

Gaming and Wagering Legislation Amendment Bill 2018

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
Part 2 — <i>Betting Control Act 1954</i> amended		
3.	Act amended	3
4.	Section 4 amended	3
5.	Section 4B amended	4
6.	Section 5 amended	4
7.	Section 5A amended	5
8.	Section 11F amended	5
9.	Section 14A amended	5
10.	Section 24 amended	6
11.	Section 26C amended	7
12.	Section 27A amended	7
13.	Section 31 amended	9
14.	Section 33 amended	9
15.	Various penalties amended	9
Part 3 — <i>Gaming and Wagering Commission Act 1987</i> amended		
16.	Act amended	11
17.	Section 3 amended	11
18.	Section 8 amended	12
19.	Section 43A amended	12
20.	Section 81 amended	12

Contents

21.	Part V Division 5A inserted	12
	Division 5A — Remote gambling devices	
	93A. Terms used	12
	93B. Offences relating to remote gambling devices	13
22.	Section 101 amended	13
23.	Section 107 amended	14
24.	Section 109D amended	14
25.	Various penalties amended	14

Western Australia

LEGISLATIVE ASSEMBLY

**Gaming and Wagering Legislation Amendment
Bill 2018**

A Bill for

An Act to amend the *Betting Control Act 1954* and the *Gaming and Wagering Commission Act 1987*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Gaming and Wagering Legislation Amendment Act 2018*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — Betting Control Act 1954 amended**

2 **3. Act amended**

3 This Part amends the *Betting Control Act 1954*.

4 **4. Section 4 amended**

5 (1) In section 4(1) delete the definition of *machine*.

6 (2) In section 4(1) insert in alphabetical order:

7

8 *contingency* means a contingency relating to an event;

9 *event* means a race or other event, whether or not of a
10 sporting nature;

11 *machine* has the meaning given in the *Gaming and*
12 *Wagering Commission Act 1987* section 3(1);

13 *prohibited event or contingency* means an event or
14 contingency, or an event or contingency of a class,
15 prescribed for the purposes of this definition;

16

17 (3) In section 4(1) in the definition of *betting material*
18 paragraph (a) delete “sporting” and insert:

19

20 other

21

22 (4) In section 4(1) in the definition of *offshore betting operator*
23 delete “races or sporting”.

24 (5) In section 4(1) in the definition of *to bet* paragraph (a) delete
25 “race or any sporting”.

s. 5

1 (6) In section 4(1) in the definition of *totalisator agency* delete “a
2 race or sporting” and insert:

3

4 an

5

6 **5. Section 4B amended**

7 (1) In section 4B(1) delete “a sporting” and insert:

8

9 an

10

11 (2) Delete section 4B(2) and insert:

12

13 (2) The Commission may approve bookmaking on or in
14 relation to an event or a contingency, except a
15 prohibited event or contingency.

16

17 (3) In section 4B(5) delete “sporting events” and insert:

18

19 events other than races

20

21 Note: The heading to amended section 4B is to read:

22

Application of this Act to events

23 **6. Section 5 amended**

24 In section 5(1)(b) delete “a sporting” and insert:

25

26 an

27

1 **7. Section 5A amended**

2 In section 5A:

3 (a) in paragraph (a) delete “event, including a sporting
4 event,” and insert:

5

6 event

7

8 (b) in paragraph (b) delete “race or sporting”.

9 **8. Section 11F amended**

10 (1) At the end of section 11F(1) insert:

11

12 Penalty for this subsection: a fine of \$1 000.

13

14 (2) In section 11F(2) delete the Penalty and insert:

15

16 Penalty for this subsection: a fine of \$1 000.

17

18 **9. Section 14A amended**

19 (1) In section 14A(1) delete the definitions of:

20 *gross revenue*

21 *turnover*

22 (2) In section 14A(1) insert in alphabetical order:

23

24 *bet back* means a bet placed with a domestic betting
25 operator, or the operator of a betting exchange, if the
26 bet is placed —

27 (a) for the purpose of reducing the liability of
28 another domestic betting operator; and

29 (b) by that other domestic betting operator;

s. 10

- 1 **gross revenue** means —
- 2 (a) in relation to a domestic betting operator or
- 3 offshore betting operator — the turnover of the
- 4 operator, less any payouts to customers by the
- 5 operator on racing bets;
- 6 (b) in relation to the operator of a betting
- 7 exchange — the charges, commission,
- 8 consideration, earnings, fees, reward or other
- 9 remuneration (however described) payable to or
- 10 received by an operator in relation to racing
- 11 bets placed with, or placed and accepted
- 12 through, the operator;
- 13 **turnover** means —
- 14 (a) in relation to a domestic betting operator or
- 15 offshore betting operator — the total amount of
- 16 racing bets placed with the operator, less the
- 17 amount of bet backs placed by the operator;
- 18 (b) in relation to a betting exchange — the net
- 19 winnings of racing bets placed with the betting
- 20 exchange.
- 21
- 22 (3) In section 14A(2) in the Penalty delete “Penalty:” and insert:
- 23
- 24 Penalty for this subsection:
- 25
- 26 **10. Section 24 amended**
- 27 In section 24(2) in the definition of *bets* delete “race or
- 28 sporting”.

1 **11. Section 26C amended**

2 In section 26C(1) delete the Penalty and insert:

3
4 Penalty for this subsection:

- 5 (a) in the case of the licensee or manager, a fine
6 of \$5 000;
- 7 (b) in the case of an employee or agent, a fine of
8 \$2 000.
9

10 **12. Section 27A amended**

11 (1) In section 27A(1) delete the definitions of:

12 *approved sporting event*

13 *offshore bet*

14 (2) In section 27A(1) insert in alphabetical order:

15
16 *interstate or offshore bet* means a bet made —

- 17 (a) on an event or contingency outside the State;
18 and
- 19 (b) by telephone or electronically by means of the
20 internet, subscription television or any other
21 on-line communications system; and
- 22 (c) with a person who is outside the State
23 (including a person who is outside Australia);

24 *permitted event or contingency* means —

- 25 (a) an event or contingency approved under
26 section 4B(2); or
- 27 (b) an event or contingency, except a prohibited
28 event or contingency, on which betting is
29 permitted by the laws of another State or a
30 Territory.
31

s. 12

- 1 (3) In section 27A(1) in the definition of **authorised person**
2 paragraph (b) delete “races or sporting”.
- 3 (4) After section 27A(2) insert:
4
- 5 (2A) A person in this State who makes an interstate or
6 offshore bet on an event or contingency that is not a
7 permitted event or contingency commits an offence.
8 Penalty for this subsection: a fine of \$2 500.
- 9 (2B) A person other than an authorised person who offers an
10 interstate or offshore bet in this State commits an
11 offence.
12 Penalty for this subsection: a fine of \$5 000 and
13 imprisonment for 1 year.
- 14 (2C) A person who offers an interstate or offshore bet in this
15 State on an event or contingency that is not a permitted
16 event or contingency commits an offence.
17 Penalty for this subsection: a fine of \$5 000 and
18 imprisonment for 1 year.
19
- 20 (5) In section 27A(3) delete “offshore” (each occurrence) and
21 insert:
22
- 23 interstate or offshore
24
- 25 (6) In section 27A(5) delete “races or sporting” (each occurrence).
26 Note: The heading to amended section 27A is to read:
27 **Interstate and offshore betting**

1 **13. Section 31 amended**

2 Delete section 31(1)(h)(ii) and insert:

3

4 (ii) an event or contingency approved under
5 section 4B(2).
6

7 **14. Section 33 amended**

8 In section 33(1)(a) delete “sporting”.

9 **15. Various penalties amended**

10 (1) In the provisions listed in the Table delete “Penalty:” and insert:

11

12 Penalty for this subsection: a fine of

13

14

Table

s. 4A(6)	s. 11(6)
s. 11B(4)	s. 11B(11)
s. 11B(13)	s. 11B(14)
s. 11C(2)	s. 11C(9)
s. 11C(12)	s. 11C(13)
s. 11E(5)	s. 11G(1)
s. 11G(2)	s. 11G(3)
s. 11G(4)	s. 20A(2)
s. 20B(6)	s. 22(1)

s. 15

s. 22(2)	s. 23(1)
s. 23(2)	s. 24(1)
s. 25(3)	s. 26A(3)
s. 26C(5)	s. 27A(2)
s. 27A(3)	s. 28G(1)

1 (2) In the provisions listed in the Table delete “Penalty:” and insert:
2

3 Penalty for this subsection:
4

5 **Table**

s. 27D(2A)	s. 27E(2)
------------	-----------

6 (3) In the provisions listed in the Table delete “Penalty:” and insert:
7

8 Penalty: a fine of
9

10 **Table**

s. 22A	s. 26
s. 26B	s. 27
s. 28C	s. 28D
s. 28E	s. 29

11

s. 18

1 **18. Section 8 amended**

2 After section 8(2)(c)(iii) insert:

3

- 4 (iia) the advertising of live odds during
5 events, whether generally or by specific
6 classes of persons or in a specified
7 manner or place; and
8

9 **19. Section 43A amended**

10 In section 43A(3)(da) delete “races or sporting events; or” and
11 insert:

12

13 events; or
14

15 **20. Section 81 amended**

16 Delete section 81(3).

17 **21. Part V Division 5A inserted**

18 After Part V Division 5 insert:
19

20 **Division 5A — Remote gambling devices**

21 **93A. Terms used**

22 In this Division —

23 ***public premises*** means premises in a public place,
24 except —

- 25 (a) premises comprising a totalisator agency as
26 defined in the *Racing and Wagering Western*
27 *Australia Act 2003* section 3(1); or

1 (b) premises established by the Commission as
2 defined in the *Lotteries Commission Act 1990*
3 section 3(1) for or in connection with the
4 performance of the Commission’s functions
5 under that Act; or

6 (c) prescribed premises or a prescribed class of
7 premises;

8 **remote gambling device** means a telecommunications
9 device that is primarily or exclusively built to enable
10 gambling on an event or contingency.

11 **93B. Offences relating to remote gambling devices**

12 (1) A person who places a remote gambling device on
13 public premises commits an offence.

14 Penalty for this subsection: a fine of \$20 000.

15 (2) A person who uses a remote gambling device on public
16 premises commits an offence.

17 Penalty for this subsection: a fine of \$20 000.

18 (3) An owner or occupier of public premises commits an
19 offence if the owner or occupier permits a remote
20 gambling device to be placed or used on the premises.

21 Penalty for this subsection: a fine of \$20 000.

22

23 **22. Section 101 amended**

24 In section 101(1) in the definition of *foreign lottery* delete “the
25 State,” and insert:

26

27 Australia,

28

s. 23

1 **23. Section 107 amended**

2 In section 107(1) delete “sporting”.

3 **24. Section 109D amended**

4 In section 109D(3)(b) delete “Burswood Nominees Pty Ltd;
5 and” and insert:

6
7 the casino licensee as defined in the *Casino Control Act 1984*
8 section 3(1); and
9

10 **25. Various penalties amended**

11 (1) In the provisions listed in the Table delete “Penalty:” and insert:

12
13 Penalty for this subsection: a fine of
14

15 **Table**

s. 20(3)	s. 22(5)
s. 29(1)	s. 29(2)
s. 41(3)	s. 41(6)
s. 42(4)	s. 42(5)
s. 43A(2)	s. 43A(3)
s. 44(1)	s. 45(1)
s. 45(2)	s. 45(3)
s. 45(4)	s. 57(3)
s. 58(4)	s. 85(4)

s. 88(3)	s. 89(2)
s. 91(1)	s. 91(4)
s. 95(4)	s. 96(3)
s. 97(3)	s. 104(4)
s. 104(5)	s. 104C(4)
s. 104E(1)	s. 104E(2)
s. 104E(3)	s. 104F(1)
s. 104F(4)	s. 104L(1)
s. 104L(2)	s. 104L(3)
s. 104M(1)	s. 104M(2)
s. 104M(3)	s. 106(1)
s. 106(2)	s. 108(4)
s. 109H(2)	

1 (2) In the provisions listed in the Table delete “Penalty:” and insert:

2

3

Penalty: a fine of

4

5

Table

s. 86	s. 93
s. 98	

