

Western Australia

**Racing, Wagering and Betting Legislation
Amendment and Repeal Act 2007**

As at 13 Jun 2007

No. 8 of 2007

Extract from www.slp.wa.gov.au, see that website for further information

Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007

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**and repeal of *Kalgoorlie and
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Defined Terms

Western Australia

Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007

No. 8 of 2007

An Act —

- **to amend the *Betting Control Act 1954*; and**
- **to amend the *Gaming and Wagering Commission Act 1987*; and**
- **to repeal the *Kalgoorlie and Boulder Racing Clubs Act 1904*; and**
- **to repeal the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*; and**
- **for purposes relating to the repeals; and**
- **to amend the *Racing and Wagering Western Australia Act 2003*.**

[Assented to 13 June 2007]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007*.

2. Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

Part 2 — *Betting Control Act 1954* amended

3. The Act amended

The amendments in this Part are to the *Betting Control Act 1954**.

[* *Reprint 8 as at 20 October 2006.*

For subsequent amendments see Act No. 70 of 2006.]

4. Section 12 amended

- (1) Section 12(3a) is amended by deleting “No” and inserting instead —

“ Subject to subsection (3b), no ”.

- (2) After section 12(3a) the following subsection is inserted —

“

- (3b) A bookmaker may take bets —

- (a) by means of telephone betting in accordance with the regulations; or
- (b) by means of internet betting in accordance with the regulations,

on a race course under subsection (3) whether or not a steward is present at the race course to supervise the conduct of the betting.

”.

5. Section 15 amended

Section 15(4) is amended by deleting “12(3)(a)(ii)” and inserting instead —

“ 12(3)(b) ”.

s. 06

6. Section 17E amended

- (1) Section 17E(1)(a) is amended after “kind” by inserting —

“

or if another amount is determined by RWWA
under this section, that amount

”.

- (2) Section 17E(2) is repealed and the following subsections are inserted instead —

“

- (2) RWWA may, if it considers it necessary, determine a lower amount than that prescribed as the amount of commission to be deducted under subsection (1) from bets —

- (a) of a specified kind; and
- (b) received by RWWA or one of its agencies for inclusion in a totalisator pool operated by RWWA under the RWWA Act section 50(1)(b),

during a specified period.

- (3) RWWA may, if it considers it necessary, determine an amount other than that prescribed as the amount of commission to be deducted under subsection (1) from bets —

- (a) of a specified kind; and
- (b) received by RWWA or one of its agencies for inclusion in a combined totalisator pool scheme of a kind referred to in the RWWA Act section 59,

during a specified period.

- (4) RWWA must provide the Commission with written notice of a determination under subsection (2) or (3).

”.

7. Section 18A amended

Section 18A(1) is amended by deleting “12(3)(a)(ii)” and inserting instead —

“ 12(3)(b) ”.

8. Section 21 amended

- (1) Section 21(1) is amended after each of paragraphs (a) and (b) by inserting —

“ or ”.

- (2) Section 21(2) is amended as follows:

- (a) by deleting paragraph (d) and inserting instead —

“

- (d) place a bet with or through RWWA for any person who is prohibited from entering a place where a totalisator is being operated.

”;

- (b) after each of paragraphs (a) and (b) by inserting —

“ or ”.

9. Section 22 amended

- (1) Section 22(1) is amended as follows:

- (a) after paragraph (a) by inserting —

“ or ”;

s. 010

- (b) in paragraph (c) by deleting the full stop and inserting —

“

; or

- (d) request any other person to collect payment of a winning bet for him or for her.

”.

- (2) Section 22(2) is amended as follows:

- (a) after paragraph (a) by inserting —

“ or ”;

- (b) in paragraph (c) by deleting the full stop and inserting —

“

; or

- (d) request any other person to collect payment of a winning bet with or through RWWA for him or for her.

”.

10. Section 22A inserted

After section 22 the following section is inserted —

“

22A. Prohibition on assisting minors to bet

A person shall not knowingly —

- (a) place a bet —
- (i) with a totalisator; or
 - (ii) with a bookmaker, or the employee or the licensed manager of a bookmaker, licensed under this Act; or
 - (iii) with or through RWWA;

or

- (b) where such a bet has been placed and is a winning bet, collect payment of the bet,

for a person who is apparently under the age of 18 years.

Penalty: \$200.

”.

11. Section 23 amended

Section 23(2) is repealed and the following subsection is inserted instead —

“

- (2) No person shall knowingly —

- (a) place a bet for; or

- (b) 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.

”.

Part 3 — *Gaming and Wagering Commission Act 1987* amended

12. The Act amended

The amendments in this Part are to the *Gaming and Wagering Commission Act 1987**.

[* *Reprint 4 as at 18 August 2006.*

For subsequent amendments see Act No. 77 of 2006.]

13. Section 43A amended

Section 43A(1) is amended by deleting the definition of “unlawful wagering” and inserting instead —

“

“**unlawful wagering**” means wagering other than social gambling.

”.

Part 4 — Incorporation of Kalgoorlie-Boulder Racing Club and repeal of *Kalgoorlie and Boulder Racing Clubs Act 1904* and the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*

Division 1 — Incorporation and repeal

14. Meaning of terms used in this Part

- (1) Terms used in this Part have the same meaning as in the *Kalgoorlie and Boulder Racing Clubs Act 1904*.
- (2) In this Part —
“**incorporated Club**” means the Club after it is incorporated as an association under the *Associations Incorporation Act 1987*.

15. Power to incorporate under the *Associations Incorporation Act 1987*

- (1) The Club may become incorporated as an association under the *Associations Incorporation Act 1987*.
- (2) If the Club becomes incorporated as an association, nothing in the *Kalgoorlie and Boulder Racing Clubs Act 1904* or the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953* prevents the real and personal property that is vested in and held by the chairman under those Acts from vesting in the incorporated Club under the *Associations Incorporation Act 1987* section 11.

16. Application for incorporation as an association

The *Associations Incorporation Act 1987* sections 5(2)(b)(iii), 6, 7 and 9(1)(d) do not apply to an application by the Club to become incorporated as an association under that Act.

Racing, Wagering and Betting Legislation Amendment and Repeal Act 2007

Part 4 0 Incorporation of Kalgoorlie-Boulder Racing Club and repeal of Kalgoorlie and Boulder Racing Clubs Act 1904 and the Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953

Division 2 0 Transitional and savings provisions

s. 017

17. Exemption from stamp duty

(1) In this section —

“**property of the Club**” means the real and personal property held by any person for or on behalf of the Club.

(2) Duty under the *Stamp Act 1921* is not payable on an instrument executed for the purpose of vesting or registering the property of the Club in the incorporated Club.

18. Repeals

On the Club becoming incorporated as an association under the *Associations Incorporation Act 1987* —

- (a) the *Kalgoorlie and Boulder Racing Clubs Act 1904*; and
- (b) the *Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953*; and
- (c) the *Kalgoorlie-Boulder Racing Club By-laws 2004*; and
- (d) the *Kalgoorlie-Boulder Racing Club By-laws Notice 2004*,

are repealed.

Division 2 — Transitional and savings provisions

19. Interpretation Act 1984 not affected

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals effected by section 18.

20. Effect of incorporation on licence, permit or approval

A licence, permit or approval issued or given to the Club under a written law and in force immediately before the Club is incorporated under the *Associations Incorporation Act 1987* continues in force as if the licence, permit or approval, when issued or given, were issued or given to the incorporated Club.

21. Chairman’s liabilities incurred prior to incorporation to transfer to incorporated Club

- (1) A liability incurred by the chairman by or on behalf of the Club and existing immediately before the Club is incorporated under the *Associations Incorporation Act 1987* becomes a liability of and exercisable against the incorporated Club.
- (2) This section operates despite the *Associations Incorporation Act 1987* section 10(c).

22. Powers in relation to transitional provision

- (1) If there is no sufficient provision in this Part for dealing with a transitional matter, regulations under this section may prescribe all matters that are required or necessary or convenient to be prescribed for dealing with the matter.
- (2) Regulations made under subsection (1) may provide that specified provisions of this Part —
 - (a) do not apply; or
 - (b) apply with specified modifications,to or in relation to any matter.
- (3) If regulations under subsection (1) provide that a specified state of affairs is taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the day this section comes into operation, the regulations have effect according to their terms.
- (4) In subsections (2) and (3) —
“specified” means specified or described in the regulations.

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Part 4 0 Incorporation of Kalgoorlie-Boulder Racing Club and repeal of
Kalgoorlie and Boulder Racing Clubs Act 1904 and the
Kalgoorlie and Boulder Racing Clubs Act Amendment Act 1953

Division 2 0 Transitional and savings provisions

s. 022

- (5) If regulations contain a provision referred to in subsection (3), the provision does not operate so as to —
- (a) affect in a manner prejudicial to any person (other than the State) the right of that person existing before the day of publication of those regulations; or
 - (b) impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

**Part 5 — Racing and Wagering Western Australia
Act 2003 amended**

23. The Act amended

The amendments in this Part are to the *Racing and Wagering Western Australia Act 2003**.

[* *Reprint 1 as at 22 September 2006.*

For subsequent amendments see Act No. 77 of 2006.]

24. Section 11 amended

Section 11(2)(b) is deleted and the following paragraph is inserted instead —

“

- (b) one person, not being a director selected under section 8(1)(b), (c) or (d), nominated by the board;

”.

25. Section 12 amended

Section 12 is amended by deleting “section 11(2)(b), (c),” and inserting instead —

“ section 11(2)(c), ”.

26. Section 17 amended

Section 17(4)(c) is amended by inserting after “16” —

“ or 47 ”.

s. 027

27. Section 24 amended

Section 24(2) is amended in paragraph (a) of the definition of “RWWA key employee” by deleting “employed or working for RWWA in a managerial capacity or” and inserting instead —

“

who, whether or not employed or working
for RWWA, is

”.

=====

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
incorporated Club	14(2)
property of the Club	17(1)
specified	22(4)