at a racecourse by the authority conducting the particular race meeting where totalisator betting is conducted independently of RWWA;
- (b) where the context requires, a person representing the authority operating the totalisator in paragraph (a);
- (c) where the context requires, the premises in which the betting for a totalisator in paragraph (a) is conducted;

“**on-course totalisator**” means —

- (a) a totalisator operated at a racecourse by the racing club, where bets form a part of the

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- RWWA totalisator scheme under section 58 of the RWWA Act;
- (b) where the context requires, a representative of the racing club operating the totalisator in paragraph (a);
 - (c) where the context requires, the premises in which the betting for a totalisator in paragraph (a) is conducted.
- (2) For removal of doubt, a reference in this Part to a bet includes a reference to a wager.

Division 2 — Betting with on-course and local on-course totalisators**79. On-course totalisator bets accepted subject to the rules and these regulations**

- (1) Subject to these regulations, regulations made under the RWWA Act and the rules of wagering, a bet made with or through an on-course totalisator is taken to be accepted subject to —
- (a) in relation to a race that takes place in this State, the rules of racing, and in particular to the provisions of those rules in respect of the entry, acceptance, withdrawal, or disqualification of horses or greyhounds, the running of races, and the powers of the stewards; and
 - (b) in relation to a race that takes place in another State or a Territory, the Australian Greyhound Racing Rules, the Australian Rules of Harness Racing and the Australian Rules of Racing, and the rules of thoroughbred racing or the rules of harness racing or the rules of greyhound racing (as the case may be) administered by the

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thoroughbred racing, harness racing or greyhound authority in the State or Territory where the race takes place, and in particular to the provisions of those rules in respect of the entry, acceptance, withdrawal, or disqualification of horses or greyhounds, the running of races, and the powers of the stewards; and

- (c) in relation to a sporting event, the rules of the sporting authority recognised by RWWA as responsible for the conduct of that sporting event; and
 - (d) where the bet is placed by RWWA in a totalisator pool — regulations made under the RWWA Act and the provisions of these regulations governing the operation of that totalisator pool by RWWA; and
 - (e) where the bets are to be included in a combined totalisator pool scheme — the regulations or rules governing the operation of that totalisator pool.
- (2) Any question as to whether a body is an authority recognised by RWWA for the purposes of these regulations is to be determined by RWWA.

80. Local on-course totalisator bets accepted subject to the rules and these regulations

Subject to these regulations and the rules of wagering, a bet made with or through a local on-course totalisator is taken to be accepted subject to —

- (a) the rules of racing, and in particular to the provisions of those rules in respect of the entry, acceptance, withdrawal, or disqualification of

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horses or greyhounds, the running of races, and the powers of the stewards; and

- (b) the regulations or rules governing the operation of the totalisator pool in which the bet is to be included.

81. All bets to be 50 cents or multiples of 50 cents

- (1) The minimum bet that may be made with or through an on-course totalisator or a local on-course totalisator is to be a unit of 50 cents and larger bets are to be made in multiples of 50 cents.
- (2) Dividends are to be rounded down if the total dividend payable would not be divisible by 5 cents.

82. On-course totalisator dividend as declared

- (1) The on-course totalisator dividend for a unit of 50 cents is to be as declared —
- (a) where the bet is placed in a totalisator pool conducted by RWWA — by RWWA, on the race or races or the sporting event on which the bet was made; or
- (b) where the bet is to be included in another totalisator pool scheme — by the organisation controlling, and in accordance with the regulations or rules governing the operation of, that totalisator pool.
- (2) Subject to these regulations and the rules of wagering, where a totalisator pool is conducted by RWWA, RWWA is to —
- (a) after allowing for refunds, deduct the prescribed commission from the sum of the bets included in the totalisator pool; and

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- (b) add any jackpot under these regulations or the rules of wagering, or any supplementary amount set aside for that purpose under section 103 of the RWWA Act; and
 - (c) calculate, declare and pay the dividend in respect of each unit to the holder of each winning ticket.
- (3) Except where a race or sporting event results in a dead heat, tie or draw, and a dead heat, tie or draw is not an outcome that can be nominated in the bet, the minimum dividend in respect of a bet for a unit of 50 cents —
- (a) is not to be less than 50 cents; and
 - (b) despite the dividend calculated being less than 55 cents, may be declared and paid by RWWA or the organiser of another totalisator pool, (as the case may be), at 55 cents.

83. Local on-course totalisator dividend as declared

- (1) The local on-course totalisator dividend for a unit of 50 cents is to be as declared by the racing club or other organisation controlling, and in accordance with the regulations or rules governing the operation of, that totalisator pool.
- (2) Subject to these regulations and the rules of wagering, the local on-course totalisator is to —
 - (a) after allowing for refunds, deduct the prescribed commission from the sum of the bets included in the totalisator pool; and
 - (b) calculate, declare and pay the dividend in respect of each unit to the holder of each winning ticket.

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- (3) Except where a race results in a dead heat, and a dead heat is not an outcome that can be nominated in the bet, the minimum dividend in respect of a bet for a unit of 50 cents —
- (a) is not to be less than 50 cents; and
 - (b) despite the dividend calculated being less than 55 cents, may be declared and paid by the local on-course totalisator or the organiser of another totalisator pool, (as the case may be), at 55 cents.

84. Bets may be refused

- (1) An on-course totalisator, unless otherwise directed by RWWA, is authorised to refuse to accept, at any time and without giving any reason, all or any part of the amount of any bet offered to be made.
- (2) A local on-course totalisator is authorised to refuse to accept, at any time and without giving any reason, all or any part of the amount of any bet offered to be made.
- (3) Any bet offered to be made by or on behalf of a person apparently under the age of 18 years must not be accepted.
- (4) Any bet offered to be made by or on behalf of a person to whom a “warning off” notice has been given under regulation 72(1) of the *Racing and Wagering Western Australia Regulations 2003*, while that notice is in force, must not be accepted.

85. Only authorised bets to be accepted

Bets with or through an on-course totalisator or a local on-course totalisator are to be accepted —

- (a) subject to these regulations and the rules of wagering; and

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- (b) only in respect of such race meetings or races, or (where applicable) such sporting events, as RWWA authorises in relation to that on-course totalisator.

86. Hours for opening

- (1) Subject to subregulations (2) and (3), bets made by the deposit of the amount of the bet in cash are to be accepted during the hours the on-course totalisator or the local on-course totalisator is open for the acceptance of those bets.
- (2) RWWA, or an on-course totalisator subject to the approval of RWWA, may at any time close the on-course totalisator and decline to accept bets or bets of a particular kind.
- (3) A local on-course totalisator may at any time close that totalisator and decline to accept bets or bets of a particular kind.

87. Bets may be made by various methods

- (1) Subject to these regulations and the rules of wagering, bets with or through an on-course totalisator will be accepted from a person at that totalisator —
 - (a) on cash payment at the totalisator; or
 - (b) if instructions relate to, and a bet is made against, a previously established RWWA betting account.
- (2) In addition to the circumstances set out in subregulation (1), a local on-course totalisator may accept a bet where part or full payment for the bet is —
 - (a) in the form of a betting voucher for money's worth issued by the authority in control of the local on-course totalisator; or

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- (b) by means of a winning ticket.
- (3) In addition to the circumstances set out in subregulation (1), an on-course totalisator may accept a bet where part or full payment for the bet is —
 - (a) in the form of a betting voucher for money's worth issued by RWWA or the authority in control of the on-course totalisator; or
 - (b) by means of a winning ticket.
- (4) RWWA may at any time direct that a particular on-course totalisator is not to accept bets sought to be made by a particular method, and the on-course totalisator is to comply with that direction.

88. On-course totalisator bets to be properly marked

- (1) An on-course totalisator is not required to accept any bet unless the person making the bet clearly indicates all details and other information required to identify the type and amount of the bet.
- (2) Despite subregulation (1), a person may submit a betting ticket at an on-course totalisator for a race with the race meeting designation or race number selection incomplete, in which case the next race at the racecourse will be selected.
- (3) An on-course totalisator is not to accept instructions for alternative bets in the event of the horse or greyhound selected being scratched or participants in a sporting event not taking part.

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r. 9**89. Local on-course totalisator bets to be properly marked**

- (1) A local on-course totalisator is not required to accept any bet unless the person making the bet clearly indicates all details and other information required to identify the type and amount of the bet.
- (2) Despite subregulation (1), a person may submit a betting ticket at a local on-course totalisator for a race with the race meeting designation or race number selection incomplete, in which case the next race at the racecourse will be selected.
- (3) A local on-course totalisator is not to accept instructions for alternative bets in the event of the horse or greyhound selected being scratched.

90. Tickets to be properly marked

- (1) Every ticket issued by an on-course totalisator or local on-course totalisator is to be printed, written, stamped, punched or marked to show the kind of bet and, in the case of a bet on a race or races, other than a favourite numbers bet —
 - (a) the designation of the race meeting and the date of the race meeting where the race on which the bet to which the ticket relates is to be run; and
 - (b) the number of the race or races in respect of which the ticket is issued; and
 - (c) the code number that has been allocated by RWWA to the horse or greyhound or horses or greyhounds on which the bet in respect of which the ticket is issued is made,

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

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- (2) A ticket issued by an on-course totalisator for a bet on a sporting event is to be printed, written, stamped, punched or marked to show the kind of bet and the description and date of the event and the participants in respect of which the bet is made, together with sufficient details to identify the bet accepted and the amount of the bet expressed in units of 50 cents.

91. Host racing club to exhibit notices at on-course totalisator and local on-course totalisator

- (1) The authority controlling the race meeting (“host club”) is, so far as is practicable, to cause notices to be exhibited at both an on-course totalisator and a local on-course totalisator showing the names and numbers of the horses and greyhounds known to have accepted as starters for races for the race meetings for which the totalisator will receive bets, the date and RWWA code or designation of each such race meeting, the numbers of races and the numbers allotted to the horses or greyhounds including any brackets or other distinguishing mark of any double or other combination of races or kind of bet, as may be necessary for the proper identification of bets.
- (2) Bets with or through either an on-course totalisator or a local on-course totalisator are to be accepted, in the case of betting on a race or races, or in respect of a race meeting or race meetings, only in respect to runners accepted as starters and in accordance with any notice which may be exhibited.
- (3) A person cannot place, and neither an on-course totalisator nor a local on-course totalisator can accept, a bet on a race before the official publication of acceptances for that race.

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r. 9**92. Correction of errors and omissions and the giving of certain refunds**

- (1) If a ticket has been issued by an on-course totalisator or a local on-course totalisator and there is recorded on the ticket in respect of a race meeting or (where applicable) a sporting event either an incorrect date or incorrect designation of the race meeting or sporting event, or if either of those particulars is omitted, the relevant totalisator may, if satisfied that the record or omission is an error and that it is manifest that the ticket was issued and intended to apply to a particular bet, treat the ticket in the manner apparently intended by the investor and the bet is to be taken to have been made accordingly.
- (2) Subject to this regulation, the person to whom a ticket is issued by an on-course totalisator or a local on-course totalisator may cancel that ticket —
 - (a) more than 30 minutes prior to the advertised starting time for the race or sporting event, for any reason; or
 - (b) within 30 minutes prior to the advertised starting time for the race or sporting event, if the cancellation is —
 - (i) requested within 2 minutes of the ticket being issued or the closing sell time, whichever occurs first; and
 - (ii) to correct an error or omission.
- (3) Despite subregulation (2), on days designated as “major race days” by the Commission, a person who has made a bet in person with or through an on-course totalisator or a local on-course totalisator may cancel the bet prior to the close of betting on the race to which the bet relates, and receive a refund of the bet if the amount of the bet was less than \$200.

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- (4) If the bet in respect of which a ticket was issued is one which cannot be recorded on a totalisator, or is one for which notices exhibited by RWWA or the racing club (as required) at the relevant totalisator at the time the ticket is issued are not in accordance with these regulations, the person to whom the ticket belongs is entitled to a refund of the amount shown on the ticket.
- (5) Unless subregulation (1) applies, where a ticket is incomplete as to any of the particulars required to be shown on the ticket, or if —
- (a) in the case of an on-course totalisator, any of those particulars are in the opinion of RWWA ambiguous; or
 - (b) in the case of a local on-course totalisator, any of those particulars are ambiguous,
- the person to whom the ticket belongs is entitled only to a refund of the amount shown on the ticket.
- (6) When a ticket is presented for the payment of a dividend or refund or for the purpose of correcting an alleged error, if the ticket has been altered, mutilated or defaced, the relevant totalisator may reject the ticket and the person to whom the ticket belongs is not entitled to any dividend or refund in relation to that ticket.

93. Time for payment of dividends or refunds for cash bets

- (1) Dividends or refunds are payable in respect of the running of any race or (where relevant) the holding of any sporting event, subject to subregulation (2), during the notified hours and days of business for a period of 7 months.

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- (2) Refunds in respect of tickets may be paid at any time when the relevant totalisator is open for the receiving of bets, except that where dividends in respect of the same ticket may still become payable at a future time refunds due in respect of any race meeting, race or (where relevant) sporting event to which that ticket relates are payable only at the same time as, or after, those dividends would have become payable.

94. Presentation of tickets or claims

- (1) Subject to subregulations (2) and (6), a dividend or refund in respect of a bet, other than a bet against a betting account, in cash made with or through an on-course totalisator or a local on-course totalisator is to be paid upon the presentation and surrender of the ticket issued for that bet.
- (2) The relevant totalisator may, upon the presentation or surrender of a ticket issued for a bet, refuse to pay a dividend or refund in respect of that bet if there are reasonable grounds to suspect that the person presenting the ticket is not entitled to that dividend or refund.
- (3) The payment of any dividend or refund is to be made in cash unless the particular totalisator decides to make the payment by cheque or otherwise by the transfer of moneys.
- (4) Subject to subregulation (6), an on-course totalisator or a local on-course totalisator may pay to a person any dividend or refund that is payable in respect of a ticket issued for a bet without the presentation and surrender of the ticket, if the person making the claim for the dividend or refund proves to the satisfaction of the appropriate totalisator —
 - (a) that the ticket has been lost or destroyed; and

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- (b) that the person is the person entitled to the dividend or refund.
- (5) An on-course totalisator or a local on-course totalisator may —
 - (a) require a person making a claim for a dividend or refund to verify the claim in a manner required by RWWA, and may require verification of the claim by statutory declaration; and
 - (b) pay the dividend or refund to which a claim made under paragraph (a) relates at such time as the authority controlling the race meeting determines; and
 - (c) deduct from the amount of any dividend or refund paid under subregulation (4) the amount of the out-of-pocket expenses actually incurred by the relevant totalisator, including stamp duty if any, in connection with the establishment and payment of the claim.
- (6) An on-course totalisator or a local on-course totalisator may refuse to pay a dividend or refund in respect of a bet made if the dividend or refund has already been paid under this regulation.

95. When refunds of bets are payable

- (1) Subject to subregulation (2) and the rules of wagering, where a runner (or one of the runners) on which a bet, other than a favourite numbers bet, has been placed with or through an on-course totalisator or a local on-course totalisator is scratched before the start of its race or declared a non-starter, a person who placed a bet on (or involving) that runner is entitled to a refund of that bet.

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- (2) Where a refund is payable under subregulation (1) due to a scratching, and the person entitled to the refund wishes to obtain that refund prior to the running of the race, that person may, on request, obtain a refund of —
- (a) the bet; or
 - (b) if the bet is on one of 2 or more bets recorded on the same ticket, and none of the bets have been decided — the total value of that ticket,
- prior to the running of the race, if the request is made before the close of betting for each and every race to which the ticket relates.
- (3) If a race meeting or a race at a race meeting is postponed from one day to another or is abandoned, an on-course totalisator or a local on-course totalisator is to refund all of the amounts of bets made in respect of races that were to be but were not held on that day at that race meeting other than —
- (a) double event bets in respect of which the first leg of the double event has already been run; and
 - (b) favourite number bets; and
 - (c) quaddie bets, where a race nominated as part of that quaddie has already been successfully run or remains to be run.
- (4) Subject to these regulations and the rules of wagering, where a sporting event, or any match comprising part of a sporting event, does not occur or is abandoned or does not run its full course or is postponed from one day to another, all of the amounts of bets made in respect of that sporting event or match, as the case may be, are to be refunded by an on-course totalisator.
- (5) Refunds of bets accepted may also be made by an on-course totalisator or a local on-course totalisator in

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other circumstances provided for in these regulations and in circumstances provided for in the rules of wagering.

- (6) Refunds of moneys may also be made by an on-course totalisator or a local on-course totalisator in other circumstances provided for in these regulations and in circumstances provided for in the rules of wagering.

Division 3 — Miscellaneous discipline and offence provisions**96. Person making bet bound by these regulations, the rules of wagering and instructions**

- (1) A person making a bet with or through an on-course totalisator or a local on-course totalisator, or attempting to make such a bet, is taken to accept and be bound by the relevant provisions of these regulations, regulations made under the RWWA Act and the rules of wagering.
- (2) Each racing club is to ensure that copies of these regulations, regulations made under the RWWA Act and the rules of wagering are, so far as is practicable, made available at its main office for perusal on demand.

97. Offences relating to making and accepting wagers

- (1) The offences set out in this regulation are committed by a person if that person is —
- (a) a person representing the authority operating a local on-course totalisator; or
 - (b) a representative of the racing club operating an on-course totalisator; or
 - (c) a person employed or otherwise engaged to assist in the operation of an on-course totalisator or a local on-course totalisator.

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- (2) A person who knowingly accepts a wager contrary to regulation 84(4) commits an offence.
Penalty: \$500.
- (3) A person who accepts a cheque as part or full payment for a wager commits an offence.
Penalty: \$500.
- (4) A person who accepts a wager contrary to —
(a) a method allowed by regulation 87; or
(b) in the case of an on-course totalisator, a direction given by RWWA under regulation 87(4),
commits an offence.
Penalty: \$500.
- (5) A person who makes a personal wager while on duty in an on-course totalisator or a local on-course totalisator commits an offence.
Penalty: \$500.

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By Command of the Governor,

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

