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**GUIDE TO OBTAINING APPROVAL TO**

**PUBLISH/USE WESTERN AUSTRALIAN RACE FIELDS**

**SECTION 27D**

**BETTING CONTROL ACT 1954**

Section 27D of the *Betting Control Act 1954*, when enacted, will make it an offence for a person providing a wagering service in Western Australia or elsewhere, to publish or otherwise use Western Australian race fields without obtaining the pre-requisite approval.

**Purpose of the Publish/Use Western Australian Race Fields Form**

To protect the integrity of the Western Australian racing industry, the detail contained in the *Publish/Use Western Australian Race Fields* formprovides the Minister for Racing and Gaming (or delegate) with information to assess the character and integrity of a person/entity seeking approval to publish/use Western Australian race fields.

In addition to the information provided, a primary consideration in making such determinations by the Minister will also be whether the issue of an approval will be in the public interest.

An approval given by the Minister (or delegate) does not give automatic right to wagering service providers to publish/use Western Australian race field information. As a condition of an approval, wagering service providers approved must enter into a commercial arrangement with Racing and Wagering Western Australia (the controlling authority) before obtaining Western Australian race field information.

**Who Is Required to Complete the Publish/Use Western Australian Race Fields Form**

Section 27D of the *Betting Control Act 1954*, requires any person licensed in Western Australia or elsewhere, who provides a wagering service, or acts as an agent on behalf of a wagering service provider, to obtain an approval from the Minister (or delegate) to publish or otherwise make available a Western Australian race field. This requirement will not apply to individual off-course totalisator agency operations.

In this regard, wagering service providers that offer/facilitate a wagering service on Western Australian race fields must first obtain an approval from the Minister for Racing and Gaming (or delegate).

The *Publish/Use Western Australian Race Fields* form consists of Part A and Part B.

Part A relates to the wagering operations of the entity whereas Part B relates to personal particulars of individuals. Both Parts are required to be completed and lodged in order to be considered under section 27D of the Betting Control Act 1954.

Part B must be completed by all persons with an interest in a wagering licence, in the case of a body corporate or partnership; that is, a director, office bearer or person in a position of authority in a body corporate, or each member of a partnership.

**Fees**

There is no prescribed fee associated with seeking approval to publish/use a Western Australian race field.

**Information Relating to Part A and Part B**

PART A

The purpose of Part A is to obtain details relating to the operations and integrity of the wagering service provider seeking to publish/use Western Australian race field information. The following briefly explains the requirements of each section of Part A.

*1. Details of Entity Seeking to Publish/Use Western Australian Race Fields*

Identifies the wagering service provider seeking to publish/use Western Australian race fields and aims at identifying the wagering operations and governing controls of the jurisdiction(s) where the wagering service provider is permitted to offer a wagering service.

Details are to be provided relating to:

* the name of the entity, for example ABC Pty Ltd trading as 123 Bookmaking;
* the type of wagering operation undertaken, for example on-course bookmaker, off-course totalisator operator, betting exchange;
* jurisdiction(s) where wagering operation is licensed and licence number(s);
* organisation structure (refer to the Instructions/Obligations section of this guide for further information);
* licence conditions such as internet/telephone and other endorsements, wagering restrictions, approvals to publish/use race field information of another jurisdiction; and
* governing legislation with respect to the supervision and control of wagering activities.

*2. Compliance*

To confirm that the operation of the wagering service provider has effective controls in place to prevent under‑age wagering and detect suspect wagering transactions, details in relation to the processes in place are to be provided, having particular regard to the requirements of the *Financial Transaction Reports Act 1988 (Cth)* in relation to these matters.

In addition to this particular requirement, it is encouraged that any further detail in relation to the internal controls of the wagering service provider’s wagering operation be included.

*3. Integrity*

This section establishes the integrity of the wagering service provider as a participant in the racing industry and requires the wagering service provider (where a body corporate or partnership) to identify any recorded convictions or charges pending. In the case of a sole trader sections 2 and 3 of Part B are required to be completed.

4. *Use of Western Australian Race Fields*

This section requires the wagering service provider to detail all wagering types or services intended to be offered/facilitated by publishing/using Western Australian race fields.

If the wagering operation offers/facilitates “betting to lose” as a bet type, which also includes field verus favourite and spread betting on the poor performance of a runner, full details of the bet type(s) must be provided.

The detail provided in relation to this section will be integral in assessing wagering operations.

*5. Declaration*

In order for consideration by the Minister (or delegate), the declaration must be signed by the person completing the documentation. Documents will not be considered unless signed and dated.

PART B

Part B is required to be completed by sole traders and any person who has an interest in a wagering operation seeking to publish/use Western Australian race fields. The detail required in this Part relates to the character and integrity of individuals. The following briefly explains the requirements of each section of Part B.

*1. Personal Particulars*

Identifies individuals with interests in wagering operations seeking to publish/use Western Australian race field information. Sole traders who have completed section 1 of Part A do not need to complete this section and can go directly to section 2 - Integrity.

*2. Integrity*

This section establishes the integrity of individuals who have an interest in particular wagering operations. In this regard, the following details will need to be provided:

* ownership of Western Australian racing animals;
* all breaches/charges incurred within the racing industry;
* all civil convictions incurred; and
* any convictions where a person completing Section 4 was a director or held a position of authority in a company convicted under any legislation in Australia.

*3. Declaration*

In order for consideration by the Minister (or delegate), the declaration must be signed and dated by the person completing the documentation.

**Instructions/Obligations**

* Any person completing the *Publish/Use Western Australian Race Fields* form must be 18 years of age or over.
* For entities consisting of a body corporate or partnership, a description of the organisational structure detailing directors and persons in positions of authority (that is, office bearers) in relation to a body corporate or members of the partnership must be provided.
* Any person with an interest in a wagering licence; that is, a director, office bearer or person in a position of authority in a body corporate (including through any shareholding), or each member of a partnership, must also complete and lodge Part B of the *Publish/Use Western Australian Race Fields* form. All Part B forms must accompany Part A and be lodged simultaneously.
* The Declaration on the last page of both Part A and Part B must be signed and dated in order for the information provided to be considered by the Minister (or delegate).
* Where insufficient space is provided on the form for any section, please provide details on a separate sheet. Instances where documents are attached providing additional information, each page of each attachment must:
* identify the relevant section; and
* be signed and dated by the person providing the additional detail.
* Please tick (✓) the appropriate response for all Yes/No questions.
* Every question must be answered unless it is not applicable – if a question is not applicable please indicate with “Not Applicable”.

It is requested that the Minister (or delegate) consider this Part A and all Part B documents provided as an application received on the day that section 9 of the *Betting and Racing Legislation Amendment Act 2006* comes into operation.

**PUBLISH/USE OF**

**WESTERN AUSTRALIAN RACE FIELDS**

**SECTION 27D**

**BETTING CONTROL ACT 1954**

**PART A**

Note: Where insufficient space is provided for any section please attach a separate sheet identifying the section that is signed and dated by the person providing the additional detail.

# Details of Entity Seeking to Publish/Use Western Australian Race Fields

|  |  |
| --- | --- |
| (1.1) Name (trading name if applicable): |  |

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| (1.1.1) Date of Birth (sole trader only): |  |

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| (1.2) ABN/ACN (If applicable): |  |  |

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| (1.3) Address: |  |

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| (1.4) Type of Wagering Operation |  |

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| (1.5) Organisation Structure: |  Sole Trader  |   |  Body Corporate  |   |  Partnership |

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| (1.6) Daytime Contact & Telephone No. |  |  |  |
|  (Name) (Telephone) |

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|  | **Jurisdiction** |  | **Licence No.** |
| (1.7) Australian State or Territory where licence issued: |  |  |  |
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| (1.8) Has an Australian jurisdiction provided approval to publish/use race fields?  | **YES** | **NO** |

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|  If yes, provide details of jurisdiction/authority and when approved: |  |
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| (1.9) If not licensed in an Australian State or Territory ownership details (including shareholding) must be provided: |
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| (1.10) Provide details of licence conditions and governing wagering legislation in the jurisdiction(s) licensed to provide a wagering service: |
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1. **Compliance**

(2.1) Please attach details of processes in place to comply with the *Financial Transaction Reports Act 1988 (Cth)* in relation to:

1. Customers establishing wagering accounts; and
2. Identifying and reporting suspect wagering transactions.
3. **Integrity**

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| (3.1) Has the partnership or body corporate any recorded convictions or charges pending against any rules, codes, practices or laws governing the racing industry of the jurisdiction(s) in which it is licensed to provide a wagering service?  | **YES** | **NO** |
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| **Breach/Charge** | **Rule, Code, Law****of Racing** | **Date** | **Jursidiction** | **Penalty** |
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| (3.2) Has the partnership or body corporate any recorded criminal convictions or charges pending?  | **YES** | **NO** |

NOTE: This includes any matter that has been determined by a Court. It does not include infringement notices.

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| **Offence** | **Date** | **Place** | **Penalty** |
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1. **Use of Western Australian Race Fields**

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| Provide details of all wagering types or services intended to be offered/facilitated by publishing/using Western Australian race fields. Note: If the wagering operation offers/facilitates “betting to lose” as bet type, which also includes field verus favourite and spread betting on the poor performance of a runner, full details of the bet type(s) must be provided. |
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1. **Declaration**

 (Name of sole trader/entity seeking approval)

1. agree, for the purposes of seeking approval from the Minister (or delegate) to publish/use Western Australian race fields, for:
	1. authorised officers under the *Gaming and Wagering Commission Act 198;* and
	2. Racing and Wagering Western Australia stewards and authorised officers;

to cause whatever enquiries necessary concerning the wagering operations and systems of (entity only) to assess compliance against any rules, codes, practices or laws governing the racing and gambling industry of Western Australia;

1. declare that all the information provided in this document, and any supporting documentation, is true and correct and understands that the provision of false and misleading information will constitute a breach of the *Betting Control Act 1954*; and
2. acknowledge and accept that the Minister (or delegate) reserves the right to request further information to facilitate the determination of an approval to publish/use Western Australian race fields in accordance with Section 27D of the *Betting Control Act 1954*.

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| Signature of Person to be Approved orPerson Authorised on behalf of Entity |  | Date |  |
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| Full Name of Person to be Approved orPerson Authorised on behalf of Entity |  |  |  |

**PART B**

To be completed by sole traders and any person who has an interest in a wagering licence that is a partnership or body corporate (this includes, a director, office bearer or person in a position of authority (through any shareholding) in a body corporate).

1. **Personal Particulars**

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| (1.1) Name: |  |  | (1.2) Date of Birth: |  |

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| (1.3) Address: |  |

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| (1.4) Daytime Contact & Telephone No. |  |

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| (1.5) Name of Partnership or Body Corporate:  (that individual has an interest)  |  |

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| (1.6) Interest in Wagering Licence: (e.g Director, shareholder, partner etc) |  |

1. **Integrity**

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| (2.1) Do you (or the wagering operation you have an interest in) have interests in any racing animals licensed in Western Australia as at the date of completing this Form? (If yes, please provide details of each animal (name and type) below or attach a separate sheet if insufficient space) | **YES** | **NO** |
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| (2.2) Do you have any recorded convictions or charges pending against any rules, codes, practices or laws governing the racing industry of the jurisdiction(s) in which you are licensed to provide a wagering service?  | **YES** | **NO** |
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| **Breach/Charge** | **Rule, Code, Law****of Racing** | **Date** | **Jurisdiction** | **Penalty** |
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| (2.3) Have you any recorded criminal convictions or charges pending?   | **YES** | **NO** |

NOTE: This includes any matter that has been determined by a Court. It does not include infringement notices.

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| **Offence** | **Date** | **Place** | **Penalty** |
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1. **Declaration**

I,

 (Name)

1. with an interest in (Wagering Entity) that is seeking approval to publish/use Western Australian race fields; or
2. as a sole trader,
3. agree for:
	1. Racing and Wagering Western Australia stewards and authorised officers; and
	2. authorised officers under the *Gaming and Wagering Commission Act 1987*,

to cause whatever enquiries necessary concerning the information I have provided to assess my integrity and compliance against any rules, codes, practices or laws governing the racing and gambling industry of Western Australia;

1. declare that all the information provided in this document, and any supporting documentation, is true and correct and understand that the provision of false and misleading information will constitute a breach of the *Betting Control Act 1954*; and
2. acknowledge and accept that the Minister (or delegate) reserves the right to request further information to facilitate the determination of an approval to publish/use Western Australian race fields in accordance with Section 27D of the *Betting Control Act 1954*.

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| Signature |  | Date |  |