

# Gaming and Wagering Legislation Amendment Bill 2018

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended during consideration in detail)*

**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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3  
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9  
10

**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**

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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**

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- 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 dividends 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**

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- 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**

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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)
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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**

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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 transmit  
10                  a bet 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**

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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)

