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RACING AND WAGERING WESTERN AUSTRALIA
ACT 2003

**RACING AND WAGERING
WESTERN AUSTRALIA
REGULATIONS 2003**

Western Australia

Racing and Wagering Western Australia Regulations 2003

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Racing and Wagering Western Australia Act 2003

Racing and Wagering Western Australia Regulations 2003

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

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

2. Commencement

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

3. Meaning of terms used in these regulations

In these regulations, unless the contrary intention appears —
“**Commission Act**” means —

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

Racing and Wagering Western Australia Regulations 2003**Part 1** Preliminary**r. 3**

Amendment and Repeal Act 2003, the Gaming and Wagering Commission Act 1987;

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

“director’s licence” means a licence of a director granted under section 14 of the Act;

“employ” includes engage under a contract for services;

“employee’s licence” means a licence of a RWWA key employee granted under regulation 15;

“licence” means a director’s licence or an employee’s licence;

“RWWA key employee” has the same meaning as in section 24 of the Act.

Racing and Wagering Western Australia Regulations 2003

Licensing of directors

Part 2**r. 4****Part 2 — Licensing of directors****4. Notifications by RWWA to Commission**

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

Penalty: \$1 000.

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

Penalty: \$1 000.

5. Application for licence

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

6. Form of application

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

Racing and Wagering Western Australia Regulations 2003**Part 2** Licensing of directors**r. 7**

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

7. Investigation by police

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

Racing and Wagering Western Australia Regulations 2003

Licensing of directors

Part 2**r. 8****8. Commission may licence, or refuse to licence, director**

- (1) If a director refuses or fails —
- (a) to apply for a licence under regulation 5 or for renewal of a licence under regulation 10; or
 - (b) to provide to the Commission information or documents under regulation 6(1) or 6(2),

the Commission may refuse to license the director.

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

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

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

9. Duration of director's licence

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

10. Renewal of licence

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

Racing and Wagering Western Australia Regulations 2003**Part 2** Licensing of directors**r. 11**

11. Further investigation

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

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Licensing of RWWA key employees **Part 3**

r. 12

Part 3 — Licensing of RWWA key employees

12. RWWA key employees taken to hold provisional licence

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

13. Application for employee's licence

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

Racing and Wagering Western Australia Regulations 2003**Part 3** Licensing of RWWA key employees**r. 14**

14. Investigation by police

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

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

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

the Commission may refuse to license the RWWA key employee.

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Licensing of RWWA key employees **Part 3**

r. 16

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

16. Person may reapply for licence

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

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

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

Penalty: \$1 000.

Racing and Wagering Western Australia Regulations 2003**Part 3** Licensing of RWWA key employees**r. 18**

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

commits an offence.

Penalty: \$1 000.

18. Duration of employee's licence

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

19. Disciplinary action

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

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Licensing of RWWA key employees **Part 3**

r. 20

- (b) is not a fit and proper person to hold an employee's licence;
- (c) has failed to comply with any of these regulations or any term, condition or restriction to which the employee's licence is subject; or
- (d) has provided false or misleading information, or omitted material particulars, in an application for an employee's licence or the renewal of an employee's licence,

the Commission may take disciplinary action.

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

20. Surrender of licence

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

Racing and Wagering Western Australia Regulations 2003**Part 3** Licensing of RWWA key employees**r. 21**

21. Notification of termination of employment

If —

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

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

Penalty: \$200.

22. Further investigation

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

Penalty: \$1 000.

Racing and Wagering Western Australia Regulations 2003

Miscellaneous

Part 4**r. 23****Part 4 — Miscellaneous****23. Offence relating to misleading information**

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

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

Penalty: \$1 000.

24. Notification of conviction

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

Penalty: \$500.

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

Penalty: \$500.

Racing and Wagering Western Australia Regulations 2003**Part 4** **Miscellaneous****r. 25**

25. Section 53 fee

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

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

Racing and Wagering Western Australia Regulations 2003

Fees Schedule 1**Schedule 1 — Fees**

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

Item	Subject	\$
1	Application fee for licence (regs 6(1)(c)(i);13(4)(c)(i))	300
2	Application fee for renewal of licence (regs 6(1)(c)(i);13(4)(c)(i))	75

By Command of the Governor,

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