



Your Ref :

Our Ref : C02/17/35-03

Enquiries: 9425 1827

Hon James Wood AO QC  
Chairperson  
NSW Law Reform Commission  
GPO Box 5199  
NSW 2001

Dear Mr Wood

I refer to your letter of 13 January 2011 inviting submissions relating to cheating at gambling laws in the Western Australian jurisdiction.

The Gaming and Wagering Commission Act 1987 (the Act) was introduced to provide for the regulation of community gaming and wagering in Western Australia.

Section 44 of the Act is the relevant section which provides for offences for cheating in relation to a game, lottery, sport, race, exercise or other pastime and states:

- (1) Any person who by deceit or any fraudulent means in or in relation to a game, lottery, sport, race, exercise or other contest or pastime —
  - (a) obtains or attempts to obtain any prize, or any money, property or benefit;
  - (b) gains or attempts to gain a benefit, pecuniary or otherwise, for any person;
  - (c) causes or attempts to cause a detriment, pecuniary or otherwise, to any person; or
  - (d) induces or attempts to induce another —
    - (i) to deliver property to any person;
    - (ii) to do any act which he is lawfully entitled to abstain from doing; or
    - (iii) to omit to do any act which he is lawfully entitled to do,

commits an offence.

Penalty: \$10 000, or imprisonment for 2 years, or both.

- (2) A person shall be taken to have employed fraudulent means if he cheats or otherwise employs any wrongful practice, trick, scheme or device —
  - (a) as to the manner of play or the rules applicable;
  - (b) in regard to any player, or any gaming equipment, instrument of gaming, entrant or participant;
  - (c) in bearing a part in the stakes, wagers or a venture; or
  - (d) in, or in respect of, wagering on the event, or on the sides, or on the chances, of entrants or participants,

in, in relation to, or of the contest or pastime.

Historically this department has not experienced any difficulties in investigating, responding to, or prosecutions for such offences.

I would also advise that sections 25 to 30 of the Act also provides authorised officers with the powers to enter, search, seize require information and compelling persons to answer questions or provide information. Failure to comply on the basis of incrimination is not an excuse under the provision of the Act.

Should you require any further information please contact Mr Santo Mannino, Senior Inspector Compliance on [REDACTED]

  
Barry. A. Sargeant  
**DIRECTOR GENERAL**

4 February 2011