

WESTERN AUSTRALIA

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**TOTALISATOR AGENCY BOARD  
BETTING ACT 1960**

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WESTERN AUSTRALIA

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**TOTALISATOR AGENCY BOARD  
BETTING ACT 1960**

**AN ACT to constitute a Totalisator Agency Board, to authorize the provision and operation of betting services on totalisators through the TAB and betting with the TAB and for incidental and other purposes.**

*[Long title amended by No. 11 of 1992 s.4; No. 63 of 1995 s.16.]*

**Short title**

1. This Act may be cited as the *Totalisator Agency Board Betting Act 1960*<sup>1, 1a</sup>.

**Commencement**

2. This Act shall come into operation on a day to be fixed by proclamation<sup>1</sup>.

*[Section 2 amended by No. 125 of 1987 s.4.]*

**Interpretation**

3. In this Act, unless the context requires otherwise —

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

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

“**Club**” means the body known as The Western Australian Turf Club;

“**function**” includes powers, duties and authorities;

“**member**” means a person who is a member of the Board;

“**novelty bet**” means a bet of a kind prescribed as a novelty bet and known by a prescribed designation;

“**perform**”, in relation to functions, includes the exercise of a power or authority;

“**public servant**” means a person who is a public service officer within the meaning of the *Public Sector Management Act 1994*;

“**race**” means a galloping or trotting horse race or a greyhound race;

“**race course**” means a race course used for races;

“**race meeting**” means a meeting at which races are held;

“**racings club**” means a body which conducts race meetings;

“**racings year**” means the period of 12 months commencing on 1 August and ending on the immediately succeeding 31 July;

**“Sports Betting Promotion Account”** means the account established under section 28A (2) (c);

**“the Board”** means the governing body of the TAB provided for by section 6;

**“the TAB”** means the body constituted under section 5;

**“totalisator”** means the instrument known as **“the totalisator”** and includes any other machine, instrument or contrivance of a like nature and conducted on the like principles lawfully operated under the provisions of any Act and also includes any totalisator pool scheme conducted on any race or sporting event by the TAB under this Act for enabling any number of persons to make bets with one another on like principles;

**“totalisator agency”** means any totalisator agency established and operated in accordance with this Act, and includes any premises on which bets may be made on a race or sporting event on a totalisator through or with the TAB;

**“Totalisator Agency Board Sports Betting Account”** means the account established under section 28A (2) (d);

**“totalisator ticket”** includes any ticket, card, token or thing —

- (a) entitling, or purporting to entitle, any person to any interest in any division or distribution of any money by means of or in connection with or as the result of the operations of a totalisator; or
- (b) issued by the TAB acknowledging that a bet has been made through or with the TAB;

**“WAGRA”** means the Western Australian Greyhound Racing Association established under the *Western Australian Greyhound Racing Association Act 1981*.

[Section 3 amended by No. 87 of 1972 ss.3 and 8; No. 125 of 1987 s.5; No. 66 of 1988 s.12; No. 11 of 1992 s.5; No. 32 of 1994 s.19; No. 63 of 1995 ss.4 and 17.]

**The TAB**

4. (1) This Act —

- (a) is to apply in all portions of the State, whether or not ever proclaimed as a totalisator agency region; and
- (b) binds the Crown.

(2) The functions of the TAB are —

- (a) to carry on —
  - (i) principally, the business of operating an off-course totalisator betting service on racing and certain sporting events; and
  - (ii) any other business considered by the Board to be conducive to the success of or incidental to the principal business,

but so that such other business is not conducted to the detriment of the principal business or in a manner which confers any unfair commercial advantage; and

- (b) to invest, re-invest or otherwise use and employ funds for the time being held by the TAB in such manner as the Board thinks fit.

(3) The TAB is to —

- (a) perform its functions in accordance with prudent commercial principles; and
- (b) use reasonable endeavours to derive a profit.

(4) The TAB may perform any of its functions within the State or elsewhere.

[Section 4 inserted by No. 11 of 1992 s.6.]

### **Establishment of the TAB**

5. (1) There shall be constituted under and in accordance with the provisions of this Act, a body having the functions conferred by this Act.

(2) The corporate name of the body corporate established under this section prior to the coming into operation of the provisions introduced by Part 2 of the *Acts Amendment and Repeal (Betting) Act 1992*<sup>1</sup> was, and thereafter shall still be, the Totalisator Agency Board, but that body may use, and operate under, the designation “the TAB” or, if so approved by the Minister, one or more other trading names, not being its corporate name.

(3) The TAB shall be a body corporate with perpetual succession and an official seal in the form prescribed by its rules, in its corporate name is capable of suing or being sued, for the purposes of this Act may —

- (a) acquire, lease, hold, manage, develop, or dispose of real and personal property;
- (b) subject to the approval of the Minister, subscribe for, invest in or otherwise acquire, or deal in or dispose of, shares in, or debentures or other securities of, a corporation or other business undertaking;

- (c) associate with other persons in the conduct of any business undertaking; and
- (d) do and suffer all that bodies corporate generally may lawfully do or suffer,

but the Minister may give to the TAB directions in writing of a general character as to the exercise of its functions and the TAB shall give effect to any such direction.

(3a) The text of any direction received by the TAB under subsection (3) shall be included in the annual report submitted by the accountable authority of the TAB under section 66 of the *Financial Administration and Audit Act 1985*.

(3b) Subsection (3) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

(4) All courts, judges and persons acting judicially shall take judicial notice of the official seal of the TAB affixed to a document and shall presume that it was duly affixed.

(5) The TAB —

- (a) is an agency of the Crown;
- (b) except as otherwise prescribed, enjoys the status, immunities and privileges of the Crown; and
- (c) is, for the purposes of any Act, a public authority.

*[Section 5 amended by No. 125 of 1987 s.6; No. 5 of 1989 s.19; No. 11 of 1992 s.7; No. 41 of 1996 s.3.]*

#### **The Board of the TAB**

6. (1) The governing body of the TAB shall be the Board.



(2) On and after the coming into operation of section 5 of the *Acts Amendment (Racing and Betting Legislation) Act 1995*<sup>1</sup> the Board shall comprise 7 members appointed by the Minister as people who have —

- (a) expertise relevant to the functions of the TAB and its operations, including expertise in management, finance, business or commerce; or
- (b) knowledge of, and experience in, the racing industry.

(3) The Minister is to appoint one of the members to be chairperson of the Board, and another to be the deputy of the chairperson to perform the functions of the chairperson when the chairperson is unable to do so or when the office of chairperson is vacant.

(4) If a member, —

- (a) is an insolvent under administration, as that expression is defined in the Corporations Law;
- (b) is absent, except on leave granted by the Minister, from 4 consecutive meetings of the Board;
- (c) is, in the opinion of the Minister, unable, through illness or absence from the State, to perform the functions of the office;

[(d) *deleted*]

- (e) dies or resigns his or her office by writing under his or her hand addressed to the Minister and the resignation is accepted;
- (f) is informed in writing by the Minister that, for good cause, his or her appointment as member is terminated as at a date therein specified;
- (g) is convicted of any indictable offence;

- (h) otherwise than as a member and in common with other members of an incorporated company consisting of not less than 51 persons —
  - (i) becomes concerned or interested, without the approval of the Minister, in any contract or agreement entered into by or on behalf of the Board;
  - (ii) participates or claims to participate in the profit of any such contract or agreement or in any benefit or emolument arising from such a contract or agreement,

the Minister shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(5) Subject to subsection (4), a person appointed as a member of the Board shall hold office for such term not exceeding 3 years as is specified in the instrument of appointment, commencing on the date therein specified, and notice of the appointment of the member shall be published for public information in the *Gazette*.

(6) The performance of a function of the TAB by the Board is not invalidated by reason of there being a vacancy or vacancies in the membership of the Board.

(7) The appointment of a member is not invalidated and is not to be called in question by reason of there being a defect or irregularity in or in connection with the member's nomination.

(8) The Minister may approve a person to act as the deputy of a member, other than the chairperson, and at any meeting of the Board at which a member is not present the deputy of that member may exercise the powers and perform the duties of the member.

(9) No act or omission of a person acting as a deputy under this section shall be questioned on the ground that the occasion for so acting had not arisen or had ceased.

(10) Schedule 1 has effect with respect to the constitution and proceedings of the Board and of its sub-committees.

*[Section 6 amended by No. 103 of 1972 s.2; No. 125 of 1987 s.7; No. 11 of 1992 s.8; No. 63 of 1995 s.5.]*

*[7. Repealed by No. 63 of 1995 s.6.]*

*[8. Repealed by No. 63 of 1995 s.7.]*

*[9. Repealed by No. 125 of 1988 s.10.]*

#### **Remuneration etc.**

**10.** A member, and a person approved to act as the deputy of a member, shall be paid such remuneration and travelling or other allowances as are determined by the Minister, on the recommendation of the Minister for Public Sector Management, from time to time.

*[Section 10 inserted by No. 63 of 1995 s.8.]*

#### **Leave of absence**

**11.** The Minister may grant leave of absence to a member or a deputy for a member upon such terms and conditions as the Minister determines.

*[12. Repealed by No. 63 of 1995 s.9.]*

**Delegation**

13. (1) The Board may, in relation to any particular matter or class of matters or to a particular place, by writing under the seal of the TAB, delegate to any number of members as a sub-committee, or where it is inconvenient or impracticable for a sub-committee to act, then to any member, all or any of the functions of the TAB under this Act, except this power of delegation, so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or to the place, specified in the instrument of delegation.

(2) A delegation under this section is revocable at will and no delegation shall prevent the performance of a function of the TAB by the Board.

[Section 13 amended by No. 11 of 1992 s.9; No. 63 of 1995 s.10.]

**Exemption from personal liability**

14. (1) A person who is or has been a member, deputy for a member, delegate or employee of the Board, is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Board by this Act or the *Betting Control Act 1954*.

(2) Subsection (1) has effect subject to the *Statutory Corporations (Liability of Directors) Act 1996*.

[Section 14 amended by No. 41 of 1996 s.3.]

**Minister to have access to information**

14A. (1) For parliamentary purposes or for the proper conduct of the Minister's public business, the Minister is entitled —

(a) to have information in the possession of the TAB; and

(b) where the information is in or on a document, to have, and make and retain copies of, that document.

(2) For the purposes of subsection (1) the Minister may —

(a) request the TAB to furnish information to the Minister;

(b) request the Board to give the Minister access to information;

(c) for the purposes of paragraph (b) make use of the staff and facilities of the TAB to obtain the information and furnish it to the Minister.

(3) The TAB and the Board, respectively, shall comply with a request under subsection (2) and make staff and facilities available to the Minister for the purposes of paragraph (c) of that subsection.

(4) Where the TAB or the Board furnishes or gives access to information to the Minister it is to advise the Minister whether or not in its opinion the public disclosure of the information would adversely affect the commercial interests of the TAB.

(5) If a conflict arises between a duty arising under subsection (3) and a duty arising otherwise under this Act or a duty of confidentiality owed to any person, the duty arising under subsection (3) prevails.

(6) In this section —

**“document”** includes any tape, disc or other device or medium on which information is recorded or stored mechanically, photographically, electronically or otherwise;

**“information”** means information specified, or of a description specified, by the Minister that relates to the functions of the TAB;

**“parliamentary purposes”** means the purpose of —

- (a) answering a question asked in a House of Parliament; or
- (b) complying with a written law, or an order or resolution of a House of Parliament, that requires information to be furnished to a House of Parliament.

*[Section 14A inserted by No. 11 of 1992 s.10.]*

**Rules of TAB**

15. The TAB may from time to time make rules, not inconsistent with any regulations made under this Act, for all or any of the following purposes, namely —

- (a) regulating its proceedings and the conduct of its meetings;
- (b) providing for the custody of its property and the form and use of its official seal;
- (c) prescribing the duties of its officers, agents and employees;
- (d) such purposes as may be deemed necessary or expedient for the operation of this Act or for carrying out the functions of the TAB.

*[Section 15 amended by No. 11 of 1992 s.11.]*

**Manager, secretary and other officers of the TAB**

16. (1) The TAB —

- (a) may appoint and at any time remove a manager and a secretary and such other officers as the Board considers necessary for the purposes of this Act; and

- (b) may employ such temporary or casual employees as the Board thinks fit for those purposes.

(2) The manager and secretary and other officers and employees respectively hold their office or employment upon such terms and subject to such conditions and are entitled to receive such remuneration for their services as the TAB in each case from time to time determines.

(3) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) (a) to be a manager, secretary or other officer and who is a member of the Senior Executive Service within the meaning of the *Public Sector Management Act 1994* an inconsistency between this Act and that Act that Act shall prevail.

[Section 16 amended by No. 113 of 1987 s.30; No. 11 of 1992 s.12; No. 63 of 1995 s.11.]

### **Establishment of offices and agencies**

17. (1) For the purposes of this Act the Board may —
- (a) establish offices and totalisator agencies in such number and at such places (including in licensed premises) therein as the Minister approves at or in which bets may be made on any race or sporting event —
    - (i) on a totalisator through or with the TAB; or
    - (ii) with the TAB;
  - (b) purchase or take on lease or license any land, building or premises and may erect buildings and may equip, fit and furnish any buildings or premises for and as such offices and totalisator agencies;

- (c) enter into any agency contracts or other contracts or arrangements whatsoever and may carry them into effect; and
- (d) perform such other functions, in relation to such offices or agencies, contracts and arrangements, as may be prescribed by rule or regulation.

(2) The Minister shall not approve the establishment of a totalisator agency in any licensed premises unless the portion of those premises which is to be used as a totalisator agency is clearly defined.

[Section 17 amended by No. 87 of 1972 s.8; No. 125 of 1987 s.12; No. 11 of 1992 s.13; No. 73 of 1994 s.4; No. 63 of 1995 s.18.]

**Expenses of establishment of TAB and its operations**

18. (1) All expenses of or connected with or arising out of —
- (a) the establishment of the TAB and its offices and totalisator agencies and the carrying out of the matters referred to in section 17; and
  - (b) the conduct of the operations of the TAB under this Act or under the *Betting Control Act 1954*,

shall until such time as the TAB is able to meet them in full from its funds, be borne by —

- (c) an unsecured loan to the TAB of a sum of \$100 000 free of interest by the Club and the Association; and
- (d) such other moneys as the TAB may borrow under the provisions of section 19.

(2) The loan referred to in subsection (1) (c) shall be made by the Club and the Association in equal shares or such other shares as the Club and the Association agree upon.



(3) The Club and the Association shall pay to the TAB the sum of \$100 000 referred to in subsection (1) within 14 days of the TAB requesting them in writing so to do.

(4) The TAB shall repay the loan referred to in subsection (1) (c) at the expiration of a period of 10 years from the date of the making of the loan or such lesser period as the TAB, the Club and the Association, with the approval of the Treasurer, agree upon.

(5) The TAB may have an account or accounts at any bank, and money received by and expenditure of the TAB is to be paid to or from such an account.

(6) In subsection (5) “**bank**” has the meaning assigned to it by the *Financial Administration and Audit Act 1985* for the purposes of section 21 of that Act.

(7) The TAB shall, in the prescribed manner, pay to the Betting Control Board established under the *Betting Control Act 1954* an annual fee, to meet the costs of that Board in regulating TAB operations, of such an amount as may be —

- (a) determined by the Betting Control Board; and
- (b) approved by the Minister.

[Section 18 amended by No. 28 of 1966 s.8; No. 11 of 1992 ss.14 and 15; No. 63 of 1995 s.13.]

### **Borrowing powers of TAB**

19. (1) With the prior approval of the Treasurer of the State, the TAB may borrow moneys, whether by way of mortgage, debentures, bonds, overdraft or otherwise, and may mortgage or charge any of its real or personal property, whether present or future, in such manner as the Treasurer thinks fit.

(2) The Treasurer may from time to time, upon and subject to such terms and conditions as he thinks fit, and without further authority than this section, guarantee on behalf of the Crown in right of the State, the due redemption of the principal moneys so

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borrowed and the due payment of all interest thereon, but this subsection does not apply to the loan made by the Club and the Association referred to in section 18 (2).

(3) The liability of the Treasurer at any one time under any guarantee or guarantees given by him under this Act shall not exceed in the aggregate the sum of \$700 000 inclusive of interest and any other charges.

(4) The Treasurer shall cause any money required for fulfilling any guarantee given by him under this Act, to be charged to the Consolidated Fund, which is hereby to the necessary extent appropriated accordingly, and shall cause any sums received or recovered by the Treasurer from the TAB or otherwise in respect of a sum so charged by the Treasurer to be credited to the Consolidated Fund.

*[Section 19 amended by No. 28 of 1966 s.8; No. 98 of 1985 s.3; No. 11 of 1992 s.15; No. 6 of 1993 s.11; No. 49 of 1996 s.64.]*

**Totalisator betting on prescribed sporting events**

**19A.** (1) The TAB may conduct totalisator betting on the results of —

- (a) any cricket match or series of cricket matches selected by the TAB;
- (b) any match or series of matches selected by the TAB from Australian Rules Football fixtures; or
- (c) any other prescribed sporting event.

(2) Totalisator betting authorized under this section shall be conducted in accordance with the regulations.

*[Section 19A inserted by No. 125 of 1987 s.13; amended by No. 11 of 1992 s.15.]*

**Authorizing off course totalisator bets and bets with TAB  
in accordance with Act**

20. (1) Notwithstanding anything contained in any other Act or law to the contrary, it shall be lawful —

- (a) for bets by way of wagering or gaming in respect of races to be lodged with and received by or on behalf of the TAB for transmission of the bets by the TAB to a totalisator on a race course within the State;
- (aa) for novelty bets by way of wagering or gaming in respect of such races as are selected by the TAB, being races conducted on race courses in the State or on such race courses outside the State as are prescribed to be lodged with and received by or on behalf of the TAB —
  - (i) for transmission of the bets by the TAB to a totalisator on a race course within the State; or
  - (ii) to be placed by the TAB in a totalisator pool conducted by it on those races,

at the Board's discretion;

- (b) for the TAB to retain any such bets and not so transmit them, where the bets are so lodged or so received after the prescribed closing time for the acceptance of the bets on the race in respect of which the bets are made or if in the opinion of the TAB it is impracticable for the TAB to so transmit the bets;
- (c) for bets by way of wagering or gaming in respect of such races conducted on such race courses outside the State as are prescribed, to be made with and received by or on behalf of the TAB, or placed by the TAB in a totalisator pool conducted by it on any such race;

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- (ca) for bets by way of wagering or gaming, including novelty bets, in respect of such races as are selected by the TAB, being races conducted on race courses in the State or on such race courses outside the State as are prescribed to be lodged with and received by or on behalf of the TAB to be transmitted by the TAB to a totalisator operated outside the State by a statutory body, or by a body corporate prescribed for the purposes of section 27, that is authorized to accept such bets; and
- (d) for dividends to be paid by the TAB in respect of those bets,

at totalisator agencies situated elsewhere than at race courses but with the prior approval of the racing club having the control and management of a race course, totalisator agencies may be situated on that race course for the purpose of bets being made and received or placed and dividends paid in respect of those bets.

(1a) Bets in respect of sporting events selected by the TAB may be lodged with and received by or on behalf of the TAB in accordance with this Act, and dividends shall be payable by the TAB in respect of those bets, notwithstanding any other law.

(2) The mere fact of any persons betting on any totalisator through the TAB or conducted by the TAB or betting with the TAB pursuant to this Act —

- (a) shall not constitute the betting an offence, whether at common law or by any Act, either by those persons or by the TAB or any of its officers or agents or any of its employees; and
- (b) shall not be a ground for any office or totalisator agency of the TAB or any part thereof, being deemed or declared, whether at common law or by any Act, to be or to be used as a common betting house or a

common gaming house, or to be a common nuisance and contrary to law.

(3) A person shall not be prosecuted or convicted, or be liable to prosecution or conviction, or subject to penal consequence under the provisions of any written law by reason only of anything done by him under and in accordance with this Act.

(4) Nothing in this section shall be construed as precluding the TAB from determining not to accept bets at all or any of its totalisator agencies on all or any races held at any race meeting or on any sporting event on which bets could be lawfully made by virtue of this section.

*[Section 20 amended by No. 26 of 1963 s.2; No. 28 of 1966 s.3; No. 87 of 1972 ss.4 and 8; No. 64 of 1973 s.3; No. 125 of 1987 s.14; No. 66 of 1988 s.13; No. 11 of 1992 s.15; No. 24 of 1994 s.4; No. 63 of 1995 s.19.]*

**Totalisator investments made through TAB to form part of moneys invested on race course totalisator**

21. (1) Subject to subsection (2) every bet made through the TAB to be transmitted to a totalisator conducted with respect to a race to be run in the State which is received by the TAB before the prescribed closing time for the acceptance of such bet on that race and which is so transmitted, is received by the TAB as agent for the racing club conducting the totalisator.

(2) The TAB may so receive and so transmit such bets or itself make and receive bets and not so transmit them at such times and on such races run in the State and outside the State as may be prescribed by the regulations.

*[Section 21 amended by No. 87 of 1972 s.8; No. 11 of 1992 s.15.]*

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**Bets transmitted from racing club to TAB**

**21A.** Every bet received and transmitted by a racing club to a totalisator pool conducted by the TAB shall be received and dealt with by the TAB on behalf of that club in accordance with the regulations.

*[Section 21A inserted by No. 66 of 1988 s.14; amended  
by No. 11 of 1992 s.15.]*

**Payment of dividends by the TAB**

**22.** (1) All moneys payable by way of dividends in respect of any bet referred to in section 20 (1) (a), (aa) (i) or (b), shall be paid by the TAB to persons entitled thereto in accordance with the respective amounts of the dividends declared by the totalisator conducted on the race course on the race on which the bet was made, notwithstanding that all such bets received by the TAB have not formed part of the moneys on which the dividend was so declared.

(2) All moneys payable by way of dividends in respect of any bet referred to in section 20 (1) (c) shall be paid by the TAB —

- (a) in accordance with the respective amounts of the dividends declared by the totalisator conducted on the race course outside the State on the race on which the bet was made or in accordance with such percentage or amount more or less of the respective amounts of the dividends so declared as is prescribed; or
- (b) in accordance with the dividend declared by the TAB on any race on which the bet was made where the bet is placed by the TAB in a totalisator pool scheme which the TAB is hereby authorized to conduct and operate on any race outside the State in accordance with the regulations.

(3) All moneys payable by way of dividend in respect of any bet referred to in section 20 (1) (aa) (ii) that is placed by the TAB in a totalisator pool which the TAB is hereby authorized to conduct and operate, shall be paid by the TAB in accordance with the regulations.

(3a) All moneys payable by way of dividend in respect of any bet referred to in section 20 (1) (ca) shall be paid by the TAB in accordance with the regulations.

(4) All moneys in respect of any bet referred to in section 20 (1a) shall be placed by the TAB in a totalisator pool which the TAB is authorized to conduct and operate in relation to any sporting event, and moneys payable by way of dividend in respect of any such bet shall be paid by the TAB in accordance with the regulations.

*[Section 22 amended by No. 26 of 1963 s.3; No. 28 of 1966 s.4; No. 87 of 1972 s.8; No. 64 of 1973 s.4; No. 125 of 1987 s.15; No. 66 of 1988 s.15; No. 11 of 1992 s.15.]*

### **Dividends on moneys transmitted by TAB to race clubs**

**23.** (1) All moneys payable by way of dividends in respect of bets made on a totalisator on a race course through the TAB and transmitted to the totalisator by the TAB, shall be paid by the race clubs concerned to the TAB and shall, subject to this Act, be paid or credited by the TAB as agent for the race clubs to persons entitled thereto.

(2) The race club shall pay to the TAB in respect of those dividends, the amount of the fractional part of 5c which has not been paid by the racing club by way of such dividends, and the amount shall form part of the general funds of the TAB.

*[Section 23 amended by No. 51 of 1963 s.3; No. 28 of 1966 s.8; No. 103 of 1972 s.6; No. 125 of 1987 s.16; No. 11 of 1992 s.15.]*

**Unclaimed dividends**

**23A.** (1) All moneys payable by way of dividends and refunds in respect of bets made on horse races before 1 January 1988, whether by the TAB or a racing club through the TAB, which are unclaimed for 7 months by any person entitled thereto, other than moneys which are credited by the TAB to a credit account established with it under this Act, shall be paid by the TAB to the Treasurer of the State, and shall be credited to the Consolidated Fund and thereafter the owner of the money has no enforceable claim in respect thereof.

(2) All moneys payable by way of dividends and refunds by the TAB which are unclaimed for 7 months by any person entitled to the moneys, other than moneys which are credited by the TAB to a credit account established with it under this Act, shall be paid by the TAB, not later than the last operating day of the month following the period of 7 months referred to in this subsection —

(a) into the Racecourse Development Trust Fund established and maintained under the *Racecourse Development Act 1976*, in the case of —

(i) unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on horse races; and

(ii) a proportion, determined by the TAB, of unclaimed dividends in respect of novelty bets known as favourite numbers bets made on or after 1 January 1988;

(b) to WAGRA, in the case of —

(i) unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on greyhound races; and



- (ii) that proportion of unclaimed dividends in respect of novelty bets known as favourite numbers bets made on or after 1 January 1988 remaining after deducting the proportion referred to in paragraph (a) (ii);

and

- (c) into the TAB Sports Betting Account in the case of unclaimed dividends and refunds in respect of bets made on or after 1 January 1988 on sporting events referred to in section 19A,

and thereafter the owner of the money has no enforceable claim in respect of the money.

*[Section 23A inserted by No. 125 of 1987 s.16; amended by No. 66 of 1988 s.16; No. 11 of 1992 s.15; No. 6 of 1993 s.11; No. 73 of 1994 s.4; No. 49 of 1996 s.64.]*

*[24. Repealed by No. 63 of 1995 s.20.]*

### **TAB betting tax**

**25.** The TAB shall, in accordance with this Act —

- (a) make at such times and in such manner as may be prescribed true and full returns of all amounts of money received by it in respect of bets made;
- (b) pay tax on the whole of those moneys at the rate imposed by section 2 of the *Totalisator Agency Board Betting Tax Act 1960*.

*[Section 25 amended by No. 11 of 1992 s.15; No. 63 of 1995 s.21.]*

**Reserve Accounts**

26. (1) For the purpose of establishing reserves, including funds —

- (a) retained to cushion the effects of turnover fluctuations, for supplementing payments made under section 28 where in the opinion of the TAB revenue from its operations is below expectation, and for maintaining the ability to make a distribution to the racing codes;
- (b) to meet capital commitments, including the repayment of borrowings;
- (c) to provide for capital development in the long-term interests of the TAB;
- (d) to meet contingent losses;
- (e) for the maintenance, repair, improvement and equipment of premises used by the TAB or its agencies; and
- (f) for such other purposes as the Minister may, by notice published in the *Gazette*, authorize,

the TAB may, subject to the *Financial Administration and Audit Act 1985*, open and operate separate accounts under such headings as may be approved by the Treasurer.

(2) Any funds formerly standing to the credit of the account maintained under section 26 immediately before the coming into operation of section 4 of the *Totalisator Agency Board Betting Amendment Act 1990*<sup>1</sup>, and not used for the purposes thereby authorized, may be credited to an account to be opened under subsection (1).

[Section 26 inserted by No. 11 of 1992 s.17.]

**Combined pool schemes**

27. (1) The TAB may participate in a combined totalisator pool scheme with any other State or any Territory or other authority, or with any body corporate prescribed for the purposes of this section, with intent —

- (a) to establish a larger or national common pool;
- (b) to reduce fluctuations in the odds;
- (c) to pay higher average dividends than might otherwise be possible,

or for such other purposes as the Minister may approve.

(2) Where bets are received by or on behalf of the TAB in respect of a race conducted on a racecourse, or on any sporting event, the TAB may, at discretion, conduct and operate, or otherwise provide for the administration of, any combined totalisator pool scheme, and may distribute or cause to be distributed any dividends, in the State or elsewhere, in accordance with that scheme.

*[Section 27 inserted by No. 11 of 1992 s.17; amended by No. 24 of 1994 s.5.]*

**Allocation of the funds of the TAB**

28. (1) The TAB after paying —

- (a) to any race club the amount transmitted by the TAB in accordance with this Act to any totalisator operated by the race club;
- (b) all moneys payable by way of dividends in respect of bets made through or with the TAB;
- (c) the amount of the betting tax imposed by section 25;

- (d) the respective amounts required for the time being to the credit of any reserve account opened under section 26, and all other expenses and outgoings of the TAB;
- (e) to WAGRA the total of the amounts of commission retained by the TAB in respect of bets referred to in section 20 (1) (a), (aa) and (c) and of commission retained by the TAB under section 17E of the *Betting Control Act 1954*, in respect of greyhound races after deducting all amounts of the kind referred to in paragraphs (c) and (d) of this subsection applicable to greyhound races,

shall pay the balance of its funds then remaining from time to time by periodical or other payments in such manner as the Minister may direct in accordance with a written law.

(2) The amount to be paid to the Club by the TAB from the balance of its funds remaining as provided in subsection (1) shall be —

- (a) prior to 1 August 1989, such amount as is equal to 60% thereof;
- (b) for the period commencing 1 August 1989 and ending 31 July 1990 —
  - (i) an amount equal to 62% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 61% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (c) for the period commencing 1 August 1990 and ending 31 July 1991 —
  - (i) an amount equal to 64% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and

- (ii) an amount equal to 62% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (d) for the period commencing 1 August 1991 and ending 31 July 1992 —
  - (i) an amount equal to 66% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 63% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (e) for the period commencing 1 August 1992 and ending 31 July 1993 —
  - (i) an amount equal to 68% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 64% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (f) for the period commencing 1 August 1993 and ending 31 July 1994 —
  - (i) an amount equal to 70% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 65% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;

- (g) for the period commencing 1 August 1994 and ending 31 July 1995 —
  - (i) an amount equal to 70% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 66% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (h) for the period commencing 1 August 1995 and ending on such date as is prescribed —
  - (i) an amount equal to 70% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 67% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance,

and in respect of each racing year, or part of a year, thereafter, an amount equal to 65% of all moneys received by the TAB in respect of bets on horse races and held in that balance.

(3) The amount to be paid to the Association by the TAB from the balance of its funds remaining as provided in subsection (1) shall be —

- (a) prior to 1 August 1989, such amount as is equal to 40% thereof;
- (b) for the period commencing 1 August 1989 and ending 31 July 1990 —
  - (i) an amount equal to 38% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and

- (ii) an amount equal to 39% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (c) for the period commencing 1 August 1990 and ending 31 July 1991 —
  - (i) an amount equal to 36% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 38% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (d) for the period commencing 1 August 1991 and ending 31 July 1992 —
  - (i) an amount equal to 34% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 37% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (e) for the period commencing 1 August 1992 and ending 31 July 1993 —
  - (i) an amount equal to 32% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
  - (ii) an amount equal to 36% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
- (f) for the period commencing 1 August 1993 and ending 31 July 1994 —
  - (i) an amount equal to 30% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and

- (ii) an amount equal to 35% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
  - (g) for the period commencing 1 August 1994 and ending 31 July 1995 —
    - (i) an amount equal to 30% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
    - (ii) an amount equal to 34% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance;
  - (h) for the period commencing 1 August 1995 and ending on such date as is prescribed —
    - (i) an amount equal to 30% of moneys received by the TAB in respect of bets on horse races run in the State and held in that balance; and
    - (ii) an amount equal to 33% of moneys received by the TAB in respect of bets on horse races run outside the State and held in that balance,
- and in respect of each racing year, or part of a year, thereafter, an amount equal to 35% of all moneys received by the TAB in respect of bets on horse races and held in that balance.
- (4) The Club shall, from any moneys received by it from the TAB under subsection (2) —
    - (a) distribute 28.09%, or such greater percentage as may be prescribed, of those moneys among racing clubs registered with it conducting races outside the Metropolitan Area in such amounts, or in accordance with such criteria, as are determined by the Western Australian Provincial Thoroughbred Racing Association and the Country Racing Association; and



- (b) retain the balance of those moneys for its own use.
- (5) The Association shall, from any sum received by it from the TAB pursuant to subsection (3) —
- (a) distribute as soon as practicable 20%, or such greater percentage as may be prescribed, thereof to racing clubs registered with it conducting races outside the Metropolitan Area in such manner that each of those clubs receives such part of that percentage as bears to the whole of that percentage the ratio which the amount of stakes paid by the club during the last preceding racing years bears to the total amount of stakes paid by all of those clubs during that year;
  - (b) with respect to the balance thereof, share that percentage so that the Association receives 62.5% of that percentage and The Fremantle Trotting Club, 17.5% of that percentage.
- (6) In subsection (4) and (5) “**Metropolitan Area**” means the part of the State that comprises the region described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*.
- (7) From the amount that would otherwise be payable under this section to any controlling authority within the meaning of the *Racing Penalties (Appeals) Act 1990*, the TAB shall —
- (a) deduct such moneys as may be payable by or on behalf of that controlling authority in respect of the Tribunal established under that Act; and
  - (b) pay those moneys to the Tribunal to the credit of that controlling authority in advance and at intervals to be determined by the Tribunal.

[Section 28 amended by No. 28 of 1966 s.5; No. 87 of 1972 ss.6 and 8; No. 64 of 1973 s.5; No. 66 of 1988 s.19; No. 46 of 1990 s.29; No. 94 of 1990 s.5; No. 11 of 1992 ss.15 and 18; No. 73 of 1994 s.4; No. 63 of 1995 s.14.]

[28AA. Repealed by No. 63 of 1995 s.22.]

**Moneys from sporting events**

**28A.** (1) Where the TAB conducts totalisator betting on a sporting event or combination of sporting events the TAB shall —

- (a) retain a prescribed percentage, or where section 17E (2) of the *Betting Control Act 1954* or section 27 of this Act applies the percentage that is determined for the purposes of a combined totalisator pool scheme, of the totalisator pool on that betting;
- (b) utilise that retained percentage in accordance with subsection (2) to meet, pursuant to section 28 (1) (d), the outgoings and expenses relating to sports betting; and
- (c) apply the balance of the totalisator pool, pursuant to section 28 (1) (b), in the payment of dividends.

(2) From the percentage of the totalisator pool retained under subsection (1) to meet outgoings and expenses relating to sports betting, the TAB shall —

- (a) recoup, subject to the approval of the Minister, the initial costs incurred by the TAB in the development and establishment of totalisator betting on sporting events;
- (b) recover the actual administrative and operating outgoings and expenses of the TAB incurred through the conduct of totalisator betting on any sporting event;
- (c) credit an amount representing 1.75% of the totalisator pool to an account to be established and administered by the TAB for the purpose of promoting totalisator

betting on sporting events, to be known as the Sports Betting Promotion Account; and

- (d) after payment of the appropriate amount in respect of betting tax pursuant to section 28 (1) (c), credit the balance of those moneys then remaining from time to time to an account, to be known as the TAB Sports Betting Account, which shall be established and, subject to subsection (3), administered by the TAB, and from which shall be paid the outgoings referred to in subsection (4).

(3) The TAB shall, at quarterly intervals, notify the Minister of the Crown responsible for sport and recreation of the amount of moneys for the time being standing to the credit of the TAB Sports Betting Account, which shall be held by the TAB for distribution in accordance with subsection (4).

(4) The TAB on being directed by the Minister of the Crown responsible for sport and recreation, shall distribute the moneys from time to time standing to the credit of the TAB Sports Betting Account —

- (a) to the persons or bodies of persons;
- (b) for the purposes; and
- (c) in the respective amounts,

directed by that Minister.

*[Section 28A inserted by No. 125 of 1987 s.17;  
amended by No. 94 of 1990 s.6; No. 11 of 1992 ss.15  
and 19; No. 63 of 1995 s.15.]*

**Exemption of TAB from stamp duties**

29. Notwithstanding the provisions of any law relating to stamp duties, no stamp duty shall be payable upon any totalisator ticket or receipt given or cheque drawn by the TAB.

*[Section 29 amended by No. 11 of 1992 s.15.]*

*[30. Repealed by No. 63 of 1995 s.23.]*

*[31. Repealed by No. 11 of 1992 s.21.]*

*[32. Repealed by No. 11 of 1992 s.22.]*

**Provisions relating to bets through TAB**

33. The following provisions apply in relation to betting through the TAB —

- (a) the TAB, or any of its officers, agents or employees or any employee of an agent of the TAB shall not accept a bet unless made —
  - (i) by the deposit of the amount of the bet in cash at a totalisator agency; or
  - (ii) by letter sent through the post or by telegram or telephone message received at a totalisator agency,in accordance with the provisions of this Act;
- (b) the TAB, or any of its officers, agents or employees or any employee of an agent of the TAB shall not accept any bet that is made by letter or by telegram or telephone message unless —
  - (i) the person making the bet has established with the TAB in accordance with this Act, a credit account sufficient to pay the amount of the bet

and has maintained the account up to the time of making the bet and the bet is charged against that account; or

- (ii) alternatively, in the case of a bet made by letter or telegram, the amount of the bet is forwarded through the post with the letter or payment thereof is arranged by telegram in accordance with this Act.

*[Section 33 amended by No. 39 of 1962 s.3; No. 65 of 1970 s.2; No. 87 of 1972 s.8; No. 125 of 1987 s.18; No. 11 of 1992 s.15.]*

### **Credit accounts**

**34.** A credit account may be established with the TAB for any amount of not less than \$2 and may in accordance with this Act be maintained by the payments of further moneys or the credit of winnings to that account.

*[Section 34 amended by No. 28 of 1966 s.8; No. 11 of 1992 s.15.]*

### **Minimum amount of a bet**

**35.** The minimum amount of any bet that may be made pursuant to this Act shall be such as is prescribed, being an amount of not less than 25c.

*[Section 35 amended by No. 28 of 1966 s.8.]*

### **Power of members of the TAB, Commissioner of State Taxation, and other persons to enter race courses and totalisator agencies, etc.**

**36.** (1) Members of the TAB, members of the Betting Control Board established under the *Betting Control Act 1954*, the person occupying the office of Commissioner of State Taxation and

persons authorized by the TAB, the Betting Control Board, the Commissioner or the Minister have at all times access, without charge, to and authority to inspect race courses or any venue at which a sporting event on which betting takes place is being held, totalisators, totalisator agencies and other premises of the TAB, and any person refusing such access or otherwise hindering, delaying or obstructing a member, a member of the Betting Control Board, the Commissioner, or person so authorized, in the carrying out of a function related to this Act commits an offence.

Penalty: \$1 000.

(2) The Betting Control Board, and persons authorized by it, and the Commissioner of State Taxation for the purposes of this Act shall have such further powers and perform such further duties as may be prescribed.

*[Section 36 amended by No. 28 of 1966 s.8; No. 21 of 1970 s.58; No. 125 of 1987 s.19; No. 11 of 1992 ss.15 and 23; No. 63 of 1995 s.24.]*

*[37-39. Repealed by No. 63 of 1995 s.25.]*

### **Communication and broadcasting of information**

40. *[(1) repealed]*

(2) Notwithstanding the provisions of any other Act it shall be lawful —

- (a) to communicate information from a race course or a venue at which a sporting event is held to a totalisator agency for or in connection with the payment or crediting of dividends to persons making bets through the TAB; or

- (b) to broadcast information as to the amount of dividends payable on any race or sporting event on which the bets have been made through or with the TAB, after those dividends have been declared on the totalisator or by the TAB.

*[Section 40 amended by No. 125 of 1987 s.23; No. 11 of 1992 s.15; No. 63 of 1995 s.26.]*

*[41 — 46, 46A, 46B, 47 — 51, 51A, 52 — 54. Repealed by No. 63 of 1995 s.27.]*

**Effect of bets transmitted by TAB to totalisators on existing contracts for working totalisators**

55. (1) Where any person has contracted with any racing club to operate a totalisator at race meetings to be conducted by the racing club, and any remuneration payable to that person under the contract is to be calculated as a part or percentage of the moneys received from bets on the totalisator, or of any amount to be deducted or retained by the racing club from those moneys under any written law, or is otherwise to be ascertained by reference to those moneys or to that amount, no amounts transmitted to the totalisator by the TAB, as agent for the racing club, shall be taken into account for the purpose of calculating or ascertaining the amount of that remuneration, unless it is expressly provided in the contract that the amounts so transmitted are to be taken into account for that purpose.

(2) Except with the mutual consent of the parties thereto, no contract referred to in subsection (1) shall be deemed to be varied or terminated by reason only of the transmission to the totalisator of such bets as are referred to in that subsection.

(3) This section applies only to contracts in force on the coming into operation of this Act.

*[Section 55 amended by No. 11 of 1992 s.15; No. 63 of 1995 s.28.]*

**Application of *Financial Administration and Audit Act 1985***

56. (1) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the TAB and its operations.

(2) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the financial year of the TAB shall end on 31 July.

[Section 56 inserted by No. 98 of 1985 s.3; amended by No. 11 of 1992 s.15.]

**Regulations**

57. (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

(2) Any rules referred to in subsection (3) or regulations made under this Act or the *Betting Control Act 1954*, in relation to a totalisator on a racecourse, so far as they are applicable, apply in relation to bets made through the TAB on that totalisator as if the bets were made directly into the totalisator and regulations made under this Act may modify any such rule or regulation to such extent as is necessary to make it applicable in relation to bets made through the TAB and transmitted to a totalisator.

(3) Where and to the extent that there is inconsistency between —

(a) any regulations made —

(i) under this Act; or



(ii) under the *Betting Control Act 1954* in relation to a totalisator;

and

(b) any rules made by the TAB having effect under this Act or by-laws having effect under *The Western Australian Turf Club Act 1892*, or under the *Western Australian Trotting Association Act 1946*, or rules having effect under the *Western Australian Greyhound Racing Association Act 1981*, or by-laws, rules or regulations made by a racing club under the *Associations Incorporation Act 1895*<sup>3</sup> or the *Associations Incorporation Act 1987*, or any other Act,

the regulations referred to in paragraph (a) prevail.

(4) The regulations made by the Board and in operation immediately before the coming into operation of Part 2 of the *Acts Amendment and Repeal (Betting) Act 1992*<sup>1</sup> shall, having been so made with the approval of the Governor for the time being, be taken for all purposes to have been made in accordance with subsection (1) and to continue to have effect.

[Section 57 amended by No. 28 of 1966 s.8; No. 21 of 1970 s.59; No. 87 of 1972 s.7 and s.8; No. 125 of 1987 s.32; No. 11 of 1992 ss.15 and 24; No. 63 of 1995 s.29.]

**SCHEDULE 1**

[Section 6 (10)]

**PROVISIONS APPLICABLE TO THE BOARD  
AND SUB-COMMITTEES**

**Tenure of office**

1. A member whose term of office expires due to the effluxion of time —

- (a) is eligible to be reappointed; and
- (b) continues in office until he or she is reappointed or a successor comes into office (as the case may be).

**Disclosure of interests**

2. (1) A member of the Board or of a sub-committee of the Board who has a direct or indirect interest, other than as a member, in a matter before the Board or a sub-committee —

- (a) shall, as soon as the person is aware of the matter, disclose the nature of the interest to the Board or the sub-committee; and
- (b) shall not without the approval of the Board or the sub-committee take part in any deliberation or decision of the Board or sub-committee with respect to the matter.

Penalty: \$5 000.

(2) A disclosure made by a person under this clause shall be recorded in the minutes of the Board or the sub-committee.

**General procedure concerning meetings**

3. (1) The procedure for convening meetings of the Board or a sub-committee and the conduct of business at those meetings shall, subject to this Act, be as determined by the Board.

(2) The Board is required to cause accurate minutes of its meetings to be recorded and preserved.

(3) The first meeting of the Board shall be convened by the presiding member.

**Presiding member**

4. At a meeting of the Board —
- (a) the chairperson, or in his or her absence the deputy of the chairperson, shall preside; or
  - (b) in the absence of both of those members, a member elected by the members present shall preside.

**Quorum**

5. A quorum of the Board is 4 members.

**Voting**

6. (1) A decision of the majority of members at a meeting of the Board at which a quorum is present is the decision of the Board.
- (2) If the votes of members present at a meeting and voting are equally divided the presiding member shall have a casting vote in addition to a deliberative vote.

**Sub-committees**

7. (1) The Board may from time to time appoint sub-committees of such members, or such members and other persons, as it thinks fit and may discharge or alter any sub-committee so appointed.
- (2) Subject to the directions of the Board and to the terms of any delegation under section 13, each sub-committee may determine its own procedures.
- (3) A sub-committee shall cause accurate minutes of its meetings to be recorded and preserved.

**Resolution may be passed without meeting**

8. A resolution in writing signed or assented to by each member by letter, telegram, telex or facsimile transmission is as valid and effectual as if it had been passed at a meeting of the Board.

*[Schedule 1 inserted by No. 63 of 1995 s.12.]*

*[Second Schedule. Repealed by No. 63 of 1995 s.30.]*

*Totalisator Agency Board  
Betting Act 1960*

**NOTES**

<sup>1</sup> This reprint is a compilation as at 2 December 1996 of the *Totalisator Agency Board Betting Act 1960* and includes the amendments effected by the other Acts referred to in the following Table<sup>1a</sup>.

**Table of Acts**

| Act  | Number and Year | Assent           | Commencement   | Miscellaneous |
|--|-----------------|------------------|--|---------------|
| <i>Totalisator Agency Board Betting Act 1960</i>                       | 50 of 1960      | 28 November 1960 | 31 December 1960<br>(see <i>Gazette</i><br>23 December 1960<br>p.4073)   |               |
| <i>Totalisator Agency Board Betting Act Amendment Act 1961</i>         | 15 of 1961      | 20 October 1961  | 20 October 1961  |               |
| <i>Totalisator Agency Board Betting Act Amendment Act (No. 2) 1962</i> | 39 of 1962      | 29 October 1962  | 29 October 1962  |               |
| <i>Totalisator Agency Board Betting Act Amendment Act 1963</i>         | 26 of 1963      | 13 November 1963 | 13 November 1963   |               |
| <i>Totalisator Agency Board Betting Act Amendment Act (No. 4) 1963</i> | 51 of 1963      | 17 December 1963 | 1 January 1964<br>(see section 2)  |               |
| <i>Totalisator Agency Board Betting Act Amendment Act 1966</i>         | 28 of 1966      | 27 October 1966  | Sections 1, 2<br>and 5 deemed<br>operative<br>1 August 1966<br>(see section 2 (1));<br>sections 3, 4, 6,<br>7 and 8:<br>11 November<br>1966 (see <i>Gazette</i><br>11 November<br>1966 p.2899) |               |

*Totalisator Agency Board  
Betting Act 1960*

| Act  | Number<br>and Year | Assent               | Commencement   | Miscellaneous |
|--|--------------------|----------------------|--|---------------|
| <i>Acts Amendment<br/>(Commissioner<br/>of State<br/>Taxation)<br/>Act 1970,<br/>Part XI</i>       | 21 of 1970         | 8 May 1970           | 1 July 1970<br>(see <i>Gazette</i><br>26 June 1970<br>p.1831)        |               |
| <i>Totalisator<br/>Agency Board<br/>Betting<br/>Act Amendment<br/>Act 1970</i>                     | 65 of 1970         | 17 November<br>1970  | 17 November<br>1970  |               |
| <i>Age of Majority<br/>Act 1972,<br/>section 6 (2)</i>   | 46 of 1972         | 18 September<br>1972 | 1 November 1972<br>(see <i>Gazette</i><br>13 October 1972<br>p.4069) |               |
| <i>Totalisator<br/>Agency Board<br/>Betting<br/>Act Amendment<br/>Act (No. 2) 1972</i>             | 87 of 1972         | 20 November<br>1972  | 1 August 1973<br>(see <i>Gazette</i><br>15 June 1973<br>p.2216)      |               |
| <i>Totalisator<br/>Agency Board<br/>Betting<br/>Act Amendment<br/>Act (No. 3) 1972</i>             | 103 of<br>1972     | 6 December<br>1972   | 6 December 1972  |               |
| <i>Totalisator<br/>Agency Board<br/>Betting<br/>Act Amendment<br/>Act 1973</i>                     | 64 of 1973         | 28 November<br>1973  | 11 August 1978<br>(see <i>Gazette</i><br>11 August 1978<br>p.2859)   |               |
| <i>Totalisator<br/>Agency Board<br/>Betting<br/>Amendment<br/>Act 1985</i>                         | 48 of 1985         | 16 October<br>1985   | 13 November<br>1985  |               |
| <i>Acts Amendment<br/>(Financial<br/>Administration<br/>and Audit)<br/>Act 1985,<br/>section 3</i> | 98 of 1985         | 4 December<br>1985   | 1 July 1986<br>(see <i>Gazette</i><br>30 June 1986<br>p.2255)        |               |
| <i>Acts Amendment<br/>(Public Service)<br/>Act 1987,<br/>section 32</i>                            | 113 of<br>1987     | 31 December<br>1987  | 16 March 1988<br>(see <i>Gazette</i><br>16 March 1988<br>p.813)      |               |

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| Act  | Number and Year | Assent           | Commencement   | Miscellaneous  |
|--|-----------------|------------------|--|--|
| <i>Acts Amendment (Totalisator Agency Board Betting) Act 1987, Part II</i> | 125 of 1987     | 31 December 1987 | Act other than sections 6 to 11: 25 March 1988 (see <i>Gazette</i> 25 March 1988 p.933); sections 6 to 11: 27 May 1988 (see <i>Gazette</i> 27 May 1988 p.1716)   |  |
| <i>Acts Amendment (Racing Industry) Act 1988, Part 3</i>                   | 66 of 1988      | 22 December 1988 | Sections 11 and 18 deemed operative: 1 August 1988 (see section 2 (1)); sections 12, 13, 15, 16, 17, 19 and 20: 22 December 1988 (see section 2 (3)) section 14: 26 May 1989 (see <i>Gazette</i> 26 May 1989 p.1543) | Part 7: transitional <sup>4</sup>                    |
| <i>Acts Amendment (Accountability) Act 1989, section 9</i>                 | 5 of 1989       | 26 April 1989    | 1 July 1989 (see <i>Gazette</i> 30 June 1989 p.1893)   |  |
| <i>Racing Penalties (Appeals) Act 1990, section 29</i>                     | 46 of 1990      | 26 November 1990 | 15 April 1991 (see <i>Gazette</i> 12 April 1991 p.1597)  |  |
| <i>Totalisator Agency Board Betting Amendment Act 1990</i>                 | 94 of 1990      | 22 December 1990 | Section 5 (b) and 5 (c): 22 December 1990; balance 1 February 1991 (see <i>Gazette</i> 25 January 1991 p.267)  | Section 4 (2), (3) and (4) transitional <sup>5</sup> |
| <i>Acts Amendment and Repeal (Betting) Act 1992, Part 2</i>                | 11 of 1992      | 16 June 1992     | 31 July 1992 (see <i>Gazette</i> 31 July 1992 p.3735)  |  |

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| Act  | Number and Year | Assent           | Commencement  | Miscellaneous |
|--|-----------------|------------------|---|---------------|
| <i>Financial Administration Legislation Amendment Act 1993, Part 4</i>     | 6 of 1993       | 27 August 1993   | Deemed operative 1 July 1993  |               |
| <i>Totalisator Agency Board Betting Amendment Act 1994</i>                 | 24 of 1994      | 23 June 1994     | 23 June 1994  |               |
| <i>Acts Amendment (Public Sector Management) Act 1994, Part 4</i>          | 32 of 1994      | 29 June 1994     | 1 October 1994<br>(see section 2 and <i>Gazette</i> 30 September 1994 p.4948) |               |
| <i>Statutes (Repeals and Minor Amendments) Act 1994, section 4</i>         | 73 of 1994      | 9 December 1994  | 9 December 1994   |               |
| <i>Acts Amendment (Racing and Betting Legislation) Act 1995, Part 2</i>    | 63 of 1995      | 27 December 1995 | 28 June 1996<br>(see section 2 and <i>Gazette</i> 25 June 1996 p.2901)        |               |
| <i>Statutory Corporations (Liability of Directors) Act 1996, section 3</i> | 41 of 1996      | 10 October 1996  | 1 December 1996<br>(see <i>Gazette</i> 12 November 1996 p.6301)               |               |
| <i>Financial Legislation Amendment Act 1996, section 64</i>                | 49 of 1996      | 25 October 1996  | 25 October 1996<br>(see section 2 (1))  |               |

Affecting Act

54 of 1960 *Totalisator Agency Board Betting Tax Act 1960*.

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<sup>1a</sup> As at the date of this reprint the provisions of the *Sentencing (Consequential Provisions) Act 1995* (Act No. 78 of 1995), purporting to amend sections 45 and 46 of the *Totalisator Agency Board Betting Act 1960* (ie. Part 77 and the item in Part 88 relating to that Act) were not in operation. However, the amendments have no effect as sections 45 and 46 were repealed by the *Acts Amendment (Racing and Betting Legislation) Act 1995* (Act No. 63 of 1995) section 27.

<sup>2</sup> Title changed pursuant to section 7 (5) (a) of the *Reprints Act 1984* to give effect to section 31 (1) (f) of the *Acts Amendment (Public Service) Act 1987* (Act No. 113 of 1987).

<sup>3</sup> Now see the *Associations Incorporation Act 1987*.

<sup>4</sup> Part 7 of the *Acts Amendment (Racing Industry) Act 1988* (Act No. 66 of 1988) reads as follows —

“ PART 7 — TRANSITIONAL

**Refunds**

**28.** The Commissioner of State Taxation appointed under the *Public Service Act 1978* shall —

(a) refund to the Board any amount of Totalisator Agency Board betting tax paid to the Commissioner on moneys received by the Board on or after 1 August 1988 and before the coming into operation of this section that is in excess of the amount required to be paid under section 25 of the *Totalisator Agency Board Betting Act 1960* and section 2 of the *Totalisator Agency Board Betting Tax Act 1960* as amended by this Act; and

(b) refund to a racing club any amount of duty paid by that racing club to the Commissioner under section 3 (4) of the *Totalisator Duty Act 1905* upon the gross takings of a totalisator taken on or after 1 August 1988. ”.

<sup>5</sup> Section 4 (2), (3) and (4) of the *Totalisator Agency Board Betting Amendment Act 1990* (Act No. 94 of 1990) reads as follows —

“ (2) Any moneys standing to the credit of the account maintained under section 26 of the principal Act immediately before the coming into operation of this section may be used by the Totalisator Agency Board for carrying out the matters referred to in section 17 of the principal Act or generally for the conduct of the operation of the Board under the principal Act.



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(3) The following actions taken by the Totalisator Agency Board before the coming into operation of this section are deemed to have always been valid and effective —

- (a) the payment of moneys received by the Board from the sale of any property of the Board into the account maintained under section 26 of the principal Act;
- (b) the use of moneys in the account maintained under section 26 of the principal Act for the purchase of shares in any corporation or business undertaking to facilitate the dissemination and publication of information relating to races, dividends and the operation of the Board.

(4) Notwithstanding its terms, subsection (3) shall not relieve any person from any civil liability arising from any duty owed to The Board or under any written law or any criminal liability that he or she would otherwise have had, had it not been for the enactment of that subsection in respect of any act or omission which occurred prior to the coming into operation of this Act.

”