



Western Australia

Racing and Wagering Western Australia Act 2003

## **Totalisator Agency Board Rules 1961**

These rules expired 30 Jan 2005 (see the *Racing and Gambling Legislation Amendment and Repeal Act 2003* s. 48 & 120).

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Ceased on 30 Jan 2005

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Western Australia

## **Totalisator Agency Board Rules 1961**

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## **Totalisator Agency Board Rules 1961**

### *Citation*

**1. Citation**

These rules may be cited as the *Totalisator Agency Board Rules 1961*<sup>1</sup>.

**2. Interpretation**

In these rules unless the context requires otherwise —

“**Chairman**” means the Chairman of the Board;

“**Manager**” means the person appointed as the manager of the TAB under section 16 of the Act;

“**Secretary**” means the person appointed as the secretary to the TAB under section 16 of the Act,

expressions used in these rules have the same respective meanings as in the *Totalisator Agency Board Betting Act 1960*.

*[Rule 2 amended in Gazette 18 Oct 1996 p. 5515.]*

### *Proceedings of the Board*

#### *Meetings*

**3. Ordinary meetings**

- (1) The Chairman shall convene the first meeting of the Board to be held at a time and place appointed by him, and the Board shall

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meet accordingly and shall hold such further meetings as it considers necessary for the efficient conduct of its affairs.

- (2) The meetings held pursuant to this rule are called “ordinary” meetings.

**4. Special meetings**

The Chairman of his own volition, or if requested to do so at any time by any 4 members, shall forthwith convene a special meeting of the Board.

**5. Notice of meetings**

- (1) The Secretary shall cause to be given to each member in writing, either delivered personally or sent by post or telegraph, notice of every meeting of the Board at least 48 hours before the time appointed for the commencement of the meeting unless the Chairman directs that shorter notice should be given because of an emergency, in which case the Secretary shall cause the shorter notice to be given to each member.

- (2) In the case of a special meeting the notice of the meeting shall specify the business to be dealt with at that meeting.

*[Rule 5 amended in Gazette 18 Oct 1996 p. 5515.]*

*[6. Repealed in Gazette 18 Oct 1996 p. 5515.]*

**7. Voting at meetings**

- (1) At meetings of the Board each member present shall vote on questions submitted at the meeting unless a member has a personal interest in the question or could stand to personally gain from a decision, in which case the member shall declare an interest in the matter and abstain from voting, and by a majority vote that member may be requested to leave the meeting whilst the matter is under deliberation.
- (2) All questions shall be decided by a majority of votes of the members present and voting.

- (3) The Chairman, or the person appointed his deputy when presiding, has a deliberative vote and, in the event of an equality of votes, has a casting vote.

*[Rule 7 amended in Gazette 27 Nov 1987 p. 4257.]*

**8. Minutes of meetings**

- (1) The Secretary or, if he is not available, any other officer of the Board authorised by the Board to do so, shall keep proper minutes of resolutions carried, business transacted, and proceedings effected at each meeting of the Board.
- (2) The minutes of the meeting shall be submitted to the members for confirmation either at the same or a subsequent meeting and when confirmed shall be signed by the Chairman.
- (3) Production of the minute book purporting to have been signed by the Chairman is conclusive evidence of the matters recorded in the minutes.
- (4) All Board papers issued prior to, during or after a meeting shall be safeguarded by the staff and members to whom they are distributed.
- (4a) A member or any person employed on the staff shall not —
- (a) divulge the contents of any Board papers; or
  - (b) disclose deliberations of a meeting,
- to persons other than members or persons employed on the staff.
- (4b) A person who contravenes subrule (4) or (4a) commits an offence.  
Penalty: \$200.
- (4c) Subrule (4a) —
- (a) does not apply where a member discloses information to the Board or committee that manages the body that nominated that member for appointment;

- (b) applies whenever the Chairman or the Deputy Chairman directs that, notwithstanding paragraph (a), that subrule so applies.
- (5) Board members shall contact —
  - (a) the Secretary on all Board meeting administrative matters; or
  - (b) the Manager for general matters,

and shall not approach the Board's staff for information without the agreement of the Manager.

*[Rule 8 amended in Gazette 27 Nov 1987 p. 4257-8; 8 Nov 1991 p. 5767-8; 18 Oct 1996 p. 5515.]*

**9. Order of business at meetings**

- (1) Subject to subrule (2), the order of business at ordinary meetings of the Board shall be as follows —
  - (a) recording of members or deputies present, apologies and recording of any other persons in attendance;
  - (b) confirmation of the minutes of the previous meeting;
  - (c) matters arising from the minutes of the previous meeting;
  - (d) staff, contractors and organization;
  - (e) agents;
  - (f) financial matters;
  - (g) application of the common seal;
  - (h) land, premises and agencies;
  - (i) such other business matters that are raised before or during the meeting; and
  - (j) the date of the next ordinary meeting.
- (2) The order of business may be varied, at the discretion of the Chairman, from time to time.



*[Rule 9 inserted in Gazette 27 Nov 1987 p. 4258; amended in Gazette 2 Aug 1991 p. 4079.]*

**10. Business at special meetings**

At special meetings of the Board only the business for which the special meeting has been called shall be dealt with.

**11. Rescinding or altering resolution of the Board**

- (1) The Board may, at the same meeting at which it is passed, rescind or alter a resolution if all the members of the Board who were present at the time the resolution was passed are also present at the time the rescission or alteration is proposed.
- (2) The Board may, at a meeting after that at which a resolution was passed, rescind or alter a resolution —
  - (a) where notice of the motion to rescind or alter is not given — if a motion to that effect is carried by an absolute majority of the members of the Board; or
  - (b) where the member intending to propose the rescission or alteration has, through the Secretary, given written notice of his intention to each of the other members of the Board at least 7 days before the meeting — if a motion to that effect is carried by a majority of the members voting on the proposal at the meeting,

but not otherwise.

*[Rule 11 inserted in Gazette 27 Nov 1987 p. 4258.]*

*Leave of absence*

**12. Leave of absence**

Each member or deputy for a member is entitled to such leave of absence upon such terms and conditions as the Minister may grant to him.

*Correspondence*

**13. Correspondence**

All correspondence by the Board shall be signed by the Chairman or by a member or the Secretary or other officers of the Board with the approval of the Board.

*[Rule 13 amended in Gazette 27 Nov 1987 p. 4258.]*

*Common seal*

**14. Common seal**

The device of the common seal shall contain the words "Totalisator Agency Board".

**15. Custody of common seal**

- (1) The Secretary shall have the custody of the common seal.
- (2) The common seal shall be kept in such place as the Board from time to time directs, and, when not in use, shall be kept in a place of safe custody secured by lock and key.

*[Rule 15 amended in Gazette 18 Oct 1996 p. 5515.]*

**16. Use of common seal**

- (1) The common seal shall be affixed to a document only in the presence of any 2 of the following —
  - (a) a member of the Board;
  - (b) the Manager; or
  - (c) the Secretary.
- (2) The use of the common seal shall be either —
  - (a) authorised by a resolution of the Board; or

- (b) reported to the next ordinary meeting of the Board by the Secretary.

*[Rule 16 inserted in Gazette 27 Nov 1987 p. 4258; amended in Gazette 30 Dec 1994 p. 7330; 18 Oct 1996 p. 5515.]*

## 17. **Financial provisions — interpretation**

In this rule and in rule 18 —

**“Agency Manual”** means the relevant manual of conduct and any relevant agency circulars —

- (a) with which an agent of the TAB has been issued; and
- (b) that the agent is obliged to follow by virtue of that agent’s agency agreement;

**“agency settlement”** means a monetary settlement between the TAB and an agent conducted in accordance with the Agency Manual;

**“PubTab agreement”** means an agency agreement between the TAB and a person, allowing that person to operate as a totalisator agent at licensed premises;

**“relevant period”** means the period between 2 consecutive agency settlements;

**“uncleared cheque”** means a cheque in relation to which a financial institution has not made a payment or other funds transfer based on that cheque.

*[Rule 17 inserted in Gazette 1 Nov 2002 p. 5374.]*

## 18. **Acceptance of uncleared cheques**

- (1) An agent appointed under a PubTab agreement can only accept an uncleared cheque as payment for a bet if that uncleared cheque, when added to the uncleared cheques already accepted by the agent during the relevant period, does not result in a total amount that is more than the value of the agent’s bond.
- (2) An agent appointed under an agency agreement other than a PubTab agreement (including a fixed term agency agreement)

can only accept an uncleared cheque as payment for a bet if that uncleared cheque, when added to the uncleared cheques already accepted by the agent during the relevant period, does not result in a total amount that is —

- (a) more than \$20 000 (where an amount is not specified in a separate letter of notification received by the agent from the TAB); or
- (b) more than an amount that has been specified as being appropriate for a particular agent, and is set out in a separate letter of notification received by that agent from the TAB.

*[Rule 18 inserted in Gazette 1 Nov 2002 p. 5374.]*

### Notes

<sup>1</sup> This reprint is a compilation as at 5 December 2003 of the *Totalisator Agency Board Rules 1961* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

[*Totalisator Agency Board Rules 1961*, formerly made under the *Totalisator Agency Board Betting Act 1960* continue under s. 49 of the *Racing and Gambling Legislation Amendment and Repeal Act 2003* and expires on 30 Jan 2005 or on a day fixed by order published in the *Gazette*.]

### Compilation table

Citation	Gazettal	Commencement
<i>Totalisator Agency Board Rules 1961</i>	23 Dec 1960 p. 4114-15	31 Dec 1960 (see <i>Gazette</i> 23 Dec 1960 p. 4073)
<i>Totalisator Agency Board Amendment Rules 1987</i>	27 Nov 1987 p. 4257-8	27 Nov 1987
<i>Totalisator Agency Board Amendment Rules 1988</i>	16 Sep 1988 p. 3653	16 Sep 1988
<i>Totalisator Agency Board Amendment Rules 1991</i>	2 Aug 1991 p. 4079	2 Aug 1991
<i>Totalisator Agency Board Amendment Rules (No. 2) 1991</i>	8 Nov 1991 p. 5767-8	8 Nov 1991
<b>Reprint of the <i>Totalisator Agency Board Rules 1961</i> as at 24 Nov 1992</b> (includes amendments listed above)		
<i>Totalisator Agency Board Amendment Rules 1995</i>	30 Dec 1994 p. 7330	30 Dec 1994
<i>Totalisator Agency Board Amendment Rules 1996</i>	18 Oct 1996 p. 5514-15	18 Oct 1996
<i>Totalisator Agency Board Amendment Rules 2002</i>	1 Nov 2002 p. 5373-5	1 Nov 2002
<b>Reprint 2: The <i>Totalisator Agency Board Rules 1961</i> as at 5 Dec 2003</b> (includes amendments listed above)		
<b>These rules expired 30 Jan 2005 (see the <i>Racing and Gambling Legislation Amendment and Repeal Act 2003</i> s. 48 &amp; 120)</b>		

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**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Agency Manual.....	17
agency settlement.....	17
Chairman.....	2
Manager .....	2
PubTab agreement .....	17
relevant period .....	17
Secretary .....	2
uncleared cheque.....	17