

Betting Control Amendment Regulations 2021

SL 2021/193

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Betting Control Amendment Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Betting Control Regulations 1978*.

4. Regulation 3 amended

- (1) In regulation 3(1) insert in alphabetical order:

betting account means an account established with a domestic betting operator for the purposes of betting;

greyhound race has the meaning given in the RWWA Act section 3(1);

harness race has the meaning given in the RWWA Act section 3(1);

place bet means a bet where the person placing the bet selects a runner or other competitor to achieve a place in a particular race in accordance with the following —

- (a) if at the time the bet is made there are 8 or more starters listed to start in the race, a runner or other competitor achieves a place if it finishes 1st, 2nd or 3rd;
- (b) if at the time the bet is made, there are 5, 6 or 7 starters listed to start in the race, a runner or other competitor achieves a place if it finishes 1st or 2nd;

racings year has the meaning given in the RWWA Act section 3(1);

scheduled starting time has the meaning given in the *Racing and Wagering Western Australia Regulations 2003* regulation 3(1);

thoroughbred race has the meaning given in the RWWA Act section 3(1);

Western Australian Greyhound Racing Association means the Western Australian Greyhound Racing Association established under the *Western Australian Greyhound Racing Association Act 1981*;

Western Australian Trotting Association means the Western Australian Trotting Association constituted under the *Western Australian Trotting Association Act 1946*;

win bet means a bet where the person placing the bet selects the winner of a particular race.

- (2) In regulation 3(1) in the definition of *sporting event* delete “event.” and insert:

event;

5. Regulation 94 amended

In regulation 94(1) delete “betting account,” and insert:

RWWA betting account,

6. Regulations 105A to 105C inserted

After regulation 105 insert:

105A. Prescribed conditions for greyhound and harness races: section 27F(1)

- (1) In this regulation —

WAGRA greyhound race means a greyhound race conducted on a Saturday by the Western Australian Greyhound Racing Association;

WATA harness race means —

- (a) a harness race conducted on a Friday by the Western Australian Trotting Association; or
- (b) a harness race conducted on a Saturday by the Western Australian Trotting Association, but only if a harness race was not conducted by the Western Australian Trotting Association on the day before that Saturday.

- (2) For the purposes of section 27F(1) of the Act, the prescribed conditions that a domestic betting operator must comply with in relation to a greyhound race or a harness race are —
- (a) set out in this regulation; and
 - (b) subject to regulation 105C.
- (3) If in a racing year turnover of a domestic betting operator has not reached \$3 000 000, the domestic betting operator must accept a fixed odds bet charged against a betting account if —
- (a) the bet is a win bet on a type of race described in column 1 of the Table; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed the amount set out in column 2 of the Table opposite that type of race.

Table

Column 1 Type of race	Column 2 Amount
A WATA harness race	\$500
A harness race other than a WATA harness race	\$300
A greyhound race	\$300

- (4) If in a racing year turnover of a domestic betting operator reaches \$3 000 000, the domestic betting operator must comply with subregulation (5) for each fixed odds bet received during the racing year after turnover reaches \$3 000 000.
- (5) The domestic betting operator must accept a fixed odds bet charged against a betting account if —
- (a) the bet is a win bet on a type of race described in column 1 of the Table; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed the amount set out in column 2 of the Table opposite that type of race.

Table

Column 1 Type of race	Column 2 Amount
A WATA harness race	\$1 000

Column 1 Type of race	Column 2 Amount
A harness race other than a WATA harness race	\$500
A WAGRA greyhound race	\$750
A greyhound race other than a WAGRA greyhound race	\$500

105B. Prescribed conditions for thoroughbred races: section 27F(1)

(1) In this regulation —

combined win/place bet means a bet comprising 2 unequal amounts, 1 amount being for a win and 1 amount being for a place and both amounts being bet on the same runner at the same time, at stated odds for a win and place;

place component means the component of a combined win/place bet or an each way bet in which the person placing the bet selects a runner to achieve a place in a particular race;

type 1 thoroughbred race means a thoroughbred race conducted by The Western Australian Turf Club;

type 2 thoroughbred race means a thoroughbred race conducted on a Saturday by any of the following, but only if a thoroughbred race is not conducted on that Saturday by The Western Australian Turf Club —

- (a) the Bunbury Turf Club Inc;
- (b) the Kalgoorlie-Boulder Racing Club Incorporated;
- (c) the Northam Race Club;
- (d) the Pinjarra Race Club;

type 3 thoroughbred race means a thoroughbred race other than a type 1 thoroughbred race or a type 2 thoroughbred race.

(2) For the purposes of section 27F(1) of the Act, the prescribed conditions that a domestic betting operator must comply with in relation to a thoroughbred race are —

- (a) set out in this regulation; and
- (b) subject to regulation 105C.

(3) If in a racing year turnover of a domestic betting operator has not reached \$3 000 000, the domestic

betting operator must accept a fixed odds bet charged against a betting account if —

- (a) the bet is a win bet on a type of race described in column 1 of the Table; and
- (b) the amount the domestic betting operator may lose as a result of the bet does not exceed the amount set out in column 2 of the Table opposite that type of race.

Table

Column 1 Type of race	Column 2 Amount
A type 1 thoroughbred race	\$1 000
A type 2 thoroughbred race	\$1 000
A type 3 thoroughbred race	\$500

- (4) If in a racing year turnover of a domestic betting operator reaches \$3 000 000, the domestic betting operator must comply with subregulations (5) to (8) for each fixed odds bet received during the racing year after turnover reaches \$3 000 000.
- (5) The domestic betting operator must accept a fixed odds bet on a type 1 thoroughbred race or a type 2 thoroughbred race charged against a betting account if —
 - (a) the bet is a win bet, combined win/place bet or each way bet; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed \$2 000; and
 - (c) if the bet has a place component — the amount the domestic betting operator may lose as a result of the place component does not exceed \$800.
- (6) The domestic betting operator must accept a fixed odds bet on a type 1 thoroughbred race or a type 2 thoroughbred race charged against a betting account if —
 - (a) the bet is a place bet; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed \$800.
- (7) The domestic betting operator must accept a fixed odds bet on a type 3 thoroughbred race charged against a betting account if —

- (a) the bet is a win bet, combined win/place bet or each way bet; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed \$1 000; and
 - (c) if the bet has a place component — the amount the domestic betting operator may lose as a result of the place component does not exceed \$400.
- (8) The domestic betting operator must accept a fixed odds bet on a type 3 thoroughbred race charged against a betting account if —
- (a) the bet is a place bet; and
 - (b) the amount the domestic betting operator may lose as a result of the bet does not exceed \$400.

105C. Prescribed conditions under regulations 105A and 105B do not apply to certain bets

- (1) In this regulation —
- fraudulent behaviour* includes the following —
- (a) cheating or otherwise employing any wrongful practice, trick, scheme or device;
 - (b) making a statement that the person knows, or ought reasonably to know, is false or misleading in a material particular;
 - (c) using a forged document;
 - (d) using a false pretence.
- (2) A domestic betting operator is not required to accept a bet, on a race charged against a betting account, under regulation 105A or 105B, if any of the following apply —
- (a) the usual residential address of the person who established the betting account is outside Australia;
 - (b) the person who established the betting account is —
 - (i) not the beneficial owner of the bet; or
 - (ii) another domestic betting operator; or
 - (iii) an employee of another domestic betting operator; or
 - (iv) a relative (as defined in section 7(1) of the Act) of an employee of another domestic betting operator; or
 - (v) in breach of a term or condition of the betting account;

- (c) the person who established the betting account has notified the domestic betting operator that the person has voluntarily excluded themselves from betting with the domestic betting operator;
- (d) the betting account does not have a balance sufficient to pay the amount of the bet;
- (e) the domestic betting operator has closed another betting account of the person who established the betting account because —
 - (i) the person was warned off or disqualified under the RWWA Act; or
 - (ii) the person engaged in fraudulent behaviour;
- (f) the bet is —
 - (i) made by means of a betting exchange; or
 - (ii) a bet back as defined in section 14A(1) of the Act; or
 - (iii) an internet bet placed using a proxy server;
- (g) the scheduled starting time of the 1st race of the race meeting at which the race is run is before 4 pm and the bet is placed —
 - (i) before 9 am on the day of the race; or
 - (ii) on any day before the day of the race;
- (h) the scheduled starting time of the 1st race of the race meeting at which the race is run is at or after 4 pm and the bet is placed —
 - (i) before 2 pm on the day of the race; or
 - (ii) on any day before the day of the race;
- (i) the bet involves the selection of a series of propositions in relation to races and the final dividend is —
 - (i) reliant on all propositions being correctly selected; and
 - (ii) determined by multiplying together the odds of each selection;
- (j) the bet is 1 of a number of bets that are all identical or similar and the bets have been placed in a systematic manner from the same internet protocol address;
- (k) a free component (as defined in the *Betting Tax Assessment Act 2018* section 4) is used to place all or part of the bet;
- (l) the domestic betting operator has accepted another bet on the race in respect of the same

runner that the bet was placed on and if the other bet and the bet had formed 1 bet the domestic betting operator would not have been required, under regulation 105A or 105B, to accept the bet.

N. HAGLEY, Clerk of the Executive Council.
