

Nov 1909

MrN A Harman



Attn  
Hon John McGrath MLA  
Chairman  
Parliamentary Committee into  
(Operation of) Racing & Wagering WA  
C/- Parliament House  
Perth  
WA6000

Dear Sir

For the purposes of your inquiries, I pass on copies of this recent correspondence for your information - I will largely let it speak for itself.

I did receive a 2<sup>nd</sup> reply from the CEO, Richard Burt dated 20 Oct, thanking me for bringing RAWWA's attention a 'number of issues that 'require some degree of clarification' and that RAWWA... 'will be reviewing its literature, both in electronic format as well as brochures with a view to providing clearer explanation as to the status of combined pools and the possibility the pools may be un-combined in certain circumstances.'

Do I have any faith that RAWWA will be remedying what I strongly believe (as you see from my arguments) is consumer & contract!common law illegality, any time soon?

No.

I believe they have no intention of advertising to *any degree of meaningful profile* the existence of long time secret Regulation 63 (which chiefly works to the TAB's advantage in solving a problem, not the punters; or advertising to punters (say, on the wall behind the counter) placing bets on what they think is Supertab - can suddenly be switched (if there are 'problems') to WA standalone pool only, with or without any prior or practical notice i.e. too late for punter to cancel/alter his/her bet, or bets.

SEE  
ATTACHMENT  
ITEM 4

\* The information booklets have long indicated betting on all pools is normally Supertab, apart from the some WA country meeting exception - but I do notice that TAB race monitors bear the accreditation WATAB not Supertab. Perhaps that is another subtle sign of the Supertab get-out from a RAWWA regulatory perspective! Again, which the punters would not have been aware of the significance of. I mean, if they are so convinced it's all above board and kosher - why did Admin hide the existence of the profound-effect un-combined pool Regulation 63 from the public in the first place? Accident? Oversight? Not to this old grey-haired cynic!

Yours faithfully

COPY

2 of 13  
ITEM 1

Sept 7 09

Mr N Harman

Attn  
Chief Executive Officer  
Racing & Wagering  
Western Australia  
14 Hasler Road  
Osborne Park  
WA 6017

(  
SYSTEM 'PROBLEMS' TAB FAILURE TO PAY PUNTERS SAME DIVS AS DISPLAYED PER  
WATAB SCREENS AFTER A RACE HAS BEEN RUN AND/OR CORRECT WEIGHT  
DECLARED.

Dear Sir/Ms

I draw your attention this curious business of WATAB paying out reduced dividends on Interstate race meetings after declaring 'computer problems' (which seem to be happening all too regularly these days) and that subsequent divs will be 'WA standalone pool only' instead of the much larger SuperTab; and declaring such a 'switch' of pools after many punters have already placed bets, believing them to be on SuperTab.

I believe that not only are WATAB's actions wrong and short-change the punter – displaying the attitude, evidently, that 'it is the punter who shall receive less/take a loss, not WATAB' - I believe they may also be in breach of the Law of Contract and/or Consumer Law.

I shall present a race example of the flaw I am citing, anon.

It is my contention that WATAB by any measure of fairness – or actual law - is surely obliged to pay the dividends displayed to the public on its screens after a fair race has concluded (and there is no DR or other race anomaly under the normal operating rules to affect the div),

This, in the same sense that retail outlets under contract law *must* sell an item at the price displayed, even if that price is a store error i.e. too low (and if there are 3 price stickers on an item for example, are obliged by law to sell the item at the lesser of the 3 sticker prices).

1) Now, as for declaring 'computer problems -WA standalone pool' at the start of an afternoon's Interstate racing, or worse, at some point during, as happened on Sunday 6<sup>th</sup> Sept 09 - I have a copy of the TAB Products & Services comprehensive betting guide.

It does mention in several places that some WA country meetings can be 'standalone' WA pools only. Fair enough. Punters would know beforehand on the day (presumably).

Nowhere (that I can find) does it state that WA standalone can be *arbitrarily* declared on the much larger Interstate Super'Tab meetings/pools - and the switch can be made *after* punters have placed bets believing them to be on SuperTab, and the switch can be made without the punter's knowledge or consent.

Making this switch clearly disadvantages punters (like me) who regularly place numerous bets and leave the TAB, believing all bets have been placed on the larger Super'Tab pool; & especially short-changes successful punters, both small and especially large, who miss the radio announcement place a prior bet or whatever reason.unawares,

2) All this "Interstate link computer problems", is all very well – but they don't usually stop the production of the whole range of divs still displayed up on the TAB screens (or same, on my TV text) **does it?** More usually like problems in *declaring* divs or getting 'correct weight' through.

How are the divs that are displayed on the screens during 'problems', produced? They must be produced by a weight of money *somewhere* other than WA standalone - because WATAB, as will be demonstrated, has been paying out less than displayed on those screens long after a race has concluded.

3) From Racing Radio on the afternoon of Sun 6<sup>th</sup> Sept 09 punters **were** given information that due to the ubiquitous 'computer problems; some interstate races were WA pool only. From home at least, it was difficult, if not impossible, to know with the problems *seemingly coming and going*, what was SuperTab and what was 'WA pool only' on the various gallops meetings in Vic & NSW. Pot luck it seems. That is just not good enough - and it keeps happening. (Try installing a totally new up to date, reliable non-overloaded with products system *instead* of that rapidly becoming, to punters, Mickey Meuse, *maybe*).

#### EXAMPLE:

I got a flexi trifecta on the last race, race 7 at Wodonga that Sun afternoon, (6) Desert Flare won, showing 8-1 (\$8.10 I think), (10) New Avenue was 2<sup>nd</sup>, at about 9-1, and (1) Master Houdini was 3<sup>rd</sup>, showing \$5.10 for the Win and \$3.60 the place. The declared divs took an age to come through.

According to the WATAB screen, even 20 minutes after the race had 'CLOSED' (still flashing) and been **run**, the divs as approximated above were still displayed on the WATAB screen.

When the finals did eventually come up, I was stunned to find the winner Desert Flare paid only \$4.40 & \$2.10, New Avenue, seemed about right for the place, but Master Houdini only paid \$1.70 for 3<sup>rd</sup>, after showing \$3.60 pl for 20 mills! The trifecta came up as \$346.30.

4) I did not back win & place on that race – but you can understand people being very peeved, via the screen, at thinking they're getting 8..1 for the winner but only **getting around** half that, and damn near half place div for the 3<sup>rd</sup> horse.

Not only that, \$346 on the last race of the day, for an 8-1, 9-1 & a 5-1, where the Fav (Par's Girl, showing \$3.90, 20 mins after, was unplaced - how do I know my trifecta div hasn't been substantially chopped down as well?

5). I mean:

- a) How does WATAB arrive at such altered divs 20 mins after the race has been run?
- b) Divs that are substantially different to those that have been on the WATAB screen for that long?
- c) If those displayed are so wrong – how were they produced in the first place, if not by weight of pool money? (Super'lab? Where? Artificially?)
- d) How does WATAB arrive at the lower divs that were paid? Arbitrarily declare anything? How does the punter know - the process is arcane and purely decided by the TAB.

If the answer is that the punter just has to trust the TAB and its processes, are fair in arriving at the lesser divs - then that raises a couple of other ethical points.

6) Whatever the problems – punters are *never* paid *more* on divs! SOME TRI'S HAVE PAID MORE

The warning inference - if any warning - is always that they are liable to get less on 'WA standalone pool only' payouts.

From past experience, the TAB obviously makes sure that out of the two - the punter or itself - it, the TAB is not going to be the loser or out of pocket on the divs side of things. It's the punter who is going to get less every time. **Thinks** he's going to get back \$800 and gets about half that - real amused.

So how does that inspire confidence?

Trust? It leads to the suspicion that lesser divs being paid out on the back of 'computer problems' - compared to what is on the TAB display screens - *could* be some kind of fort. Like a few afternoons of paying out less than displayed, after 'problems'. Who of us out here, knows?

True or otherwise, that can be the perception. We live in age of hacking & scamming - what are people supposed to think if this sort of thing keeps happening, when it costs *them* on payouts?

7) WATAB's computer or operating problems are their own, not the punters. The punters should not receive less or be duded, because of WATAB's problems.

Any losses, must surely be WATAB's under the law of contract, because Interstate betting punters who have placed prior bets – like me - do so under accepted contract of Super'lab pool betting; betting on the larger pool,

WATAB are arbitrarily changing the conditions of the contract afterwards ..and that is surely not legal. Seems not to be in Gazetted rules and in any case TAB Gazetted rules cannot override Common Law on Equity (fairness).

As previously pointed out, switching Interstate pools to local is not even covered under your own Products & Services guide as a warning anyway. I think you'll find by Contract Law it has to be. But in any case, I think you will find legally WATAB can't arbitrarily change the rules (or make up its own) - or change the pool designation - after a punter has placed a bet or series of bets.

8) I placed \$80 in a series of Interstate gallops bets on the afternoon of Sept 6<sup>th</sup>, thinking in good faith I had placed them on SuperTab pool. How happy do you think I was - and a lot of other punters in my situation - a mish-mash of those races turned out to be 'WA pool standalone only'? - through no fault of ours.

WATAB's position (after accepting the bets), evidently? Too bad - you'll just have to accept lesser divs if you win.

That is not good enough!

I would have **only** bet a fraction of that \$80.

If **all** were WA standalone on Interstate meetings - most likely nothing.

And as mentioned **previously**, I think you will find it is a breach of contract law and most **likely** consumer law (that a product must be as advertised and sold at **the** price advertised or tagged) - when WATAB does not **pay out on the same** divs **displayed** on its screens after a race has concluded, and on which info the punter placed his bets.

9) Of course there are some usual price fluctuations, especially on interstate, just after the jump/during the race - but they are not allowed to arbitrarily change after the race has **concluded** unless there is some prior normal rule of racing or betting to cover **the** situation, that alters it.

Just paying out less because WATAB has problems is no excuse.

10) So I contend what happened on that Sunday afternoon (and as happened before even on major Interstate city races/racedays) as a typical example - was illegal. WATAB should have paid out on what was displayed on the SuperTab pool - at the very **least** what was shown on the screens for punter information & guide. And if that involves a loss or a loss of revenue for the TAB - then so be it **The** TAB should have to wear it, just as **other** companies have to wear losses as a result of operating problems.

The loss, or lessening of divs should not be the punters. And it is a breach of the Law of Contract as it applies to punters who have placed prior bets in good faith, on SuperTab - to find later they have been switched to 'WA standalone pool only'; and when that which is displayed on the screens long after, is not actually paid out - amounts to a **deception** they can do **nothing** about.

Except lodge a complaint like this (as suggested by contacting Racing Radio).

I await your early response. And depending on that response, where this matter goes from there, or not.

Yours faithfully

  
N A Harman



Sept 30 09

Mr N A Harman

Attn:  
Hon TK Waldron MLA  
Minister for Racing & Gaming  
9<sup>th</sup> Floor Dumas House  
2 Havelock St  
West Perth

Minister,

I refer this copy of my letter to the CEO of Racing & Wagering WA of Sept 7 to you.

Not surprisingly to me, 3 weeks later I have not received a written response to my claims.

I will let what I put in the letter largely speak for itself. The nub of it is, I believe some of what WATAB has been doing is both against consumer law - i.e. on various occasions, not paying the same divs as displayed on their screens long after a race has been run and weight declared on course; and accepting bets on interstate supposedly SuperTab race meetings - but paying smaller WA 'standalone' pool divs (perforce of 'computer problems' - which I believe contravenes Contract law & is outside their own racing operating rules (certainly as those displayed to the public in information literature).

Lately I have noticed lately very skinny place odds (\$1.04) and some ether very skinny divs on Sunday interstate country gallops meetings where the SuperTab would have still supplied a decent overall pool even against the fav - which, on top of what I have witnessed (example described), leads me to wonder if WATAB hasn't on occasions, and for whatever reasons, been applying WA 'standalone' pool divs to supposedly interstate SuperTab country meetings *without* informing punters. Presumably Minister, you can get assurances from them that this does not happen (it would obviously be short-changing & misleading punters); and that what they have been doing during 'computer problems' is not illegal, as I contend?

Yours faithfully



N A Harman

22 September 2009

Ref: HD474929

Mr NHarman

Dear Mr Harman

# UNCOMBINING OF POOLS

Thankyou for your letter outlining your concerns about the uncombining from SuperTAB of certain betting pools on Sunday 6 September 2009,

On the above-mentioned date, there was a technical issue with the communication link between Racing and Wagering WA (RWWA) and TABCorp. This link is controlled by TABCorp and as such they were required to resolve the technical issue.

From a raceday control perspective, both TABCorp and RWWA will generally wait for a period of time before making any decisions to uncombine pools. Sometimes, a technical issue can be resolved fairly quickly with the only impact to customers being the dividends may take a little longer to release. No matter whether the technical issue is a RWWA or TABCorp issue, both parties will generally wait for advice on how long it will take to have the matter rectified before making any decisions.

If it has been determined by either party that the length of time to fix the issue is possibly unknown, then to ensure the continuity of business not only for RWWA, but for all of the pooling partners, the decision is then made to uncombine the affected pools and declare dividends based on local pools only. Please find outlined below the relevant Regulation that allows RWWA to make certain decisions in the event of a communication link failure.

*Racing and Wagering WA Regulation 63 states:*

*63 Communication failure where a combined totalisator pool scheme is conducted*

*Where a combined totalisator pool scheme is conducted and due to a communication failure normal procedures cannot be followed, RWWA has and may exercise discretion to determine dividend calculations.*

*{Regulation 63 insetted in Gazette 30 Jan 2004 p. 387.}*

Once the decision has been made to uncombine the affected pools, it is at that point that "external" pool information is deleted from the system and new provisional dividends are shown (based on local pool totals only) on the next teletext update and ultimately when the dividends are released.

Messages are then sent to all TAS agencies advising of the change to pooling conditions as well as live on air broadcasts by Racing Radio to alert customers,

With reference to your comments regarding the change of dividends for Wodonga race 7, I can advise that the Win and Place pools were not affected and remained combined with the dividends declared being the same for all pooling partners. The Trifecta for that race however, was impacted and had to be uncombined. The result of that decision was actually in favour of WA customers with the local WA dividend being \$346.30 and the SuperTAB dividend being 199.80.

I would also like to provide the following examples of the variation of dividends that can occur between States and that it is not necessarily true that uncombining means RWWA will always pay lower dividends. The following information is based on Sunshine Coast Races 5 and 6 on the same day where RWWA had to uncombine and declare its own local dividends,

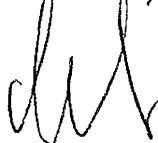
Sunshine Coast Race 5	Win	Place	Trifecta
WA	27.10	: 6.40 , 2.30 , 2.30	1,566.70
VICITAS/ACT	24.40	: 7.00 2.30 , 1.40	653.50
Sunshine Coast Race 6	Win	Place	Trifecta
WA	4.10	: 1.40 , 6.10 , 3.00	2040.70
VIC/TAS/ACT	6.80	: 2.20 3.70 , 4.00	842.80

The above examples show WA had far better Trifecta dividends, but the Win dividend was higher in race 5 but lower in race 6 with some more variations for and against with the place dividends.

Ultimately, the pooling partners attempt to avoid where possible) the uncombining of pools when any of the partners experience technical difficulties. All of the pooling partners however, do have the legal right to act in accordance with their relevant Regulations and make a commercial decision for the continuation of business.

I hope you find this information of value with your understanding of the circumstances that occurred on the date in question and the reasons why certain decisions are required to be made in the event of technical issues arising.

Yours sincerely



Richard Burt  
CHIEF EXECUTIVE OFFICER





Our Ref: MIN 32-03834

Enquiries: Kayla Calladine  
✉ [Kayla.calladine@rgl.wa.gov.au](mailto:Kayla.calladine@rgl.wa.gov.au)  
☎ 9425 1803

Mr N A Harman

Dear Mr Harman

#### TAB FAILURE TO PAY PUNTERS SAME DIVIDENDS

I refer to your letter to the Hon Terry Waldron MLA, Minister for Racing and Gaming dated 6 October 2009 regarding your letter to Racing and Wagering Western Australia (RWWA) about the TAB's failure to pay punters the same dividends. The Minister has asked that I respond on his behalf.

While the Minister for Racing and Gaming has no legislative authority to intervene in the matters that you have raised, I am advised that RWWA has responded to your concerns and explained the technical issues that occurred on the day in question. For your convenience, I have attached a copy of RWWA's response.

Thank you for bringing this matter to my attention.

Yours faithfully

  
Barry A Sargeant  
DIRECTOR GENERAL

12 October 2009

enc.

SURELY NOT SO?

THE OPERATING REES ARE SOURCED FROM  
SOVT IN FIRST PLACE!

Ref: HD474929

COPY

7 Oct 09

Mr N A Harman

Attn  
Mr Richard Burt  
Chief Executive Officer  
Racing & Wagering, Western Australia

Declaration of WA 'Standalone Pools'

Dear Sir,

Thank you for your (very enlightening) response of 22 Sept 09, to my complaint on the above topic, dated 7 Sept.

Since I had not heard back by 30 Sept., I passed on a copy of the original complaint to the Minister, Hon TK Waldron MLA. (I assume you would have heard back on that by now).

A number of things are now clearer, but not resolved at all, from your reply. I am even more certain Racing & Wagering WA is in breach of several aspects of law, in various circumstances where it sees fit to invoke Regulation 63.

1) Your reply certainly confirms my previously stated suspicion, that the 'continuation of business' i.e. to continue to accept bets/bringing in revenue, is the *first* priority of WATAB.

As shown on previous computer 'problem' occasions - considerations on the level of divs to the punter rate somewhere (distant) behind that.

2) 100% of WA punters placing bets on interstate meetings of whatever description are led to believe they will automatically be placed on the larger, combined SuperTab pool.

They/we have a right to feel duded, when such bets have arbitrarily been switched to much reduced WA standalone pool only - regardless of how justified WATAB feels in doing that, or whatever Rules & Regs they have in place to suit themselves.

3) As for the WA standalone pool public notification you cite - half the time during the now ubiquitous computer link problems, not even Racing Radio announcers seem to know exactly what races or meetings WA pool standalone will be applying to - let alone the punters knowing!

And such warnings are useless (to punters) when many irrevocable bets have *already* been placed on the SuperTab pool assumption.

4) Disgruntled punters I have shown your letter to, are to a person, amazed to learn of the existence of Regulation 63. (See if you can find it in information readily available to the public).

I enclose extracts from the current Comprehensive Betting Guide available to them. They are dismayed at WATAB's regulation ability to arbitrarily switch the betting pool during (frequent) communication failures- to almost certain lower div pay-outs.

5) As for Regulation 63, and its effects – (as one who has represented himself over the years, in two hearings against a self made millionaire, a major Australian Corporation (and both party's lawyers), and a 2 year battle against a typically belligerent Australian Taxation Office with the potential to cost them about \$1.3 million in a load of money they wrongfully billed 1300 people for - and won all three cases (they settled): I invite you to consult your legal advice as to whether Racing & Wagering WA, or even the WA State Government who Gazettes its operating regulations - has the power to legislate away/contravene Common Law.

Common Law as you would probably be aware, is the common law of the land of Australia (generated by hundreds of court decisions & precedence in both the UK & Australia - *all* of Australia, known as 'the Commonwealth'), the common Law of Equity (fairness) - where all consumer law on fair dealing/fair trading is drawn from; or Contract Law.

Not even Ministers of the Crown or Parliaments themselves can abolish or dismiss Common Law as irrelevant - which is why higher courts, by interpretation (under separation of powers) can, and often have overruled laws passed by Governments, decisions taken by Ministers, as unjust or invalid.

Thus, I would confidently submit that Regulation 63 and its practical effects in breaching Consumer Law and the Law of Contract are invalid, and only survives because it has not been legally challenged - yet.

Basically, the Law of Contract directs (among other aspects) anyone entering into a contract - like placing bets in this instance - must be aware or have access to all the operating conditions *before* placing the bet i.e. accepting the contract.

Such a contract cannot be arbitrarily changed later (or important information *disclosed* later, that affects the operational fairness of the transaction) usually, and as in this instance, by the most dominant of the parties just because it suits them - end for whatever reasons (such as the need to keep taking in a quid), to do so!

Consumer Law universally states that if a vendor displays a price (or a dividend in this case) they are bound by law to sell at that price - or pay that div. Operating problems, errors, or whatever operating excuse - are no mitigation in evading the **force** of such law. If it were, companies could use any number of excuses to get round **any** consumer law! Like: 'It would have cost us \$thousands in pay-outs' or, we **had** **this** or **that** problem.

So in essence, I contend if punters have placed bets in the belief they are with SuperTab, the resulting SuperTab divs - as paid interstate - are what WATAB is obliged to pay by law here (no matter how long that may take to come through). WATAB is obliged to pay what is displayed on the TAB screens after the race has concluded, unless something like a DR has occurred, or other run of the mill anomaly.

I have seen with my own eyes how less than displayed has been paid - which brings me to the next point:

6) You state that the win & place divs on the Wodonga R 7 instance I cited were not affected and the same as those for all pooling partners (taken to be SuperTab).

That is not true. Your advice is erroneous.

You are either telling me I did not actually see what I was looking at on my TV WA TAB teletext screen/or 20 minutes after the race was run (having got the trifecta), while waiting for correct weight divs to come up.

Either that, or I must have access to a different set of figures to everyone else!

The winner - Desert Flare was showing 8's - I was shocked to find WATAB paid only 4's. (And Master Houdini 3<sup>rd</sup>, showing \$3.60 the place - which I thought was strange at the time, but there it was. *Paid \$1.70*).

The by-now frequent computer communications problems happened again Benalla race 7, 12.35pm Sunday Oct 4 (and some obscure announcement by Racing radio that WA pool only may need to be applied - where? To *that* specific race? Other races? Which meetings? The announcer didn't seem to know in the confusion and the punters had no idea on specifics either).

You cite proper notification to the public - the reality is different.

Over half an hour delay (13.05pm the divs finally came up on screen) - but at least this time, unlike Wodonga and other occasions, the pay-out divs miraculously remained the same this time as, previously displayed post-race. I had a percentage of that trifecta too - where Belong To Peri won at \$19.40 (and \$4.40 pl) - so I know. I was noting divs down closely before you guys wiped the original screen off for next race.

7) Racing & Wagering WA have the Regulation 63 backstop to protect their interests and seem content with its legitimacy - but would RWWA have the nerve to declare WA standalone pool on the Caulfield Cup or Flemington Melbourne Cup meetings? Don't think so!

I have seen it applied some months ago to a Melbourne city gallops meeting (run on a Monday I think), with a WA pool only notice put up in the TAB. (Do that before the Melb Cup meeting and see how much you take in from regular WA punters!)

8) I'm sorry, but I have to regard the 'good scenario' WA standalone pool divs for 2 Sunshine Coast races you provide page 2, as somewhat misleading.

Why? Because as you well know, the majority of WA punters (like remote NT punters - I lived & punted there for 14 years, 13 years Sydney) betting Interstate, either bet on favourites or at least 'follow the money'. Of course you will get good divs on WA pool only, on 27-1 roughies and as for the other example - there are constant similar betting disparities between the 3 main betting pools every day of the week.

I mean, are you going to tell me, based on your convenient examples - punters here would do better on 'WA standalone pool only' would get better returns or a better market on say, Caulfield Saturday afternoon, Sale or Gosford Sunday Afternoon, than on SuperTab?

Why go on SuperTab at all then if WA standalone is so good for punters?

WHICH IS  
WHY SOME  
TRIFECTAS  
PAY MORE  
ON WA  
STANDALONE  
IF FAV  
IS UNPLACED

9) So no, in conclusion, and for the reasons argued - I do not believe Racing & Wagering WA 'have the legal right' as you term it in your penultimate paragraph to act in accordance with regulation 63.

I would submit RAWWA only *think* they have the (convenient, for *your* purposes) legal right, because it has not been challenged in a court of law.

I do not personally intend such a challenge.

But as a pissed off punter, who at anytime can find himself having placed say, \$100 of *prior* interstate gallops bets believing in good faith them to be on SuperTab - only to find them arbitrarily switched to WA standalone pool only (when I would not have bet *any* of that money in the first place); and on behalf of other disgruntled WA punters placed in a similar situation, and duded - I am not satisfied by the explanation provided.

I shall be watching.

( I of course reserve the right to pursue the matter wherever I see fit, including the TPC for a Federal Consumer Protection body's opinion. The matter does involve very substantial sums of money, a large organisation, and affects large numbers of people.

As previously mentioned, what RAWWA is doing may be convenient in difficult circumstances - but it can lead to the operating *perception*, by the punters - given frequent 'computer communication problems' - that there's some funny business going on behind the scenes somewhere, and they are the losers. I have heard mutterings from those looking at monitors.

That is hardly good PR for RWWA is it? Regardless of how precious 'continuation of business' may be to it.

Hopefully your lawyers will advise of the legal contravention implications of Regulation 63, given all operating circumstances (and level of information provided to the public), & effects on punters.

( If I might suggest, there is one way of at least satisfying the requirements of the Law of Contract. That is, Regulation 63 and all its implications would have to be included in the Comprehensive Betting Guide. Either that, or it would have to be displayed prominently in TAB's for punters to read *before* accepting the contract i.e. placing bets. They would enter into the contract knowing *all* the hazards, possible changes.

Go into any TAB as things stand, Mr Burt - see if you can find *any* punter who knows of Regulation 63, or its power to affect their 'investments'. That will give you a clue as to legality!

\* That solution would still not absolve WATAB from what I believe are universal consumer law obligations to pay the same SuperTab dividends displayed on monitors at the conclusion of a race, not less, *regardless* of any perceived in-house operational genuine excuses. I am sure you can see the potential for the perception, among punters, of WATAB 'creaming off' divs? How do they know what's going on behind the scenes and in cyberspace, manipulation of data and so forth?

Trust?

You are the guys who are undermining it.

Yours faithfully

