

## Section 2 of the Gaming Act

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### Terms of Reference

In 1975 the Commission was asked to consider whether s 2 of the *Gaming Act 1835* (Imp) should be amended or repealed.

### Background of Reference

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- (c) The *Betting Control Act 1954* should be amended so as to provide for the enforceability of bets authorized by that Act;
  - (d) A provision should be enacted to provide for the recovery of money lent in regard to lawful betting and for the enforceability of securities given in connection with the repayment of money so lent;
  - (e) The *Betting Control Act 1954* should be amended (subject to any relevant Government policy), to provide for Tattersall's Club in Perth and other appropriate premises to be registered as places where settling of bets authorised by that Act may take place;
  - (f) Section 1 of the Act and s 84I of the *Police Act 1892* (as amended in accordance with this report) should be re-enacted in new legislation, which should include the proposed provision regarding recovery of money lent (see (d) above); and
  - (g) The Acts of 16 Car.II C.7 and 9 Anne C.14 should be declared not to be in force in Western Australia.

#### Legislative or Other Action Undertaken

The Commission's recommendations were fully implemented by a sequence of legislative action, which ultimately repealed the whole the Act. The first stage of the Commission's recommended regime was implemented in 1978 by amendments to s 5 of the *Betting Control Act 1954* (WA).<sup>4</sup> In 1985, amendments were made to the *Police Act*