

Queensland



# RACING AND BETTING ACT 1980

**Reprinted as in force on 31 October 1997  
(includes amendments up to Act No. 51 of 1997)**

**Warning—see last endnote for uncommenced amendments**

**Reprint No. 2D**

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# Information about this reprint

This Act is reprinted as at 31 October 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

# Queensland



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# RACING AND BETTING ACT 1980

[as amended by all amendments that commenced on or before 31 October 1997]

**An Act to consolidate and amend the law relating to the regulation of racing, trotting and greyhound racing, totalisators, betting by and with bookmakers and the suppression of unlawful betting and to provide for matters incidental thereto or consequential thereon and for other purposes**

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Racing and Betting Act 1980*.

### Interpretation

5. In this Act—

“**analyst**” means a person appointed by the Minister by notification published in the gazette to be an analyst for the purpose of this Act.

“**athletic club**” means any body or association of persons corporate or unincorporate that promotes, holds or controls or is formed to promote, hold or control an athletic meeting.

“**athletic ground**” means a place used at a material time for the purpose of holding an athletic meeting.

“**athletic meeting**” means a meeting concerned wholly or principally with foot running, bicycle racing or any similar contest but does not include a meeting concerned with the playing of football, cricket or any similar game.

“**authorised officer**” means an authorised officer appointed by the chief

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executive pursuant to section 228A.

**“bet”** includes the action, behaviour, conduct or performance of a person who whether on 1 or more than 1 occasion—

- (a) makes or receives a bet or wager;
- (b) pays, receives, negotiates or settles a bet or wager;
- (c) offers, or agrees or otherwise negotiates to bet or wager or to pay, receive or settle a bet or wager;

for himself or herself or on behalf of another or of a person who cooperates with another person in connection with the doing of any of those acts.

**“betting meeting”** means a meeting held at a racing venue by a registered club but at which no race is held.

**“board”** means the Racing Codes Advisory Board constituted pursuant to section 10A.

**“bookmaker”** means a person who carries on the business of bookmaking or who acts as a bookmaker or turf commission agent or who gains or endeavours to gain the person’s livelihood wholly or partly by betting.

**“bookmaker’s agent”** means a person authorised by a control body pursuant to this Act to conduct the business of a bookmaker in the absence of that bookmaker.

**“bookmaker’s clerk”** means a person licensed by a control body to be employed by a bookmaker as a clerk in the conduct of the person’s business on or at a racing venue.

**“bookmaking”** means the business of receiving or negotiating bets and includes the settlement of bets.

**“chief executive (liquor licensing)”** means the chief executive under the *Liquor Act 1992*.

**“club”** means a race club, trotting club or greyhound club and for the purposes of part 6 includes an association of persons that has for its objects the conduct of any sport, fight, game, exercise or pastime.

**“combined sports meeting”** means a meeting for the conduct of foot races, bicycle races, or any other games, sports pastimes, contests, events or contingencies that include 1 or more than 1 horse race,



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trotting race or greyhound race.

**“commissioner”** means the Commissioner of Stamp Duties appointed under the *Stamp Act 1894* and includes the Assistant Commissioner of Stamp Duties and a Deputy Commissioner of Stamp Duties appointed under that Act.

**“committee”**, when used in relation to any club or athletic club, means the committee or other governing body of that club for the time being.

**“control body”** means the Queensland Principal Club, the Harness Racing Board or Greyhound Authority.

**“credit bet”** means a bet made with a bookmaker where the amount wagered by the bettor is not paid to the bookmaker when the bet is made.

**“drug”** means—

- (a) any substance which could affect the performance, behaviour or physical condition of a horse or, as the case may be, greyhound and includes any substance in any of the following groups, or any substance which is chemically or pharmacologically related thereto—
  - (i) psychomotor stimulants;
  - (ii) sympathomimetic amines;
  - (iii) miscellaneous central nervous system stimulants;
  - (iv) narcotic and other analgesics;
  - (v) anabolic steroids and other hormones; and
- (b) any substance prescribed by regulation as a drug for the purposes of this Act.

**“Greyhound Authority”** means the Greyhound Racing Authority established under this Act.

**“greyhound club”** means any body or association of persons corporate or unincorporate that promotes, holds or controls or is formed to promote, hold or control a greyhound meeting, and includes such a body or an association that is not registered.

**“greyhound course”** means a place for the holding of lawful greyhound

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meetings.

**“greyhound meeting”** means a meeting for the purpose of conducting greyhound races.

**“greyhound race”** means a race for greyhounds.

**“greyhound racing”** includes greyhound race or greyhound meeting.

**“Harness Racing Board”** means the Queensland Harness Racing Board constituted under this Act.

**“have in possession”** includes, in relation to a thing—

- (a) having it in one’s custody;
- (b) having it under one’s control in any place, whether or not another has custody of it;
- (c) having an ability to obtain custody of it at will;
- (d) having a claim to custody of it where the claimant has committed it to the custody of another, notwithstanding that it is temporarily not in the control of the person having such claim.

**“holder”**, when used in relation to any certificate, licence, permit or other authority under this Act, means the person who at the material time holds that certificate, licence, permit or other authority.

**“horse race”** means a race for galloping horses.

**“horse racing”** means the racing of galloping horses.

**“instrument of betting”** includes—

- (a) any book, card, coin, document, list, money, paper, record, sheet, table, ticket or other writing; or
- (b) any mechanical, electrical, telephonic, telegraphic, electronic or other equipment or device or any access to any such equipment or device; or
- (c) any film, microfilm or other photographic or holographic record; or
- (d) any tape, cassette, disc or other audio or visual recording or replaying device or equipment; or
- (e) any board, chart or screen; or

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(f) any other form or means of recording information or data; used, apparently used or capable of being used in carrying on or in connection with betting within or without Queensland in respect of a meeting within or without Queensland but does not include a document or other thing authorised by a Commonwealth Act or an Act passed by the Parliament of another State or Territory.

**“investment”**, when used in relation to a totalisator, means the amount of money invested on a totalisator the disposal of which is directed or authorised by this Act.

**“keep”**, when used in relation to a place, includes the action, behaviour, conduct or performance of a person who, at any material time, acts or behaves or appears to act or behave as the person having the care, control or management of that place at that time.

**“local rules of racing”** means rules made under section 11B(2)(a).

**“meeting”** means—

- (a) a race, trotting or greyhound meeting; or
- (b) a betting meeting.

**“metropolitan area”** means the area of the City of Brisbane constituted under the *City of Brisbane Act 1924*.

**“money”** includes bank notes, coins, bank drafts, marketable securities, cheques and other orders, warrants, authorities or requests for the payment of money or any acknowledgment, note or other thing purporting or intended to entitle the bearer or any other person to money or money’s worth.

**“net pool”**, when used in relation to a totalisator, means that part of moneys invested on a totalisator that is available to be paid out by way of dividend.

**“newspaper”** includes any journal, review, magazine or other writing published periodically.

**“night time”** means the period of time between the hour of 6 p.m. of one day and the hour of 6 a.m. of the day next following.

**“non-proprietary club”** means a club the constitution of which—

- (a) provides for the application of profits and other income thereof to

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the promotion of its objects;

(b) prohibits the payment of dividends to the members thereof.

**“novelty event”** means—

(a) an event other than a horse race, trotting race or greyhound race;

(b) any competition, display, demonstration, performance or other lawful activity the principal objects of which are the entertainment of the public and the promotion of racing, trotting or greyhound racing;

for which there is no prize money, reward or trophy of more than a nominal value and that is conducted in such a manner as not to provide a contingency on which bets may be made.

**“occupier”**, when used in relation to a place, includes the owner or keeper at a material time of the place, a person having at a material time the care, management, supervision or control of the place or in any manner conducting the business (if any) of the place and a person procured or employed by or acting for or on behalf of any such person.

**“officer”** means a person appointed under this Act as an officer or who continues to hold office under this Act or a person deemed to be an officer.

**“operating week”** means the period of 7 consecutive days used by the totalisator board at any material time as its week for accounting purposes.

**“operator”**, when used in relation to a totalisator, means the totalisator board, a club, the agent of a club or other authorised person that operates a totalisator.

**“paceway”** means a place for the holding of lawful trotting meetings.

**“person”** includes any club or athletic club and any body or association of persons corporate or unincorporate.

**“phantom meeting”** means a meeting authorised to be held under this Act at which no race is actually conducted or is required to be conducted.

**“place”** includes—

(a) any land;

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- (b) any building, structure or erection of any kind whether wholly or partly constructed or erected or in the course of erection;
- (c) a room in any building, structure or erection;
- (d) a road, street, thoroughfare, alley or right of way;
- (e) any racecourse, paceway, greyhound course, athletic ground or other ground;
- (f) a vehicle or vessel.

**“primary totalisator”** means a totalisator designated by the Minister as a primary totalisator and to which details of investments on any other totalisator or totalisators are transmitted or at which the net pools of more than 1 totalisator are amalgamated.

**“public place”** includes—

- (a) every road, street, thoroughfare, alley or right of way;
- (b) a place—
  - (i) of public resort open to or used by the public as of right;
  - (ii) for the time being used for a public purpose or for the time being open to access by the public whether on payment or otherwise or by the express or tacit consent or sufferance of the owner or occupier;
  - (iii) declared by regulation to be a public place for the purposes of this Act.

**“Queensland Principal Club”** means the club established under section 11.

**“race”** means any contest, event or contingency in which 2 or more runners compete one against the other or others, in a test of speed over a designated distance or period of time or for the purpose of providing a contingency on which bets may be made, but does not include any contest, event or contingency in which skills other than speed alone are tested or a trial.

**“race club”** means any body or association of persons corporate or unincorporate that promotes, holds or controls, or is formed to promote, hold or control, a race meeting, and includes such a body or an association that is not registered.

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**“racecourse”** means a place for the holding of lawful race meetings.

**“race meeting”** means a meeting for the purpose of conducting horse races.

**“racing”** includes horse race or race meeting.

**“racing association”** means an association established under section 20.

**“racing venue”** means a racecourse, paceway or greyhound course, whether in Queensland or elsewhere at which a meeting may lawfully be held.

**“refund”** means an investment made on a totalisator or a bet made with a bookmaker that is required for any reason to be refunded.

**“registered”** means—

- (a) when used in relation to a club, registered—
  - (i) by the Queensland Principal Club, as a race club; or
  - (ii) by the Harness Racing Board, as a trotting club; or
  - (iii) by the Greyhound Authority, as a greyhound club;
- (b) when used in relation to a horse or greyhound, registered in accordance with—
  - (i) the rules of racing; or
  - (ii) the rules of trotting; or
  - (iii) the rules of greyhound racing;as the case may be.

**“registered company auditor”** means a registered company auditor under the Companies (Queensland) Code.

**“rules of greyhound racing”** means the rules for the time being governing and relating to the control of greyhound racing made or adopted by the Greyhound Authority and approved by the Minister under this Act.

**“rules of racing”** means the rules for the time being governing and relating to horse racing under the control of the Queensland Principal Club, being with respect to the Queensland Principal Club an amalgamation of the Australian rules of racing as adopted by the club and the local rules of racing of the club together with the regulations made

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thereunder.

**“rules of the totalisator board”** means the rules of the Totalisator Administration Board for the time being made by the totalisator board and approved by the Minister.

**“rules of trotting”** means the rules for the time being governing and relating to the control of trotting made or adopted by the Harness Racing Board and approved by the Minister under this Act.

**“runner”** means a horse or greyhound that is a final acceptor in a race.

**“sporting contingency”** includes any event or contingency of or relating to a horse race, trotting race or greyhound race or an athletic contest, other race or contest of or relating to any sport, fight, game, exercise or pastime.

**“sports totalisator”** means a totalisator conducted in respect of any sporting contingency (other than a horse race, trotting race or greyhound race) or a series of such sporting contingencies.

**“surplus moneys”** means moneys paid into a totalisator that are not included as investments.

**“tabanza totalisator”** means a totalisator conducted by the totalisator board as a game of chance upon the result of any race.

**“totalisator”** means a scheme or system by means of which investments are accepted and aggregated and dividends are calculated, declared and paid on a proportional basis dependent upon the result of any sporting contingency or series of sporting contingencies in accordance with prescribed formulae, and includes any device, instrument, machine, computer or other thing used to effect the aggregation and distribution of investments and the place where such a scheme is operated.

**“totalisator board”** means the Totalisator Administration Board of Queensland constituted under this Act.

**“totalisator pool”** means the amount calculated by subtracting from the aggregate of investments on a class of totalisator, investments that are required to be refunded.

**“transmit”**, when used in relation to the operation of totalisators, means transfer details of investments on a particular class of totalisator being operated on a race or series of races to another totalisator of the same

class operating on the same race or series of races.

**“trial”** means an event held for the purpose of testing or training horses or greyhounds for which no prizemoney, trophy or other reward, gratuity or privilege of more than a nominal value is offered.

**“trotting”** includes trotting race or trotting meeting.

**“trotting club”** means any body or association of persons, corporate or unincorporate, that promotes, holds or controls or is formed to promote, hold or control a trotting meeting, and includes such a body or an association that is not registered.

**“trotting meeting”** means a meeting for the purpose of conducting trotting races.

**“trotting race”** means a race for trotting horses.

**“unit of investment”**, when used in relation to a totalisator, means the prescribed basic monetary unit that may be invested on a totalisator and on which a dividend is declared and paid.

**“unpaid moneys from sports totalisators”** means any part of the net pools of sports totalisators that is not paid out by way of dividend.

**“vehicle”** means a conveyance of any kind, whether or not at the material time capable of being operated or moved in any manner, and includes any aircraft, caravan or trailer.

**“vessel”** includes a ship, boat, hovercraft and a vehicle that is capable of use in or on water, whether floating or submersible and whether or not self-propelled.

## **PART 2—ADMINISTRATION**

### **Duty of commissioner to collect imposts and make payments**

6. Save where it is otherwise expressly provided and in addition to the powers and authorities conferred upon the commissioner by or under this Act, the commissioner by himself or herself and the commissioner’s officers shall have the care and management of all taxes, levies, fees,



charges and other payments imposed by this Act and all refunds, unpaid dividends, unpaid fractions and surplus moneys and with respect to the collection, recovery, management and payment thereof shall have the same powers and authorities as the commissioner has under the *Stamp Act 1894* and that Act with all necessary adaptations shall apply and extend accordingly.

### **Delegation by Minister**

7. The Minister may delegate the Minister's powers under this Act to any person.

### **Delegation by commissioner**

7A. The commissioner may delegate the commissioner's powers under this Act to any person.

### **Officers**

8.(1) The Commissioner of Stamp Duties, the Assistant Commissioner of Stamp Duties, Deputy Commissioners of Stamp Duties and all other officers appointed under and for the purposes of the *Stamp Act 1894* shall, by virtue of their respective appointments and without further or other appointment under this Act, be deemed to be officers appointed under and for the purposes of this Act and the Commissioner of Stamp Duties shall, in addition and without further or other appointment, be deemed to be an inspector of totalisators and a betting inspector under and for the purposes of this Act.

(1A) The Governor in Council may appoint such and so many officers as the Governor in Council considers necessary for the effectual administration of this Act.

(2) An appointment pursuant to subsection (1) may be made under the *Public Service Management and Employment Act 1988* and where so made the appointee shall hold office under, subject to and in accordance with that Act.

(2A) An appointment pursuant to subsection (1) made otherwise than under the *Public Service Management and Employment Act 1988* shall be

for such term, with such salary and subject to such conditions as the Governor in Council determines.

(3) The powers, functions and duties of officers appointed under this Act shall be such as are prescribed.

(4) Notwithstanding subsections (1) to (3), the commissioner may employ or engage for a specified period or on a casual basis from time to time such number of persons as the commissioner considers necessary or desirable and on such terms and conditions as the commissioner determines for the effectual administration of this Act.

(5) Persons employed or engaged pursuant to subsection (4) shall perform such duties as are allotted to them by the commissioner and for the purposes of this Act shall be deemed to be officers.

### **General powers, functions and duties of police officers**

9. Every police officer shall at all times take such steps as are necessary to ensure that the provisions of this Act are duly observed and make such enquiries, inspections and examinations and conduct such investigations as in the officer's opinion are necessary to establish whether or not a breach of this Act has been, is being or is likely to be committed.

### **Secrecy**

10.(1) Every person appointed, employed or engaged under or for the purposes of this Act or deemed so to be shall preserve and assist in preserving secrecy with regard to all matters that come to the person's knowledge in the person's official capacity or during the person's employment or engagement while exercising the powers or performing the functions and duties conferred or imposed upon the person for the purposes of this Act.

(1A) Such person shall not communicate any such matter to any other person except—

- (a) in the performance of duties under this Act; or
- (b) to the Auditor-General or an officer of the Auditor-General's department or other person authorised by the Auditor-General for the purposes of audit under the laws in force relating to the audit

of the public accounts.

(1B) For the purposes of this section, a person specified in subsection (1A)(b) shall be deemed to be a person appointed, employed or engaged under this Act.

(2) The commissioner and every officer appointed, employed or engaged under or for the purposes of this Act shall take and subscribe the prescribed oath of secrecy.

(3) A person who contravenes the oath of secrecy without lawful excuse by revealing any matter or thing to which the oath applies commits an offence against this Act.

Maximum penalty—40 penalty units or imprisonment for 12 months.

(4) Notwithstanding this section, the commissioner may disclose to the Commissioner of Taxation or the Commissioner of Taxation's deputy in Queensland information in his or her possession with respect to the administration of this Act.

(5) The commissioner or an officer duly authorised by the commissioner or a witness on the commissioner's behalf shall not be compelled—

- (a) to produce in a court any return, declaration, statement, record, account, notice or other writing; or
- (b) to disclose to a court the fact that the commissioner, officer or witness has received any information or the nature thereof or the name of a person who furnished such information or any matter or thing that has come to his or her knowledge in the performance of duties under this Act;

save where it is necessary to do so for the purpose of carrying this Act into effect.

### **Racing Codes Advisory Board**

**10A.(1)** There shall be constituted from time to time, for the purposes of this Act, a board to be called the Racing Codes Advisory Board.

(2) The board shall consist of 3 members nominated by the Minister, and the Minister shall nominate 1 of those members to be the chairperson.

(3) Every member of the board shall be appointed by the Governor in

Council by notification published in the gazette.

**(3A)** An officer of the public service may be appointed as a member of the board and may hold that appointment in conjunction with any other appointment the officer holds in the public service.

**(3B)** The board shall be taken to be constituted upon the publication in the gazette of notification of the appointment of its members.

**(4)** A person may be appointed as a member of the board for any term not exceeding 3 years as the Governor in Council thinks fit.

**(4A)** The term of appointment shall be specified in the notification of appointment.

**(4C)** A member of the board may at any time—

- (a) resign the member's appointment as such by writing under the member's hand given to the Minister;
- (b) be removed from the member's appointment as such by writing under the hand of the Minister given to the member at the direction of the Governor in Council.

**(5)** When a vacancy occurs in the office of a member of the board before the expiration of the member's term of appointment the Governor in Council may, by notification published in the gazette, appoint another person (who has been duly nominated by the Minister) to be a member of the board.

**(6)** The board—

- (a) shall exercise supervision over and report on a regular basis to the Minister in respect of the operations of section 228A;
- (b) shall consider and advise the Minister on such matters as the Minister may refer to it from time to time;
- (c) may initiate consideration of and inform the Minister on matters touching the administration of this Act.

**(7)** Members of the board shall be entitled to such remuneration as is approved from time to time by the Governor in Council.

**(8)** Members of the board shall be entitled to be reimbursed such out of pocket expenses necessarily incurred by them in the performance of their duties as such members as are prescribed.

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**(9)** All business of the board shall be conducted by a quorum at the least, which shall consist of 2 members.

**(9A)** The board shall meet at such times and places as it determines and shall conduct its business in such manner as is prescribed or, in so far as it is not prescribed, as it determines from time to time.

**(9B)** The chairperson of the board shall preside at all meetings of the board at which the chairperson is present and, in the chairperson's absence from any meeting, the members present shall elect from their number a member who shall preside at that meeting.

**(9C)** A proceeding of the board shall not be invalidated by reason of a defect in the appointment of a member or by reason of a vacancy in the membership of the board.

**(10)** The Governor in Council may, from time to time, by notification published in the gazette, appoint a secretary to the board and such other officers as he or she thinks necessary for the effectual discharge of the board's functions.

**(11)** An officer of the public service may be appointed under subsection (10) or may be assigned to perform duties on behalf of the board and may hold such appointment or perform such duties in conjunction with any other appointment the officer holds in the public service.

**(12)** The secretary and other officers appointed or assigned as such under this section shall be paid such remuneration as may be approved by the Governor in Council from time to time but, in the case of an officer of the public service who holds the appointment or assignment in conjunction with any other appointment the officer holds in the public service, only upon the recommendation of the chief executive.

## **PART 3—REGULATION OF RACING CODES**

### *Division 1—Racing*

#### **Establishment of Queensland Principal Club**

**11.(1).** A body called the Queensland Principal Club is established.

**(2)** The Queensland Principal Club—

- (a) is a body corporate; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name.

**(3)** All courts and persons acting judicially are to take judicial notice of the imprint of the seal of the Queensland Principal Club appearing on a document and, until the contrary is proved, are to presume the seal was duly affixed.

#### **Functions of Queensland Principal Club**

**11A.(1)** The functions of the Queensland Principal Club are—

- (a) to control, supervise, regulate and promote racing; and
- (b) to initiate, develop and implement policies it considers conducive to the development and welfare of the racing industry and the protection of the public interest, in relation to the racing industry.

**(2)** The rules of racing, to the extent necessary to give operation and effect to this section, are to be read subject to this section.

#### **Powers of Queensland Principal Club**

**11B.(1)** The Queensland Principal Club has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

**(2)** Without limiting subsection (1), the Queensland Principal Club has the powers conferred on it under this Act and may—

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- (a) make or amend the local rules of racing in accordance with the Australian Rules of Racing; and
- (b) in respect of racecourses—
  - (i) investigate and report on proposals for the construction of new racecourses or for the alteration or renovation of existing racecourses; and
  - (ii) supervise the construction of new racecourses or alterations or renovations to existing racecourses; and
- (c) register or license, or refuse to register or license, or cancel or suspend the registration or licence of, a race club, or an owner, trainer, jockey, bookmaker, bookmaker's clerk or another person associated with racing, or disqualify or suspend any of those persons permanently or for a specified period; and
- (d) supervise the activities of race clubs, persons licensed by the Queensland Principal Club and all other persons engaged in or associated with racing; and
- (e) direct and supervise the dissolution of a race club that ceases to be or is not registered by the Queensland Principal Club; and
- (f) appoint an administrator to conduct the affairs of a race club; and
- (g) register and identify galloping horses; and
- (h) disqualify a horse from participating in a race; and
- (i) exclude from participating in a race, a horse not registered under the rules of racing; and
- (j) prohibit a person from attending at or taking part in a race meeting; and
- (k) impose a penalty on a person licensed by it, or an owner of a horse for a contravention of the rules of racing; and
- (l) impose fees for registration of, a race club, person or horse; and
- (m) require registered race clubs to pay to it such fees and charges as are in its opinion required for the proper performance of its functions; and
- (n) consult, join, affiliate and maintain liaison with other associations

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or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds; and

- (o) enter into contracts; and
- (p) acquire, hold, take on lease and dispose of real and personal property whether in its own right or as trustee; and
- (r) give such directions to a race club with respect to its racecourse and its affairs as it considers necessary or desirable for the advancement of racing, whether in Queensland as a whole or in the locality of the racecourse; and
- (s) order an audit of the books and accounts of a race club by an auditor who is a registered company auditor; and
- (t) scrutinise the constitutions of race clubs to ensure they conform to this Act and the rules of racing and that they clearly and concisely express the needs and desires of the clubs concerned and of racing generally; and
- (u) publish material, including periodical publications, to inform and keep informed the public concerning matters relating to racing, whether in Queensland or elsewhere; and
- (v) when so directed by the Minister, or of its own motion, give to the Minister reports and recommendations with respect to any matter relating to racing; and
- (w) undertake research and investigation into all aspects of the breeding of horses and of racing generally; and
- (x) take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions.

**Custody and affixing of seal**

**11C.(1)** The seal of the Queensland Principal Club must be kept in the custody of the chairperson or such other person as may be authorised by resolution of the club.

**(2)** The seal is to be affixed to documents only in pursuance of a



resolution of the Queensland Principal Club and by the person having custody of the seal under subsection (1).

### **Authentication of documents**

**11D.** A document purporting to be made by the Queensland Principal Club, other than a document that requires the seal of the club to be affixed, is duly made if it bears the signature of the chairperson or a person authorised by resolution of the club to sign the document.

### **Queensland Principal Club not agent of the Crown**

**11E.** The Queensland Principal Club—

- (a) does not represent the Crown; and
- (b) is not entitled to any immunities or privileges of the Crown.

### **Composition of Queensland Principal Club**

**11F.(1)** The Queensland Principal Club consists of the following members—

- (a) 1 person nominated by the Brisbane Amateur Turf Club;
- (b) 1 person nominated by the Gold Coast Turf Club;
- (c) 1 person nominated by the Ipswich Turf Club;
- (d) 1 person nominated by the Queensland Turf Club;
- (e) 1 person nominated by the Sunshine Coast Turf Club;
- (f) 1 person nominated by the Toowoomba Turf Club;
- (g) 1 person nominated by the Capricornia Racing Association;
- (h) 1 person nominated by the Central-Western Queensland Racing Association;
- (i) 1 person nominated by the Downs and South-West Queensland Racing Association;
- (j) 1 person nominated by the North Queensland Racing Association;

(k) 1 person appointed by the Governor in Council.

(2) When an appointment to the Queensland Principal Club under subsection (1)(k) is required, the club must propose to the Minister—

(a) 1 person elected by the jockeys licensed by the club; and

(b) 1 person elected by the trainers licensed by the club.

(3) The Minister must consider the suitability of each person proposed under subsection (2) for membership of the club.

(4) The club must, for each group of jockeys and trainers, only propose a person who was elected by the group by secret ballot conducted in a way approved by the chief executive.

(5) For the purposes of approving a secret ballot, the chief executive may consult with the Electoral Commissioner.

### **Disqualification from nomination or appointment**

**11G.(1)** The following persons are ineligible to be members of the Queensland Principal Club—

(a) an undischarged bankrupt or a person taking advantage of the laws about bankruptcy;

(b) a person who has been or is convicted of an indictable offence;

(c) a patient within the meaning of the *Mental Health Act 1974*;

(d) a person who is warned off or is disqualified, or whose name is on the forfeit list, under the rules of racing;

(e) a person who is licensed by the Queensland Principal Club, including, for example, as a licensed bookmaker, jockey, owner-trainer, strapper and trainer.

(2) The nomination or appointment of a person who is ineligible to be a member—

(a) if the person is ineligible when nominated or appointed—is invalid from the start; or

(b) in any other case—becomes invalid on the day the person becomes ineligible.

(3) In this section—

“**appointment**” includes a purported appointment.

“**nomination**” includes a purported nomination.

### **Constitution of the Queensland Principal Club**

**11H.(1)** When all nominations and appointments have been made under section 11F, notification of the members of the Queensland Principal Club is to be published in the gazette.

(2) The Queensland Principal Club is taken to be constituted on the day of publication under subsection (1).

### **Tenure of office**

**11I.(1)** A member of the Queensland Principal Club holds office for 3 years from the day of publication under section 11H(1).

(2) Subject to subsection (3), a person who was previously a member of the Queensland Principal Club is eligible for re-nomination or reappointment as a member.

(3) A person must not be nominated or appointed to more than 2 successive terms as a member of the Queensland Principal Club.

### **Vacation of office**

**11J.** The office of a member becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) is absent, without reasonable excuse and prior leave of absence granted by the Queensland Principal Club, from 3 consecutive meetings of the club of which due notice has been given to the member; or
- (d) resigns, by signed notice given to the club; or
- (e) ceases to be qualified as a member.

**Casual vacancy**

**11K.(1)** If a casual vacancy happens in the office of a member, another person is to be nominated or appointed in the same way as the person whose office has become vacant was nominated or appointed.

**(2)** A person appointed to fill a casual vacancy as a member—

- (a) is to be appointed and hold office for the balance of the term of office of the person's predecessor or until the person sooner vacates the office; and
- (b) if otherwise qualified—is eligible for re-nomination or reappointment as a member.

**Members to be honorary members**

**11L.** The members of the Queensland Principal Club are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

**Chairperson of Queensland Principal Club**

**11M.(1)** The members of the Queensland Principal Club are to elect a chairperson from 1 of the members of the club.

**(2)** The chairperson of the Queensland Principal Club may resign as chairperson, by notice given to the club, and remain a member of the club.

**Acting chairperson**

**11N.** The members of the Queensland Principal Club may appoint 1 of the members to act as chairperson—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson is absent from duty or from the State or is, for any other reason, unable to perform the duties of the office.

**Queensland Principal Club may regulate its proceedings**

**110.** The Queensland Principal Club may regulate its proceedings as it considers appropriate.

**Employees**

**13.(1)** The Queensland Principal Club may appoint and employ on salary or wages, or engage and employ under contract, such persons as are necessary for the performance of its functions.

**(2)** Subject to any applicable decision within the meaning of the *Industrial Relations Act 1990*, persons employed under subsection (1) (other than on contract) are to be paid salaries, wages and allowances at such rates, and are to be employed under such conditions of employment (including conditions as to occupational superannuation and leave entitlements), as the Queensland Principal Club determines.

**Finance**

**14.(1)** The Queensland Principal Club may require race clubs registered by it to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the principal club with respect to its role as the Queensland Principal Club and each race club shall pay to the Queensland Principal Club the amount of any payment required by it to be paid, within the time so specified.

**(2)** Any charge, fee, penalty or other money due and owing to the Queensland Principal Club and remaining unpaid may be recovered by the principal club by action as for a debt in a court of competent jurisdiction brought in the name of its secretary for the time being as representative of the club.

**(2A)** In an action brought under subsection (2), a certificate signed by the chairperson or other person authorised by the Queensland Principal Club that the sum specified therein is due and owing to the Queensland Principal Club by the person or race club named therein and remains unpaid shall, upon its production in that action, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and owing to it by a race club, the Queensland Principal Club may suspend the registration of a race club that is indebted to it until payment is made in full.

(4) The Queensland Principal Club where it considers that, for the purpose of more effectually performing its functions and duties, it requires special financial accommodation, may apply as prescribed for an advance from the Racing Development Fund.

### **Queensland Principal Club is statutory body**

**15.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the Queensland Principal Club is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the powers under this Act of the Queensland Principal Club are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **Proprietary or unregistered racing unlawful**

**16.** A person other than a non-proprietary registered race club shall not conduct a horse race or hold a race meeting.

### **Registration of race clubs**

**17.(1)** The Queensland Principal Club shall not—

- (b) register a race club that is not a non-proprietary club; or
- (c) renew the registration of a race club that subsequent to its registration by the principal club has ceased to be a non-proprietary club.

(2) The principal club shall revoke the registration of a race club registered by it that ceases to be a non-proprietary club.

(3) If a race club that is registered by the Queensland Principal Club contravenes in any respect section 134, the Queensland Principal Club shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence against this Act in respect of that contravention.

**Dissolution of race club**

**18.(1)** Subject to this section, a race club that has ceased to be registered by the Queensland Principal Club shall forthwith take such steps and do such acts and things as are provided by the race club's constitution, the rules of racing and this Act with a view to the dissolution of that race club.

**(1A)** Where there is a conflict between the race club's constitution, the rules of racing or this Act, the rules of racing shall prevail over the club's constitution and this Act shall prevail over the rules of racing and the club's constitution.

**(2)** Where for valid reasons accepted by the principal club and the commissioner, it seems inappropriate to proceed to dissolution of a race club forthwith, the principal club, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the race club and the security of the club's assets, may grant to the club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which the race club ceased to be registered by the principal club.

**(2A)** The principal club, with the approval of the commissioner first had and obtained, may grant to the race club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

**(3)** A race club that has failed to complete dissolution within a period of 6 months from the date upon which the club ceased to be registered by the Queensland Principal Club or within any longer period or periods approved by the Queensland Principal Club pursuant to subsection (2) or (2A), shall be deemed to be dissolved immediately upon the expiration of such period or, as the case may be, periods and, notwithstanding section 134, the assets of the club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5).

**(3A)** However, where the commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the club has contributed to the delay in completing the dissolution of the club, the commissioner may grant such extension of time as the commissioner, in the commissioner's discretion, considers appropriate.

**(4)** A race club that, at the commencement of this section, is not registered by the Queensland Principal Club is taken to be dissolved, and all members of the committee and officers of the club are immediately to

complete the dissolution of the club.

(5) Subject to subsection (6), the assets of a race club to which subsection (3) or (4) applies shall, immediately upon the deemed dissolution of the club, devolve upon and vest in the Queensland Principal Club, which may direct that the assets, after realisation and after the payment of all lawful debts and liabilities (if any) of the club, shall be paid or delivered or transferred to the Queensland Principal Club to be held in trust for distribution at some later date to 1 or more of the following in such proportions as the Queensland Principal Club, in its discretion, thinks fit—

- (a) the principal club, for the general purposes or any special purpose thereof;
- (b) a race club that holds or commences to hold race meetings in the same locality as that in which the dissolved race club operated;
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a race club pursuant to subsection (1), (2), (3) or (4), the principal club shall be responsible for the lawful and effective conclusion of that dissolution and the principal club may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

(6AA) Where the Queensland Principal Club incurs reasonable expenses in the performance of the duty imposed by subsection (6), the principal club may recover the full amount of those expenses or such less amount as it is possible to recover, from the net amount remaining after the realisation of all the assets of the race club concerned and the payment of all lawful debts and liabilities, if any, of the club.

(6A) If the Queensland Principal Club is unable to recover the whole of the expenses in respect of the dissolution of a race club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other race clubs.

(7) The Queensland Principal Club shall notify the commissioner in writing upon a cessation of registration by the Queensland Principal Club of a race club.



**Principal club may appoint administrator of race club**

**19.(1)** Notwithstanding any Act, law or practice, the Queensland Principal Club, whenever it appears to it to be necessary, shall by order in writing—

- (a) dissolve the committee of a race club; or
- (b) appoint a person to be the administrator of the club for such period as it fixes from time to time; or
- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

**(2)** The Queensland Principal Club may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by the Queensland Principal Club by order issued pursuant to subsection (1).

**(3)** Upon the making of an order pursuant to subsection (1), the members of the committee of the race club concerned shall cease to hold office and every reference in a provision of the constitution and rules of the club, the rules of racing and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the principal club or, as the case may be, committee elected pursuant to subsection (1)(c).

**(4)** Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the race club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance lawfully requested by the administrator or committee.

**(5)** A provision contained in the constitution or in any rules of the race club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator, duly appointed by the Queensland

Principal Club or, as the case may be, committee elected pursuant to subsection (1)(c), conducts the business of the club.

### **Racing associations**

**20.** The following racing associations are established—

- (a) the South-East Queensland Racing Association;
- (b) the Downs and South-West Queensland Racing Association;
- (c) the North Queensland Racing Association;
- (d) the Capricornia Racing Association;
- (e) the Central Western Queensland Racing Association.

### **Composition of racing associations**

**20A.(1).** The racing associations are comprised of members as prescribed.

**(2)** The members of the racing associations are to be appointed in the prescribed way.

**(3)** The election of members of the racing associations is to be by secret ballot conducted in a way approved by the chief executive.

**(4)** For the purposes of approving a secret ballot, the chief executive may consult with the Electoral Commissioner.

**(5)** A person who is ineligible to be a member of the Queensland Principal Club under section 11G is ineligible to be a member of a racing association.

**(6)** The appointment of a person who is ineligible to be a member of a racing association—

- (a) if the person is ineligible when appointed—is invalid from the start; or
- (b) in any other case—becomes invalid on the day the person becomes ineligible.

**(7)** In this section—

**“appointment”** includes a purported appointment.

**Members to be honorary members**

**20B.** The members of the racing associations are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

**Functions of racing associations**

**20C.(1)** The functions of each racing association are—

- (a) to nominate members to the Queensland Principal Club; and
- (b) to appoint a committee to hear, in accordance with the relevant rules of racing, first level appeals from decisions of stewards; and
- (c) to provide advice to the Queensland Principal Club as requested and to carry out such functions as the Queensland Principal Club delegates to it.

**(2)** A member of a committee appointed under subsection (1)(b) must not be a current licensee.

**Powers of racing associations**

**20D.** Each racing association has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

**Racing associations not to employ**

**20E.** Racing associations are not to employ staff.

**Racing on unallotted day unlawful**

**22.** A race club must not conduct a horse race, or hold a race meeting, on a day not allotted to the club for a race meeting under this Act.

**Betting meeting at race club on unallotted day unlawful**

**23.** A race club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.

**Time at which a race meeting is deemed to commence**

**24.** A race meeting shall be deemed to commence at the time at which betting with bookmakers under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**Postponement of whole or part of race meeting**

**25.(1)** If, owing to adverse weather conditions or other emergent circumstances, a race club considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to the club or if, for any reason that the principal club considers to be sufficient, a race club does not desire to hold a race meeting on that day, the race club may, in accordance with the rules of racing, postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the Racing Industry Coordinating Committee approves pursuant to this Act.

**(2)** Where a race club postpones a race meeting or any part or parts thereof after that meeting has commenced, that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.

**(3)** If a race club, with the approval of the Queensland Principal Club, postpones intact part of a meeting comprising 3 or more races until another day, it may, with the approval of the principal club, stage any other race or races on that day sufficient to complete what the principal club considers is a race meeting normal for the club.

**Abandonment of whole or part of race meeting**

**26.(1)** If, owing to adverse weather conditions or other emergent circumstances, a race club considers it impossible or impracticable to hold a race meeting or a part thereof on the day allotted to the club or on any other day or if, for any reason that the principal club considers to be sufficient, a race club does not desire to hold a race meeting on that allotted day or other day, the club may, in accordance with the rules of racing, abandon that meeting or part.

**(2)** Where a race club abandons a race meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at

which the first public announcement of the abandonment is made by or on behalf of the club.

(3) If there has been no prior public announcement of the decision by a race club to postpone or abandon a race meeting pursuant to subsection (2) or section 25(2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a race meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, the Queensland Principal Club exercising jurisdiction with respect to the locality in which that meeting was to be held may allot another day to the same or another race club and the club may hold a race meeting on that other day.

### **Betting to continue at postponed or abandoned meeting**

27.(1) Notwithstanding this Act or any other Act, if, after a race meeting has commenced or is deemed to have commenced, the race club holding that meeting postpones or abandons the whole or a part thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced shall be lawful.

(2) If, at a racecourse, the whole or any part of a race meeting is postponed or abandoned at any time after that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of the club, continue at that racecourse during the time that betting or investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

### **Phantom meeting may be held in certain circumstances**

28.(1) Where a race club postpones or abandons a race meeting scheduled to be held on a day allotted to it by the Racing Industry

Coordinating Committee prior to the commencement or deemed commencement of that meeting, the club, with the prior approval of the Queensland Principal Club, may hold a phantom meeting.

(2) Where a race club, because of track reconstruction or other major works, is not allotted what the Queensland Principal Club considers is a normal allocation of days upon which it may hold race meetings, the principal club may permit the club to hold 1 or more than 1 phantom meeting sufficient only to permit the club to maintain its normal frequency of activity during the period those works are in progress.

(3) With respect to events to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the racecourse at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the rules of racing.

(4) The Queensland Principal Club may make rules with respect to phantom meetings and the holding of those meetings by race clubs shall be in strict compliance with those rules and this Act.

### **The Queensland Principal Club to review periodically race meetings**

**30.(1)** The Queensland Principal Club shall review periodically and so that not more than 12 months shall intervene between any one and the next following review, the holding of race meetings by each race club.

(2) If upon a review in accordance with subsection (1), the Queensland Principal Club is satisfied that, having regard to the number of races and the number of starters in each race at race meetings held during the period reviewed, the locality in question and such other factors as the Queensland Principal Club considers relevant, those meetings were not held in good faith in that the principal object of holding them was not horse racing or they were held in a manner contrary to this Act or the rules of racing or the public interest, the principal club shall cancel the then subsisting allotment of days for the holding of race meetings in respect of the race club concerned.

### **Racing on unlicensed racecourse unlawful**

**31.(1)** A person shall not hold a race meeting or conduct a horse race on a racecourse that is not licensed under this Act.

(2) A person who—

- (a) unlawfully holds a race meeting or conducts a horse race; or
- (b) assists in holding or conducting or promotes or assists in promoting a race meeting or horse race that is unlawful;

commits an offence against this Act.

### **Occupier not to permit racing to be conducted unlawfully**

**32.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a horse race.

### **Presence at unlawful racing prohibited**

**33.(1)** A person shall not be present at or in a place where a horse race is being or is about to be conducted unlawfully.

Maximum penalty—10 penalty units.

(2) This section does not apply with respect to a police officer or an officer acting in the course of the officer's duties.

### **Advertising unlawful racing prohibited**

**34.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended race meeting or horse race that is unlawful.

## ***Division 2—Trotting***

### **Constitution of the Queensland Harness Racing Board**

**35.(1)** The Queensland Trotting Board constituted under the *Racing and*

*Betting Act 1980* is preserved, continued in existence and constituted under this Act under the name and style the Queensland Harness Racing Board.

(2) The Queensland Harness Racing Board by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Harness Racing Board and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

(4) The Harness Racing Board shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

(5) The Harness Racing Board does not represent the Crown.

(6) A reference by whatever means expressed in any Act or in any other document instrument or writing whatever before the commencement of the *Racing and Betting Act Amendment Act 1984* to the Queensland Trotting Board constituted under the *Racing and Betting Act 1980* shall on and from that commencement be read and construed as a reference to the Queensland Harness Racing Board and shall operate and have effect accordingly.

### **Composition of Harness Racing Board**

**36.(1)** The Harness Racing Board shall consist of 4 members appointed by the Governor in Council by notification published in the gazette on the nomination of the Minister.

(2) The Governor in Council shall, from the members appointed pursuant to subsection (1) and on the nomination of the Minister, appoint a chairperson and a deputy chairperson of the Harness Racing Board.

### **Tenure of office**

**41.(1)** A member of the Harness Racing Board shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council



determines, specified in the notification of appointment published in the gazette but if by the expiration of that term the member's successor has not been duly appointed the member shall, subject to this Act, hold office until the member's successor is appointed.

(1A) A member of the board shall, if the member is otherwise qualified, be eligible for reappointment as a member.

(2) The Governor in Council may at any time remove a member of the Harness Racing Board from office as a member by notification published in the gazette.

### **Disqualification from membership**

42. A person who—

- (a) is a body corporate;
- (b) is an officer of the Harness Racing Board;
- (c) is the holder of a licence issued by the Harness Racing Board;
- (d) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (e) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission that if done or made by the person in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;
- (f) is a patient within the meaning of the *Mental Health Act 1974*;

shall not be capable of being or continuing to be a member of the Harness Racing Board.

### **Vacation of office**

43.(1) The office of a member of the Harness Racing Board shall become vacant if the member—

- (a) dies;

- (c) resigns office by writing signed by the member furnished to the Minister;
- (d) is absent without prior leave granted by the Harness Racing Board from 3 consecutive meetings thereof of which due notice has been given to the member;
- (e) ceases to be qualified as a member;
- (f) accepts or holds an office of profit under the Harness Racing Board or is directly or indirectly concerned in any contract with the Harness Racing Board or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the Harness Racing Board;
- (g) is removed from office as a member by the Governor in Council.

(2A) Notwithstanding subsection (1)(f), the office of a member of the Harness Racing Board shall not become vacant by reason only that the member or a firm in which the member is a partner is appointed to or acts in a professional capacity for or on behalf of that board or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the Harness Racing Board.

(3) Attendance of a member of the Harness Racing Board at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held, and the secretary shall enter in the minute book the names of all members who so attend.

### **Casual vacancies**

44.(1) When a vacancy occurs in the office of a member of the Harness Racing Board during the term of office of members then constituting that board, the Governor in Council shall appoint in accordance with this Act another qualified person nominated by the Minister as a member to hold office for the balance of the person's predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the Harness Racing Board shall be appointed and hold office for the balance of the person's predecessor's term of office as a member or until the person

sooner vacates that office and shall, if otherwise qualified, be eligible for reappointment as a member.

### **Appointment of substitute member**

**45.(1)** If a member of the Harness Racing Board other than the chairperson or deputy chairperson is likely to be absent from meetings thereof for any period, the Governor in Council may, by notification published in the gazette, appoint a person nominated by the Minister who is not a member of that board to act as a member during the absence of that member and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairperson or deputy chairperson.

**(3)** A person appointed under this section to act in the stead of a member shall be entitled during the period of appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of the member's absence.

### **Expenses, fees or allowances to members**

**46.(1)** The Harness Racing Board may pay to the members thereof such expenses, fees or allowances as are approved by the Governor in Council.

**(2)** Expenses, fees or allowances may vary between different classes of members.

### **Procedure at meetings**

**47.(1)** The chairperson of the Harness Racing Board shall preside at all meetings thereof at which the chairperson is present and in the chairperson's absence from any cause the deputy chairperson shall preside.

**(2)** Whilst so presiding the deputy chairperson shall have and may exercise the powers and shall perform the functions and duties of the chairperson.

**(3)** A member shall not represent a particular club or group of clubs or a sectional interest at a meeting of the Harness Racing Board to the exclusion

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of the best interests of trotting generally.

(4) A quorum at a meeting of the Harness Racing Board shall consist of not less than 3 members.

(5) The Harness Racing Board shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question and if the votes are equally divided the chairperson shall have a second or casting vote.

(5A) A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The Harness Racing Board shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairperson of the chairperson's own motion may, and, if so requested in writing at any time by 2 or more members of the Harness Racing Board, shall forthwith convene a special meeting of the Harness Racing Board.

(8) The secretary shall cause to be given to each member of the Harness Racing Board in writing, delivered personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address, notice of every ordinary and special meeting of the Harness Racing Board at least 48 hours before the time appointed for the commencement of the meeting, but a shorter period of notice of a special meeting may be given where the chairperson by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at that meeting, or so much of that business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the Harness Racing Board, whether ordinary or special, and if at that next meeting a quorum is not present, those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted

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thereat.

**(11)** Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the Harness Racing Board.

**(12)** A resolution of the Harness Racing Board shall not be revoked or altered unless—

- (a) notice of intention to move the revocation or alteration thereof is given in writing to each member of the Harness Racing Board personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or
- (b) the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours notice to each member gives, at a meeting of the Harness Racing Board, notice in writing of the member's intention to move the revocation or alteration at the next following meeting of the Harness Racing Board, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

**(13)** The Harness Racing Board shall cause minutes of all proceedings at a meeting of the Harness Racing Board—

- (a) to be entered in a book kept for the purpose; and
- (b) to be signed by the chairperson of the meeting or by the chairperson of the next following meeting; and
- (c) to be thereupon sent to the Minister.

**(14)** Subject to this Act, the Harness Racing Board shall conduct its business generally and procedure at meetings in such manner as it determines from time to time.

### **Custody and affixing of seal**

**48.(1)** The common seal of the Harness Racing Board shall be kept in the custody of the secretary thereto or, where there is a temporary vacancy in that position, of the chairperson.

**(2)** The common seal shall be affixed to a document only in pursuance of a resolution of the Harness Racing Board and by the person having the custody of the seal in accordance with this Act.

**(3)** Where that person is the secretary, the common seal shall be affixed in the presence of the chairperson but otherwise it shall be affixed in the presence of at least 2 members of the Harness Racing Board.

### **Authentication of documents**

**50.** Save where it is otherwise expressly provided, a document made or issued by the Harness Racing Board in the exercise of its powers or the performance of its functions and duties shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairperson or the secretary thereof at the chairperson's direction.

### **Functions, powers and duties of Harness Racing Board**

**52.(1)** The Harness Racing Board, subject to the direction of the Minister, shall have the control and general supervision throughout Queensland of trotting and the rules of trotting shall, to the extent necessary to give operation and effect to this section, be read subject to this section.

**(2)** The functions of the Harness Racing Board are—

- (a)** to control, supervise, regulate and promote trotting;
- (b)** to initiate, develop and implement such policies as it considers conducive to the development and welfare of the trotting industry and the protection of the public interest;
- (c)** to take all such steps and do all such acts and things as are necessary or desirable to be done for or in connection with the performance of its functions.

**(3)** Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section, the Harness Racing

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Board has and may exercise and shall perform the following powers and duties—

- (a) to make, amend or repeal the rules of trotting;
- (c) to investigate and report upon proposals for the construction of new paceways or for the alteration or renovation of existing paceways;
- (ca) to supervise the construction of new paceways or alterations or renovations to existing paceways and to make recommendations relating to the licensing of paceways or to paceways generally;
- (d) to register or licence or refuse to register or license or to cancel or suspend the registration or license of a trotting club or any owner, trainer, driver of a trotting horse, bookmaker, bookmaker's clerk or other person associated with trotting or to disqualify or suspend any of those persons permanently or for a specified period;
- (e) to supervise the activities of trotting clubs, persons licensed by the Harness Racing Board and all other persons engaged in or associated with trotting;
- (f) to direct and supervise the lawful dissolution of a trotting club that ceases to be or is not registered by the Harness Racing Board;
- (g) to appoint an administrator to conduct the affairs of a trotting club;
- (h) to register and identify trotting horses;
- (i) to disqualify a horse from participating in a trotting race;
- (j) to exclude from participating in a trotting race a horse not registered under the rules of trotting;
- (k) to prohibit a person from attending at or taking part in a trotting meeting;
- (l) to impose a penalty on a person licensed by it or on an owner of a trotting horse for breaches of the rules of trotting;
- (m) to impose fees for registration of a trotting club, person or horse;
- (n) to require registered trotting clubs to pay to it such fees as are, in its opinion, required for the proper performance of its functions

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and duties;

- (o) to consult, join, affiliate and maintain liaison with other associations or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds;
- (p) to enter into contracts;
- (q) to acquire, hold, take on lease and dispose of real and personal property as trustee;
- (r) to employ such persons as it considers necessary for the effectual performance of its functions and duties;
- (t) to give such directions to a trotting club with respect to its paceway and its affairs as it considers necessary or desirable for the advancement of trotting whether in Queensland as a whole or in the locality of the paceway;
- (u) whenever and so often as it is of the opinion that such action is necessary, to order that an audit of the books and accounts of a trotting club be conducted by an auditor, being a person who is a registered company auditor, nominated by the Harness Racing Board;
- (v) to scrutinise the constitutions of trotting clubs to ensure that they conform to this Act and the rules of trotting and that they clearly and concisely express the needs and desires of the clubs concerned and of trotting generally;
- (w) to publish material including a periodical publication to inform and keep informed the public concerning matters pertaining to trotting whether in Queensland or elsewhere;
- (x) when so directed by the Minister, or of its own motion, to furnish to the Minister a report and recommendation with respect to any matter relating to trotting;
- (y) to undertake research and make investigations into all aspects of the breeding of trotting horses and of trotting generally;
- (z) to take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions and duties.

**(4)** A trotting club that holds trotting meetings shall take such steps and



do such acts and things as are necessary to give operation and effect to subsections (1) to (3) and, without limit to the generality of this subsection, shall not by act or omission refuse or fail to recognise the Harness Racing Board as the authority having the control and general supervision throughout Queensland of trotting, or prevent, hinder or prejudice howsoever the exercise or performance by the Harness Racing Board of any power, function or duty, conferred or imposed upon it by this Act or the rules of trotting.

(5) The Harness Racing Board may, by the rules of trotting or by resolution, delegate its powers to a member or employee.

(7) The Harness Racing Board shall cause to be kept proper books of account and records in relation to all its operations and shall, in respect of each financial year, prepare and forward to the Minister a statement of accounts and balance sheet.

(8) The accounts of the Harness Racing Board shall be audited at least once in each year by the Auditor-General or by an authorised officer or person directed by the Auditor-General, each of whom shall have, with respect to such audit and accounts all the powers and authorities conferred on the Auditor-General, officer or person by the *Financial Administration and Audit Act 1977*.

(9) The costs and expenses of the Auditor-General or the authorised officer or person shall be fixed by the Auditor-General and paid by the Harness Racing Board.

(10) The Auditor-General shall certify whether the statement of accounts and balance sheet prepared on behalf of the Harness Racing Board—

- (a) are prepared in the proper form;
- (b) are in agreement with the accounts;
- (c) in the Auditor-General's opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of that period.

## **Officers**

**53.(1)** The Harness Racing Board shall appoint and employ a secretary and may appoint and employ such stewards and other officers and

employees as it thinks fit.

(2) Subject to any applicable award, the Harness Racing Board may pay to its secretary, stewards, other officers and employees respectively such salaries and wages or other remuneration as it determines from time to time.

(3) A person who, immediately prior to the commencement of this part, held office as an officer or occupied a position as an employee of the Queensland Trotting Board constituted under the *Racing and Betting Act 1954* (the “**old board**”) shall continue to hold that office or occupy that position until the person vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee respectively of the Queensland Trotting Board constituted under the *Racing and Betting Act 1980* (the “**new board**”).

(3A) The period of service that a person referred to in subsection (3) has had with the old board shall be deemed to be service with the new board for the purpose of calculating the person’s entitlements to annual leave, sick leave, long service leave and superannuation respectively and the new board may take whatever action is necessary to give effect to this provision.

(3B) However, a period of service with the old board in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the new board in calculating the person’s entitlement to the leave in question.

(4) A person who, immediately prior to the commencement of the *Racing and Betting Act Amendment Act 1984*, held office as an officer or occupied a position as an employee of the Queensland Trotting Board constituted under the *Racing and Betting Act 1980* (the “**old board**”) shall continue to hold that office or occupy that position until the person vacates it or is lawfully removed therefrom and shall be an officer or employee respectively of the Harness Racing Board constituted under this Act (the “**new board**”).

(5) The period of service that a person referred to in subsection (4) has had or been deemed to have had with the old board shall be deemed to be service with the new board for the purpose of calculating the person’s entitlements to annual leave, sick leave, long service leave and superannuation respectively and the new board may take whatever action is necessary to give effect to this provision.

(6) However, a period of service with the old board in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the new board in calculating the person's entitlement to the leave in question.

## **Finance**

**54.(1)** The Harness Racing Board may require trotting clubs to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the Harness Racing Board and each trotting club shall pay to the Harness Racing Board the amount of any payment required by it to be paid within the time so specified.

(2) Any charge, fee, penalty or other money due and owing to the Harness Racing Board and remaining unpaid may be recovered by the Harness Racing Board by action as for a debt in a court of competent jurisdiction.

(2A) In an action brought under subsection (2), a certificate signed by the chairperson or other person authorised by the Harness Racing Board, that the sum specified therein is due and owing to the Harness Racing Board by the person or trotting club named therein and remains unpaid shall upon its production in that action be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) Without prejudice to its right to recover an amount due and owing to it by a trotting club, the Harness Racing Board may suspend the registration of the club until payment is made in full.

(4) The Harness Racing Board, where it considers that, for the purpose of more effectually performing its functions and duties, it requires special financial accommodation, may apply for an advance from the Racing Development Fund.

## **Harness Racing Board is statutory body**

**54A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the Harness Racing Board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets

out the way in which the board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **Amendment of rules of trotting**

**55.(1)** In this section—

“**modify**” means repeal, amend, alter, substitute for, add to, revise, adopt or otherwise vary.

**(2)** The Harness Racing Board may modify the rules of trotting and may consent to rules that modify the Australian Rules of Trotting.

### **Proprietary or unregistered trotting unlawful**

**56.** A person other than a non-proprietary registered trotting club shall not conduct a trotting race or hold a trotting meeting.

### **Registration of trotting clubs**

**57.(1)** The Harness Racing Board shall not—

- (b) register a trotting club that is not a non-proprietary club; or
- (c) renew the registration of a trotting club that subsequent to its registration by the board has ceased to be a non-proprietary club.

**(2)** The Harness Racing Board shall revoke the registration of a trotting club registered by it that ceases to be a non-proprietary club.

**(3)** If a trotting club that is registered by the Harness Racing Board contravenes section 134, the Harness Racing Board shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.

### **Dissolution of trotting club**

**58.(1)** Subject to this section, a trotting club that has ceased to be registered by the Harness Racing Board shall forthwith take such steps and do such acts and things as are provided by the club's constitution, the rules of trotting and this Act with a view to the dissolution of the club.

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**(1A)** Where there is a conflict between the trotting club's constitution, the rules of trotting or this Act, the rules of trotting shall prevail over the club's constitution and this Act shall prevail over the rules of trotting and the club's constitution.

**(2)** Where for valid reasons accepted by the Harness Racing Board and the commissioner, it seems inappropriate to proceed to dissolution of a trotting club forthwith, the Harness Racing Board, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the club and the security of the club's assets, may grant to the club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which the club ceased to be registered by the Harness Racing Board.

**(2A)** The Harness Racing Board, with the approval of the commissioner first had and obtained, may grant to the trotting club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

**(3)** A trotting club that has failed to complete dissolution within a period of 6 months from the date on which the club ceased to be registered by the Harness Racing Board, or within any longer period or periods approved by that board pursuant to subsection (2) or (2A), shall be deemed to be dissolved immediately upon the expiration of that period or, as the case may be, periods and, notwithstanding section 134, the assets of the club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5).

**(4)** However, where the commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the trotting club has contributed to the delay in completing the dissolution of the club, the commissioner may grant such extension of time as the commissioner, in the commissioner's discretion, considers appropriate.

**(5)** Subject to subsection (6), the assets of a trotting club to which subsection (3) or (4) applies shall, immediately upon the deeming of the club to be dissolved, devolve upon and vest in the Harness Racing Board, which may direct that the assets, after realisation and after the payment of all lawful debts and liabilities (if any) of the club, shall be paid or delivered or transferred to the Harness Racing Board to be held in trust for distribution at some later date to 1 or more of the following in such proportions as the

Harness Racing Board, in its discretion, thinks fit—

- (a) the Harness Racing Board, for the general purposes or any special purpose thereof;
- (b) a trotting club that holds or commences to hold trotting meetings in the same locality as that in which the dissolved trotting club operated;
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a trotting club pursuant to subsection (1), (2), (3) or (4), the Harness Racing Board shall be responsible for the lawful and effective conclusion of that dissolution and the Harness Racing Board may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

(6AA) Where the Harness Racing Board incurs reasonable expenses in the performance of the duty imposed by subsection (6), the Harness Racing Board may recover the full amount of those expenses, or such less amount as it is possible to recover, from the net amount remaining after the realisation of all the assets of the trotting club concerned and the payment of all lawful debts and liabilities (if any) of the club.

(6A) If the Harness Racing Board is unable to recover the whole of the expenses in respect of the dissolution of a trotting club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other trotting clubs.

(7) The Harness Racing Board shall notify the commissioner in writing upon a cessation of registration by the Harness Racing Board of a trotting club.

### **Harness Racing Board may appoint administrator of trotting club**

**59.(1)** Notwithstanding any Act, law or practice, the Harness Racing Board, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing—

- (a) dissolve the committee of a trotting club; or
- (b) appoint a person to be the administrator of the club for such period as it fixes from time to time; or

- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

(2) The Harness Racing Board may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by that board by order issued pursuant to subsection (1).

(3) Upon the making of an order pursuant to subsection (1), the members of the committee of the trotting club concerned shall cease to hold office and every reference in a provision of the constitution and rules of the club, the rules of trotting and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the Harness Racing Board or, as the case may be, committee elected pursuant to subsection (1)(c).

(4) Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the trotting club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance as is lawfully requested by the administrator or committee.

(5) A provision contained in the constitution or in any rules of the trotting club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator, duly appointed by the Harness Racing Board or, as the case may be, committee elected pursuant to subsection (1)(c), conducts the business of the club.

### **Trotting on unallotted day unlawful**

**62.** A trotting club must not conduct a trotting race, or hold a trotting meeting, on a day not allotted to the club for a trotting race meeting under this Act.

**Betting meeting at trotting club on unallotted day unlawful**

**63.** A trotting club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.

**Time at which a trotting meeting is deemed to commence**

**64.** A trotting meeting shall be deemed to commence at the time at which betting with bookmakers commences at that meeting under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**Postponement of whole or part of a trotting meeting**

**65.(1)** If, owing to adverse weather conditions or other emergent circumstances, a trotting club considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to the club, or if, for any reason that the Harness Racing Board considers to be sufficient, a trotting club does not desire to hold a trotting meeting on that day the club may, in accordance with the rules of trotting, postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the Racing Industry Coordinating Committee approves pursuant to this Act.

**(2)** Where a trotting club postpones a trotting meeting or any part or parts thereof after that meeting has commenced that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.

**(3)** If a trotting club, with the approval of the Harness Racing Board, postpones intact part of a trotting meeting comprising 3 or more races until another day, it may, with the approval of the Harness Racing Board, stage any other race or races on that day sufficient to complete what the board considers is a trotting meeting normal for the club.

**Abandonment of whole or part of a trotting meeting**

**66.(1)** If, owing to adverse weather conditions or other emergent circumstances, a trotting club considers it impossible or impracticable to hold a trotting meeting or a part thereof on the day allotted to the club or on any other day or if, for any reason that the Harness Racing Board considers



to be sufficient, a trotting club does not desire to hold a trotting meeting on that allotted day or other day, the club may, in accordance with the rules of trotting abandon that meeting or part.

(2) Where a trotting club abandons a trotting meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at which the first public announcement of the abandonment is made by or on behalf of the club.

(3) If there has been no prior public announcement of the decision by a trotting club to postpone or abandon a trotting meeting pursuant to subsection (2) or section 65(2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a trotting meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, the Harness Racing Board may allot another day to the same or another trotting club and the club may hold a trotting meeting on that other day.

### **Betting to continue at postponed or abandoned meeting**

67.(1) Notwithstanding this Act or any other Act, if, after a trotting meeting has commenced or is deemed to have commenced, the trotting club holding that meeting postpones or abandons the whole or any part thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

(2) If, at a paceway, the whole or any part of a trotting meeting is postponed or abandoned by a trotting club at any time after that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of the club, continue at that paceway during the time that betting or investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

**Phantom meeting may be held in certain circumstances**

**68.(1)** Where a trotting club postpones or abandons a trotting meeting scheduled to be held on a day allotted to it by the Racing Industry Coordinating Committee prior to the commencement or deemed commencement of that meeting, the club may, with the prior approval of the Harness Racing Board, hold a phantom meeting.

**(2)** Where a trotting club, because of track reconstruction or other major works, is not allotted what the Harness Racing Board considers is a normal allocation of days on which it may hold trotting meetings, the Harness Racing Board may permit the club to hold 1 or more than 1 phantom meeting sufficient only to permit the club to maintain its normal frequency of activity during the period those works are in progress.

**(3)** With respect to races to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the paceway at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the rules of trotting.

**(4)** The Harness Racing Board may make rules with respect to phantom meetings and the holding of those meetings by trotting clubs shall be in strict compliance with those rules and this Act.

**Harness Racing Board to review periodically trotting meetings**

**70.(1)** The Harness Racing Board shall review periodically and so that not more than 12 months shall intervene between any 1 and the next following review, the holding of trotting meetings by each trotting club.

**(2)** If upon a review in accordance with subsection (1), the Harness Racing Board is satisfied that, having regard to the number of races and the number of starters in each race at trotting meetings during the period reviewed, the locality in question and such other factors as the Harness Racing Board considers relevant, those meetings were not held in good faith in that the principal object of holding them was not the conduct of races for trotting horses or they were held in a manner contrary to this Act or the rules of trotting or to the public interest, the Harness Racing Board shall cancel the then subsisting allotment of days for the holding of trotting meetings in respect of the trotting club concerned.

**Trotting on unlicensed paceway unlawful**

**71.(1)** A person shall not conduct trotting on a paceway that is not licensed under this Act.

**(2)** A person who—

- (a) unlawfully holds a trotting meeting or conducts a trotting race; or
- (b) assists in holding or conducting or promotes or assists in promoting a trotting meeting or trotting race that is unlawful commits an offence against this Act.

**Occupier not to permit trotting to be conducted unlawfully**

**72.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a trotting race.

**Presence at unlawful trotting prohibited**

**73.(1)** A person shall not be present at or in a place where a trotting race is being or is about to be conducted unlawfully.

Maximum penalty—40 penalty units.

**(2)** This section does not apply with respect to a police officer or an officer acting in the course of the officer's duties.

**Advertising unlawful trotting prohibited**

**74.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended trotting meeting or trotting race that is unlawful.

**When trotting on showgrounds allowed**

**75.(1)** Notwithstanding any other provision of this Act, a society or other association of persons having for its object the holding of an agricultural, horticultural, pastoral or industrial show (a “**show society**”) may, with the prior approval of the Harness Racing Board so to do, conduct a trotting race or trotting races on a day and on the ground on which a show is held.

**(2)** A trotting race or trotting races referred to in subsection (1)—

- (a) shall be conducted under and in accordance with the rules of trotting in so far as they are applicable to trotting races conducted at a show; and
- (b) shall be supervised and controlled by such stewards and other officials as the show society concerned appoints.

**(3)** Before a show society appoints any stewards or other officials referred to in subsection (2)(b) it shall consult in relation thereto with the Harness Racing Board.

**(4)** The approval of the Harness Racing Board given under subsection (1) may be given subject to such conditions as to it seem desirable for the proper and safe presentation of trotting at a show.

**(5)** The provisions of this Act shall not be construed as—

- (a) constituting a show society to be a trotting club;
- (b) allowing the Harness Racing Board to manage the affairs of a show society or to control the presentation of a show by a show society.

**(6)** Betting on a ground and day where and when a trotting race is or trotting races are conducted or proposed to be conducted pursuant to this section shall be unlawful and, to the extent necessary to give effect to this subsection, this Act and any other Act or law relating to betting shall be read subject to this subsection.

### ***Division 3—Greyhound racing***

#### **Establishment of Greyhound Racing Authority**

**76.(1)** The Greyhound Racing Control Board of Queensland constituted under the *Racing and Betting Act 1954* is established under this Act under the name ‘Greyhound Racing Authority’.

**(2)** The Greyhound Racing Authority by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

**(3)** All courts and persons acting judicially shall take judicial notice of the common seal of the Greyhound Authority and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

**(4)** The Greyhound Authority shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

**(5)** The Greyhound Authority does not represent the Crown.

#### **Composition of Greyhound Authority**

**77.(1)** The Greyhound Authority shall consist of 4 members appointed by the Governor in Council by notification published in the gazette on the nomination of the Minister.

**(2)** The Governor in Council shall, from the members appointed pursuant to subsection (1) and on the nomination of the Minister, appoint a chairperson and a deputy chairperson of the Greyhound Authority.

#### **Tenure of office**

**82.(1)** A member of the Greyhound Authority shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council determines, specified in the notification of appointment published in the

gazette but if by the expiration of that term the member's successor has not been duly appointed the member shall, subject to this Act, hold office until the member's successor is appointed.

(1A) A member of the Authority shall, if the member is otherwise qualified, be eligible for reappointment as a member.

(2) The Governor in Council may at any time remove a member of the Greyhound Authority from office as a member by notification published in the gazette.

### **Disqualification from membership**

83. A person who—

- (a) is a body corporate;
- (b) is an officer of the Greyhound Authority;
- (c) is the holder of a licence, permit or registration certificate issued by the Greyhound Authority other than an owner's registration certificate;
- (d) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (e) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission that if done or made by the person in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;
- (f) is a patient within the meaning of the *Mental Health Act 1974*;

shall not be capable of being or continuing to be a member of the Greyhound Authority.

### **Vacation of office**

84.(1) The office of a member of the Greyhound Authority shall become vacant if the member—

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- (a) dies;
- (c) resigns office by writing signed by the member furnished to the Minister;
- (d) is absent without prior leave granted by the Greyhound Authority from 3 consecutive meetings thereof of which due notice has been given to the member;
- (e) ceases to be qualified as a member;
- (f) accepts or holds an office of profit under the Greyhound Authority or is directly or indirectly concerned in any contract with the Greyhound Authority or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the Greyhound Authority;
- (g) is removed from office as a member by the Governor in Council.

**(2A)** Notwithstanding subsection (1)(f), the office of a member of the Greyhound Authority shall not become vacant by reason only that the member or a firm in which the member is a partner is appointed to or acts in a professional capacity for or on behalf of the authority or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the Greyhound Authority.

**(3)** Attendance of a member of the Greyhound Authority at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held and the secretary shall enter in the minute book the names of all members who so attend.

**Casual vacancies**

**85.(1)** When a vacancy occurs in the office of a member of the Greyhound Authority during the term of office of members then constituting the authority, the Governor in Council shall appoint in accordance with this Act another qualified person nominated by the Minister as a member to hold office for the balance of the person's predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the Greyhound Authority shall be appointed and hold office for the balance of the person's predecessor's term of office as a member or until the person sooner vacates that office and shall, if otherwise qualified, be eligible for reappointment as a member.

### **Appointment of substitute member**

**86.(1)** If a member of the Greyhound Authority other than the chairperson or deputy chairperson is likely to be absent from meetings thereof for any period, the Governor in Council may by notification published in the gazette appoint a person nominated by the Minister who is not a member of the authority to act as a member during the absence of that member, and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairperson or deputy chairperson.

(3) A person appointed under this section to act in the stead of a member shall be entitled during the period of appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of the member's absence.

### **Expenses, fees or allowances to members**

**87.(1)** The Greyhound Authority may pay to the members such expenses, fees or allowances, as are approved by the Governor in Council.

(2) Expenses, fees or allowances may vary between different classes of members.

### **Procedure at meetings**

**88.(1)** The chairperson of the Greyhound Authority shall preside at all meetings thereof at which the chairperson is present and in the chairperson's absence from any cause the deputy chairperson shall preside.

(2) Whilst so presiding the deputy chairperson shall have and may exercise the powers and shall perform the functions and duties of the



chairperson.

(3) A member shall not represent a particular club or group of clubs or a sectional interest at a meeting of the Greyhound Authority to the exclusion of the best interests of greyhound racing generally.

(4) A quorum at a meeting of the Greyhound Authority shall consist of not less than 3 members.

(5) The Greyhound Authority shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question and if the votes are equally divided the chairperson shall have a second or casting vote.

(5A) A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The Greyhound Authority shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairperson of the chairperson's own motion may, and, if so requested in writing at any time by 2 or more members of the Greyhound Authority, shall forthwith convene a special meeting of the Greyhound Authority.

(8) The secretary shall cause to be given to each member of the Greyhound Authority in writing, delivered personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address, notice of every ordinary and special meeting of the Greyhound Authority at least 48 hours before the time appointed for the commencement of the meeting, but a shorter period of notice of a special meeting may be given where the chairperson by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at that meeting, or so much of that business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the Greyhound Authority, whether ordinary or special, and if at that next meeting a quorum

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is not present those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted thereat.

**(11)** Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the Greyhound Authority.

**(12)** A resolution of the Greyhound Authority shall not be revoked or altered unless—

- (a) notice of intention to move the revocation or alteration thereof is given in writing to each member of the Greyhound Authority personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or
- (b) the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours notice to each member gives, at a meeting of the Greyhound Authority, notice in writing of the member's intention to move the revocation or alteration at the next following meeting of the Greyhound Authority, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

**(13)** The Greyhound Authority shall cause minutes of all proceedings at a meeting of the Greyhound Authority—

- (a) to be entered in a book kept for the purpose; and
- (b) to be signed by the chairperson of the meeting or by the chairperson of the next following meeting; and
- (c) to be thereupon sent to the Minister.

**(14)** Subject to this Act, the Greyhound Authority shall conduct its business generally and procedure at meetings in such manner as it determines from time to time.

**Custody of and affixing of seal**

**89.(1)** The common seal of the Greyhound Authority shall be kept in the custody of the secretary thereto or, where there is a temporary vacancy in that position, of the chairperson.

**(2)** The common seal shall be affixed to a document only in pursuance of a resolution of the Greyhound Authority and by the person having the custody of the seal in accordance with this Act.

**(3)** Where that person is the secretary, the common seal shall be affixed in the presence of the chairperson but otherwise it shall be affixed in the presence of at least 2 members of the Greyhound Authority.

**Authentication of documents**

**91.** Save where it is otherwise expressly provided, a document made or issued by the Greyhound Authority in the exercise of its powers or the performance of its functions shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairperson or the secretary thereof at the chairperson's direction.

**Functions, powers and duties of Greyhound Authority**

**93.(1)** The Greyhound Authority, subject to the direction of the Minister, shall have the control and general supervision throughout Queensland of greyhound racing and the rules of greyhound racing shall, to the extent necessary to give operation and effect to this section, be read subject to this section.

**(2)** The functions of the Greyhound Authority are—

- (a)** to control, supervise, regulate and promote greyhound racing;
- (b)** to initiate, develop and implement such policies as it considers conducive to the development and welfare of the greyhound racing industry and the protection of the public interest;
- (c)** to take all such steps and do all such acts and things as are necessary or desirable to be done for or in connection with the performance of its functions.

**(3)** Without limiting the generality of subsection (2) or the powers and

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duties conferred or imposed by any other section, the Greyhound Authority has and may exercise and shall perform the following powers and duties—

- (a) to make, amend or repeal the rules of greyhound racing;
- (c) to investigate and report upon proposals for the construction of new greyhound courses or for the alteration or renovation of existing greyhound courses; to supervise the construction of new greyhound courses or alterations or renovations to existing greyhound courses and to make recommendations relating to the licensing of greyhound courses or to greyhound courses generally;
- (d) to register or license or refuse to register or license or to cancel or suspend the registration or licence of a greyhound club or any owner, trainer, bookmaker, bookmaker's clerk or other person associated with greyhound racing or to disqualify or suspend any of those persons permanently or for a specified period;
- (e) to supervise the activities of greyhound racing clubs, persons licensed by the Greyhound Authority and all other persons engaged in or associated with greyhound racing;
- (f) to direct and supervise the lawful dissolution of a greyhound club that ceases to be or is not registered by the Greyhound Authority;
- (g) to appoint an administrator to conduct the affairs of a greyhound club;
- (h) to register and identify greyhounds;
- (i) to disqualify a greyhound from participating in a race;
- (j) to exclude from participating in a race a greyhound not registered under the rules of greyhound racing;
- (k) to prohibit a person from attending at or taking part in a greyhound meeting;
- (l) to impose a penalty on a person licensed by it or on an owner of a greyhound for breaches of the rules of greyhound racing;
- (m) to impose fees for registration of a greyhound club, person or greyhound;
- (n) to require registered greyhound clubs to pay to it such fees as are

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in its opinion required for the proper performance of its functions and duties;

- (o) to consult, join, affiliate and maintain liaison with other associations or bodies, whether in Queensland or elsewhere, concerned with the breeding or racing of horses or greyhounds;
- (p) to enter into contracts;
- (q) to acquire, hold, take on lease and dispose of real and personal property as trustee;
- (r) to employ such persons as it considers necessary for the effectual performance of its functions and duties;
- (t) to give such directions to a greyhound club with respect to its greyhound course and its affairs as it considers necessary or desirable for the advancement of greyhound racing whether in Queensland as a whole or in the locality of the greyhound course;
- (u) whenever and so often as it is of the opinion that such action is necessary, to order that an audit of the books and accounts of a greyhound club be conducted by an auditor, being a person who is a registered company auditor, nominated by the Greyhound Authority;
- (v) to scrutinise the constitutions of greyhound clubs to ensure that they conform to this Act and the rules of greyhound racing and that they clearly and concisely express the needs and desires of the clubs concerned and of greyhound racing generally;
- (w) to publish material including a periodical publication to inform and keep informed the public concerning matters pertaining to greyhound racing whether in Queensland or elsewhere;
- (x) when so directed by the Minister or of its own motion, to furnish to the Minister a report and recommendation with respect to any matter relating to greyhound racing;
- (y) to undertake research and make investigations into all aspects of the breeding of greyhounds and of greyhound racing generally;
- (z) to take such steps and do such acts and things as are incidental or conducive to the exercise of its powers and the performance of its functions and duties.

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(4) A greyhound club that holds greyhound meetings shall take such steps and do such acts and things as are necessary to give operation and effect to subsections (1) to (3) and, without limit to the generality of this subsection, shall not by act or omission refuse or fail to recognise the Greyhound Authority as the authority having the control and general supervision throughout Queensland of greyhound racing, or prevent, hinder or prejudice howsoever the exercise by the Greyhound Authority of any power, function or duty, conferred or imposed upon it by this Act or the rules of greyhound racing.

(5) The Greyhound Authority may, by the rules of greyhound racing or by resolution, delegate in such manner and upon such terms and conditions as it determines to a member or an employee the exercise of such of its functions and duties (other than this power of delegation) as are specified by the rules of greyhound racing or by the resolution.

(6) Any Act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if the act or thing had been done or suffered by the Greyhound Authority and shall be deemed to have been done or suffered by the Greyhound Authority.

(7) The Greyhound Authority shall cause to be kept proper books of account and records in relation to all its operations and shall, in respect of each financial year, prepare and forward to the Minister a statement of accounts and balance sheet.

(8) The accounts of the Greyhound Authority shall be audited at least once in each year by the Auditor-General or by an authorised officer or person directed by the Auditor-General, each of whom shall have, with respect to such audit and accounts all the powers and authorities conferred on the Auditor-General, officer or person by the *Financial Administration and Audit Act 1977*.

(9) The costs and expenses of the Auditor-General or the authorised officer or person shall be fixed by the Auditor-General and paid by the Greyhound Authority.

(10) The Auditor-General shall certify whether the statement of accounts and balance sheet prepared on behalf of the Greyhound Authority—

- (a) are prepared in the proper form;
- (b) are in agreement with the accounts;

- (c) in the Auditor-General's opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of that period.

## **Officers**

**94.(1)** The Greyhound Authority shall appoint and employ a secretary and may appoint and employ such stewards and other officers and employees as it thinks fit.

**(2)** Subject to any applicable award, the Greyhound Authority may pay to its secretary, stewards, other officers and employees respectively such salaries and wages or other remuneration as it determines from time to time.

## **Finance**

**95.(1)** The Greyhound Authority may require greyhound clubs to pay to it from time to time and within the time specified such amounts as it considers necessary to meet the legitimate expenses of the Greyhound Authority and each greyhound club shall pay to the Greyhound Authority the amount of any payment required by it to be paid within the time so specified.

**(2)** Any charge, fee, penalty or other money due and owing to the Greyhound Authority and remaining unpaid may be recovered by the Greyhound Authority by action as for a debt in a court of competent jurisdiction.

**(2A)** In an action brought under subsection (2), a certificate signed by the chairperson or other person authorised by the Greyhound Authority that the sum specified therein is due and owing to the Greyhound Authority by the person or greyhound club named therein and remains unpaid shall upon its production in that action be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

**(3)** Without prejudice to its right to recover an amount due and owing to it by a greyhound club, the Greyhound Authority may suspend the registration of the club until payment is made in full.

**(4)** The Greyhound Authority, where it considers that, for the purpose of

more effectually performing its functions and duties, it requires special financial accommodation, may apply for an advance from the Racing Development Fund.

### **Greyhound Authority is statutory body**

**95A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the Greyhound Authority is a statutory body.

**(2)** The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Greyhound Authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **Amendment of rules of greyhound racing**

**96.(1)** In this section—

“**modify**” means repeal, amend, alter, substitute for, add to, revise, adopt or otherwise vary.

**(2)** The Greyhound Authority may modify the rules of greyhound racing.

### **Proprietary or unregistered greyhound racing unlawful**

**97.** A person other than a non-proprietary registered greyhound club shall not conduct a greyhound race or hold a greyhound meeting.

### **Registration of greyhound clubs**

**98.(1)** The Greyhound Authority shall not—

- (b) register a greyhound club that is not a non-proprietary club; or
- (c) renew the registration of a greyhound club that subsequent to its registration by the authority has ceased to be a non-proprietary club.

**(2)** The Greyhound Authority shall revoke the registration of a greyhound club registered by it that ceases to be a non-proprietary club.

**(3)** If a greyhound club that is registered by the Greyhound Authority



contravenes in any respect section 134, the Greyhound Authority shall revoke the registration and may do so notwithstanding that there has been no prosecution for an offence under this Act in respect of that contravention.

### **Dissolution of greyhound club**

**99.(1)** A greyhound club that has ceased to be registered by the Greyhound Authority shall forthwith take such steps and do such acts and things as are provided by the club's constitution, the rules of greyhound racing and this Act with a view to the dissolution of the club.

**(1A)** Where there is a conflict between the greyhound club's constitution, the rules of greyhound racing or this Act, the rules of greyhound racing shall prevail over the club's constitution and this Act shall prevail over the rules of greyhound racing and the club's constitution.

**(2)** Where for valid reasons accepted by the Greyhound Authority and the commissioner, it seems inappropriate to proceed to dissolution of a greyhound club forthwith, the Greyhound Authority, upon being satisfied as to the adequacy and accuracy of books and accounts kept by the club and the security of the club's assets, may grant to the club in writing approval to postpone dissolution for a period in the first instance not exceeding 12 months from the date on which the greyhound club ceased to be registered by the Greyhound Authority.

**(2A)** The Greyhound Authority, with the approval of the commissioner first had and obtained, may grant to the greyhound club concerned further postponements of its dissolution for periods not exceeding in any case 6 months.

**(3)** A greyhound club that has failed to complete dissolution within a period of 6 months from the date on which the club ceased to be registered by the Greyhound Authority, or within any longer period or periods approved by the Greyhound Authority pursuant to subsection (2) or (2A), shall be deemed to be dissolved immediately upon the expiration of that period or, as the case may be, periods and, notwithstanding section 134, the assets of the club shall not thereafter be dealt with or disposed of in a manner other than that expressly provided in subsection (5).

**(4)** However, where the commissioner is satisfied that extenuating circumstances prevailed and that no omission or neglect by the committee or a member thereof or by any member, officer or agent of the greyhound

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club has contributed to the delay in completing the dissolution of the club, the commissioner may grant such extension of time as the commissioner, in the commissioner's discretion, considers appropriate.

(5) Subject to subsection (6), the assets of a greyhound club to which subsection (3) or (4) applies shall, immediately upon the deeming of the club to be dissolved, devolve upon and vest in the Greyhound Authority, which may direct that the assets, after realisation and after the payment of all lawful debts and liabilities (if any) of the club, shall be paid or delivered or transferred to the Greyhound Authority to be held in trust for distribution at some later date to 1 or more of the following in such proportions as the Greyhound Authority, in its discretion, thinks fit—

- (a) the Greyhound Authority, for the general purposes or any special purpose thereof;
- (b) a greyhound club that holds or commences to hold greyhound meetings in the same locality as the dissolved greyhound club;
- (c) the Racing Development Fund.

(6) Upon the dissolution or deemed dissolution of a greyhound club pursuant to subsection (1), (2), (3) or (4) the Greyhound Authority shall be responsible for the lawful and effective conclusion of that dissolution and the Greyhound Authority may take such steps and do such acts and things as are necessary and lawfully permissible to achieve a proper dissolution.

(6AA) Where the Greyhound Authority incurs reasonable expenses in the performance of the duty imposed by subsection (6), the Greyhound Authority may recover the full amount of those expenses, or such less amount as it is possible to recover, from the net amount remaining after the realisation of all the assets of the greyhound club concerned and the payment of all lawful debts and liabilities (if any) of the club.

(6A) If the Greyhound Authority is unable to recover the whole of the expenses in respect of the dissolution of a greyhound club, it may recover the amount not then recovered from the net amount realised on the subsequent dissolutions of any other greyhound clubs.

(7) The Greyhound Authority shall notify the commissioner in writing upon a cessation of registration by the Greyhound Authority of a greyhound club.

**Greyhound Authority may appoint administrator of greyhound club**

**100.(1)** Notwithstanding any Act, law or practice, the Greyhound Authority, whenever it appears to it to be necessary and the Minister so approves, shall by order in writing—

- (a) dissolve the committee of a greyhound club; or
- (b) appoint a person to be the administrator of the club for such period as it fixes from time to time; or
- (c) make by the same or a later order necessary provision for the election of a committee of the club notwithstanding that provision so made may not in all respects conform to the constitution and rules of the club.

**(2)** The Greyhound Authority may make rules, consistent with this Act, to define the duties, responsibilities and authority of an administrator appointed by the Authority by order issued pursuant to subsection (1).

**(3)** Upon the making of an order pursuant to subsection (1), the members of the committee of the greyhound club concerned shall cease to hold office and every reference in a provision of the constitution and rules of the club, the rules of greyhound racing and this Act to the committee or to an office bearer shall be deemed to be a reference to the administrator appointed by the Greyhound Authority or, as the case may be, committee elected pursuant to subsection (1)(c).

**(4)** Following the making of an order pursuant to subsection (1), all members of the committee holding office immediately prior to the making of that order and every officer and member of the greyhound club shall provide without delay, disruption or interference free and complete access by the administrator or, as the case may be, committee elected pursuant to subsection (1)(c) to all assets, records and other property of the club and shall provide all information, advice and assistance as is lawfully requested by the administrator or committee.

**(5)** A provision contained in the constitution or in any rules of the greyhound club concerned requiring an election of a committee or of a person to an office of the club shall be deemed to be suspended and inoperative during such period as the administrator, duly appointed by the Greyhound Authority, or, as the case may be, committee elected pursuant to subsection (1)(c), conducts the business of the club.

**Greyhound racing on unallotted day unlawful**

**103.** A greyhound club must not conduct a greyhound race, or hold a greyhound meeting, on a day not allotted to the club for a greyhound meeting under this Act.

**Betting meeting at greyhound club on unallotted day unlawful**

**104.** A greyhound club must not conduct a betting meeting on a day not allotted to the club for a betting meeting under this Act.

**Time at which a greyhound meeting is deemed to commence**

**105.** A greyhound meeting shall be deemed to commence at the time at which betting with bookmakers under the direction or authority of the steward or stewards in control of that meeting or investment on a totalisator commences at that meeting, whichever is the earlier.

**Postponement of whole or part of a greyhound meeting**

**106.(1)** If, owing to adverse weather conditions or other emergent circumstances a greyhound club considers it impossible or impracticable to hold that meeting or a part thereof on a day allotted to the club or if, for any reason that the Greyhound Authority considers to be sufficient, a greyhound club does not desire to hold a greyhound meeting on that day, the club may, in accordance with the rules of greyhound racing, postpone that meeting, part of that meeting or any parts of that meeting until such other day or days as the Racing Industry Coordinating Committee approves pursuant to this Act.

**(2)** Where a greyhound club postpones a greyhound meeting or any part or parts thereof after that meeting has commenced, that postponement shall take effect as at the time at which the first public announcement of the postponement is made by or on behalf of the club.

**(3)** If a greyhound club, with the approval of the Greyhound Authority, postpones intact part of a greyhound meeting comprising 4 or more races until another day, it may, with the approval of the Greyhound Authority, stage any other race or races on that day sufficient to complete what the Authority considers is a greyhound meeting normal for the club.

**Abandonment of whole or part of a greyhound meeting**

**107.(1)** If, owing to adverse weather conditions or other emergent circumstances, a greyhound club considers it impossible or impracticable to hold a greyhound meeting or a part thereof on the day allotted to the club or on any other day or if, for any reason that the Greyhound Authority considers to be sufficient, a greyhound club does not desire to hold a greyhound meeting on that allotted day or other day, the club may, in accordance with the rules of greyhound racing, abandon that meeting or part.

(2) Where a greyhound club abandons a greyhound meeting or part thereof after that meeting has commenced, that abandonment shall take effect as at the time at which the first public announcement of the abandonment is made by or on behalf of the club.

(3) If there has been no prior public announcement of the decision by a greyhound club to postpone or abandon a greyhound meeting pursuant to subsection (2) or section 106(2), that meeting shall be deemed to have been abandoned if no race has been held before the expiration of a period of 1 hour and 30 minutes after the time at which the first race of the meeting was appointed to start.

(4) In a case where a greyhound meeting, or part thereof comprising half or more than half of the races programmed to be conducted at that meeting, has been abandoned, the Greyhound Authority may allot another day to the same or another greyhound club and the club may hold a greyhound meeting on that other day.

**Betting to continue at postponed or abandoned meeting**

**108.(1)** Notwithstanding this Act or any other Act, if, after a greyhound meeting has commenced or is deemed to have commenced, the greyhound club holding that meeting postpones or abandons the whole or any part thereof, betting with bookmakers or investment on a totalisator in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141 that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

(2) If, at a greyhound course, the whole or any part of a greyhound meeting is postponed or abandoned by a greyhound club at any time after

that meeting has commenced or is deemed to have commenced, betting with bookmakers or investment on a totalisator on events to be determined at any other racing venue may, at the discretion of the club, continue at that greyhound course during the time that betting or investment would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting or investment shall be lawful.

### **Phantom meeting may be held in certain circumstances**

**109.(1)** Where a greyhound club postpones or abandons a greyhound meeting scheduled to be held on a day allotted to it by the Racing Industry Coordinating Committee prior to the commencement or deemed commencement of that meeting, the club may, with the prior approval of the Greyhound Authority, hold a phantom meeting.

(2) Where a greyhound club, because of track reconstruction or other major works, is not allotted what the Greyhound Authority considers is a normal allocation of days upon which it may hold greyhound meetings, the Greyhound Authority may permit the club to hold 1 or more than 1 phantom meeting sufficient only to permit the club to maintain its normal frequency of activity during the period those works are in progress.

(3) With respect to events to be decided at another racing venue, betting with bookmakers and investment on a totalisator on the greyhound course at which and on a day when a phantom meeting is lawfully held shall be lawful and shall be subject to this Act and the rules of greyhound racing.

(4) The Greyhound Authority may make rules with respect to phantom meetings and the holding of those meetings by greyhound clubs shall be in strict compliance with those rules and this Act.

### **Greyhound Authority to review periodically greyhound meetings**

**111.(1)** The Greyhound Authority shall review periodically and so that not more than 12 months shall intervene between any 1 and the next following review, the holding of greyhound meetings by each greyhound club.

(2) If upon a review in accordance with subsection (1), the Greyhound Authority is satisfied that, having regard to the number of races and the

number of starters in each race at greyhound meetings held during the period reviewed, the locality in question and such other factors as the Greyhound Authority considers relevant, those meetings were not held in good faith in that the principal object of holding them was not the conduct of races for greyhounds or they were held in a manner contrary to this Act or the rules of greyhound racing or to the public interest, the Greyhound Authority shall cancel the then subsisting allotment of days for the holding of greyhound meetings in respect of the greyhound club concerned.

### **Greyhound racing on unlicensed greyhound course unlawful**

**112.(1)** A person shall not conduct a greyhound race on a greyhound course that is not licensed under this Act.

**(2)** A person who—

- (a) unlawfully holds a greyhound meeting or conducts a greyhound race; or
- (b) assists in holding or conducting, or promotes or assists in promoting, a greyhound meeting or a greyhound race that is unlawful;

commits an offence against this Act.

### **Presence at unlawful greyhound racing prohibited**

**113.(1)** A person shall not be present at or in a place where a greyhound race is being or is about to be conducted unlawfully.

Maximum penalty—10 penalty units.

**(2)** This section does not apply with respect to a police officer or an officer acting in the course of the officer's duties.

### **Occupier not to permit greyhound racing to be conducted unlawfully**

**114.** An occupier of a place shall not permit or suffer a person to conduct unlawfully thereon a greyhound race.

**Advertising unlawful greyhound racing prohibited**

**115.** A person shall not print, publish, sell, circulate, distribute, exhibit or post up, or cause, permit or suffer to be printed, published, sold, circulated, distributed, exhibited or posted up, any placard, handbill, card, writing, advertisement, information or notice, or transmit or cause, permit or suffer to be transmitted by radio or television or amplified through any public address system or other electronic equipment any advertisement or information that directly or indirectly relates to any intended greyhound meeting or greyhound race that is unlawful.

***Division 3A—Racing Appeals Tribunal*****Definitions**

**115A.** In this division—

“**authority**” means the Racing Appeals Authority established under section 115B.

“**licence**” means a licence or permit issued by a control body to, or the registration by a control body of—

- (a) a race, trotting or greyhound club, or another body associated with racing; or
- (b) a bookmaker, bookmaker’s clerk, jockey, owner, stable supervisor, stablehand, trainer or another person associated with racing.

“**member**” means a member of the authority.

“**steward**” means a person appointed as a steward by a control body, and includes a person appointed as a deputy steward.

**Racing Appeals Authority**

**115B.(1)** An appeal body called the Racing Appeals Authority is established.

**(2)** The authority consists of 3 members appointed by the Governor in Council.



(3) The Governor in Council is to appoint 1 member as chairperson and another member as deputy chairperson.

(4) The authority is established on appointment of the first 3 members.

(5) Despite subsection (2), a single member may constitute the authority for the purposes of hearing and determining an appeal, and may do so even though another member is, or 2 other members are, at the same time, constituting the authority for the purposes of hearing and determining an appeal.

(6) When more than 1 authority is sitting at the same time, each may exercise the jurisdiction and powers of the authority.

### **Qualification for appointment of members**

**115C.(1)** A member must—

- (a) have been, but must not presently be a judge of the Supreme Court or District Court; or
- (b) be a legal practitioner of at least 5 years standing.

(2) An officer of the public service may be appointed a member of the authority and may hold the appointment in conjunction with any other appointment the person holds in the public service.

### **Disqualification for appointment**

**115D.** A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;

is not capable of being or continuing to be a member.

**Tenure of office**

- 115E.(1)** A member holds office for 3 years from appointment.
- (2)** A member is eligible (if otherwise qualified) for reappointment.
- (3)** A member may at any time—
- (a) by signed notice given to the Minister, resign his or her appointment as a member; or
  - (b) be removed as a member by the Governor in Council.

**Vacation of office**

- 115F.** The office of a member becomes vacant if the member—
- (a) dies; or
  - (b) becomes incapable of continuing as a member; or
  - (c) resigns under section 115E(3)(a).

**Casual vacancy**

**115G.(1)** If a casual vacancy happens in the office of a member, another person is to be appointed in the same way as the person whose office has become vacant was appointed.

- (2)** A person appointed to fill a casual vacancy as a member—
- (a) is to be appointed and holds office for the balance of the term of office of the person's predecessor or until the person sooner vacates the office; and
  - (b) if otherwise qualified—is eligible for reappointment as a member.

**Remuneration to members**

**115H.** The members are entitled to such fees and expenses for attendance at meetings of the authority as are approved by the Governor in Council.

**Officers of authority**

**115L.(1)** The Governor in Council may appoint a secretary to the authority and such other officers as the Governor in Council considers appropriate for the performance of the authority's functions.

(2) An officer of the public service may be appointed, or may be assigned to perform duties, for the authority, and may hold the appointment or perform the duties in conjunction with any other appointment held in the public service.

**Expert consultants**

**115J.(1)** The authority may, in hearing appeals under this Act, employ such expert consultants who have appropriate knowledge of, and experience in, the racing industry as it considers appropriate.

(2) An officer of the public service may be employed under subsection (1).

(3) An expert consultant to the authority is entitled to such fees and expenses for attendance at meetings of the authority as are approved by the Governor in Council.

**Appeals to authority**

**115K.(1)** Subject to subsections (4) and (5), a person may appeal to the authority—

- (a) against a decision of a control body to refuse to grant, fail to renew or revoke a licence; or
- (b) against a decision of a racing association appeals committee made in relation to an appeal against a penalty imposed by, or any other decision or order made by, a steward; or
- (c) against the imposition of a penalty or other decision or order made by a steward of the Harness Racing Board or the Greyhound Authority.

(2) A steward of a racing association may appeal to the authority against a decision of a racing association appeals committee.

(3) Subject to section 115L(4), if—

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- (a) a racing association appeals committee refuses to hear an appeal from a penalty imposed by, or any other decision or order made by, a steward; or
- (b) within 6 weeks from the lodging of such an appeal, no determination has been made by the racing association appeals committee;

it is taken to have been dismissed.

(4) Despite subsection (1), an appeal does not lie to the authority against—

- (a) a decision concerning the eligibility of an animal to race or the conditions on which an animal can race; or
- (b) a disqualification or suspension of an animal from racing, unless the disqualification or suspension is in addition to a penalty of more than \$100 imposed on a person; or
- (c) a disqualification, suspension or warning off of a person from participating in racing as an owner, trainer, jockey or driver, or in another capacity, for a period that would, in the normal course of the person's racing activities, deprive the person of the right to participate at less than 4 meetings; or
- (d) the imposition of a penalty of not more than \$100.

(5) Despite the rules of trotting and greyhound racing, an appeal in respect of trotting and greyhound racing does not lie to the relevant control body if the penalty imposed on a person is—

- (a) a disqualification, suspension or warning off of the person from participating in racing as an owner, trainer, jockey or driver, or in another capacity, for a period that would, in the normal course of the person's racing activities, deprive the person of the right to participate at a meeting; or
- (b) a fine.

**Institution of appeal**

**115L.(1)** An appeal under section 115K must be instituted within 14 days of the imposition of the penalty or the making of the decision or

order—

- (a) by lodging with the secretary to the authority written notice of appeal and the prescribed fee; and
- (b) by serving a copy of the notice on—
  - (i) if section 115K(1)(a) applies—the control body that made the decision; or
  - (ii) if section 115K(1)(b) applies—the racing association appeals committee that made the decision and the steward; or
  - (iii) if section 115K(1)(c) applies—the steward that made the decision; or
  - (iv) if section 115K(2) applies—the racing association appeals committee that made the decision.

(2) A notice of appeal must—

- (a) specify the grounds of appeal; and
- (b) comply with any applicable regulations.

(3) The time within which an appeal may be instituted may be extended at any time by the authority.

(4) If an appeal is taken to have been dismissed under section 115K(3), the authority may, on written application made by the racing association appeals committee and lodged with the secretary, order that the time for consideration of the appeal by the racing association appeals committee be extended and make such further order with respect to the adjournment or otherwise of the appeal to the authority as it considers appropriate.

### **Suspension or variation of decision pending determination of appeal**

**115M.(1)** The authority may, on written application made by an appellant and lodged with the secretary, order that the decision appealed against—

- (a) must not be carried into effect; or
- (b) must be carried into effect only to the extent specified in the order pending the determination of the appeal.

(2) The authority may impose conditions in an order made under

subsection (1), and any such order is taken not to be in force for any period during which a condition is not complied with.

(3) Subject to subsection (2), an order made under subsection (1) continues in force until the appeal to which it relates is dismissed, determined or withdrawn, whichever happens first.

### **Authority to hear appeal**

**115N.(1)** Subject to subsection (2), the authority must start the hearing of an appeal as soon as practicable, but, in any event, not later than 28 days after the lodging of the notice of appeal.

(2) The authority may, if in its opinion the special circumstances of a case so require, extend by order the period of time mentioned in subsection (1).

### **Hearing of appeals**

**115O.(1)** The authority—

- (a) may regulate its own proceedings; and
- (b) is not bound by formal rules and practices of evidence, but may inform itself on a matter in any way that it considers appropriate.

(2) At any time when the authority consists of 2 members, the chairperson, or, in the absence of the chairperson, the deputy chairperson has a second or casting vote.

(3) An appeal before the authority must—

- (a) be held in public at such place and time as the authority determines; and
- (b) be by way of rehearing unless the authority otherwise directs.

(4) The authority—

- (a) may, of its own motion or on the application of a party to a proceeding before it, direct the secretary to the authority to issue and to serve on a person a summons to appear before the authority to give evidence or to produce such documents as are specified in the summons; and

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(b) may make an order for the way in which the summons is to be served.

(5) A person served, as prescribed, with a summons to appear as a witness before the authority must not, without reasonable excuse—

- (a) fail to attend as required by the summons; or
- (b) fail to appear from time to time in the course of the proceeding as required by the presiding member.

Maximum penalty—335 penalty units.

(6) Evidence before the authority—

- (a) must be given orally unless the authority gives leave to allow the evidence to be given wholly or partly in writing; and
- (b) must be given on oath.

(7) The chairperson, or, in the absence of the chairperson, the deputy chairperson or the person constituting the authority in a particular matter may—

- (a) take evidence on oath or affirmation; or
- (b) adjourn the proceeding from time to time; or
- (c) require that any evidence in an appeal be heard before the authority sitting with an expert consultant.

(8) All parties to an appeal must be present at the hearing of the appeal, but each may be represented by a duly qualified legal practitioner or, with the approval of the authority, by any other person.

(9) Nothing in subsection (8) prevents the authority from hearing an appeal or making a determination or order in the absence of a person who, after having been served with notice of the day and place of the hearing, fails to attend at a hearing.

(10) Each party to an appeal must pay his or her own costs.

(11) However, if the authority is of the opinion that the application of subsection (10) would be unjust in a particular case, it may make such order as to costs as it considers appropriate.

(12) An order of the authority for payment of an amount for costs is, on the filing of the prescribed documents in the registry of a court of competent

jurisdiction, taken to be a judgment of the court for the payment of the amount in accordance with the order of the authority.

**(13)** For the purposes of subsection (12), the prescribed documents are—

- (a) a copy of the order of the authority certified by the secretary to the authority to be a true copy; and
- (b) an affidavit by the person to whom the amount was ordered to be paid specifying the amount unpaid under the order.

**(14)** An appeal that has been duly lodged can not be withdrawn without the leave of the authority.

**(15)** In granting leave under subsection (14), the authority may make such orders (including orders for payment of costs) as the authority considers appropriate.

### **Powers of authority on appeal**

**115P.** On appeal, the authority may—

- (a) set aside the penalty, decision or order of the racing association appeals committee or steward or vary the penalty, decision or order in such a way as the authority considers appropriate; or
- (b) dismiss the appeal.

### **Parties to comply with authority's determination**

**115Q.** The parties to an appeal under this division must comply with any decision, order (including an order as to a penalty or costs) or direction of the authority made on the appeal.

## *Division 3AA—Racing Industry Coordinating Committee*

### **Establishment of Racing Industry Coordinating Committee**

**115AA.** A committee called the Racing Industry Coordinating Committee is established.



**Functions of committee**

**115AB.(1)** The functions of the Racing Industry Coordinating Committee are as follows—

- (a) to coordinate meetings, including, for example, by allocating to clubs the days and times when, the places where, and the conditions on which, they may hold meetings;
- (b) to investigate, and report to the Minister on, the effectiveness and appropriateness of the distribution of the net profit and other moneys of the totalisator board (after allowing for reserves and provisions);
- (c) to consider, and advise the Minister on, issues the Minister has referred to the committee.

**(2)** In performing its function under subsection (1)(a), the committee must consider any relevant recommendations of the totalisator board and each of the control bodies.

**Powers of committee**

**115AC.** The Racing Industry Coordinating Committee has power to do all things necessary or convenient to be done for, or in connection with, the performance of its functions.

**Composition of committee**

**115AD.(1)** The Racing Industry Coordinating Committee consists of the following members—

- (a) 2 persons nominated by the Queensland Principal Club;
- (b) 1 person nominated by the Greyhound Authority;
- (c) 1 person nominated by the Harness Racing Board;
- (d) 1 person nominated by the totalisator board.

**(2)** Only 1 member nominated by the Queensland Principal Club may be a member of the South-East Queensland Racing Association.

**(3)** The person nominated under subsection (1)(d) must have experience in the racing industry.

**Disqualification from nomination**

**115AE.** A person who—

- (a) is or becomes an undischarged bankrupt or is taking advantage or takes advantage of the laws in force for the time being relating to bankruptcy; or
- (b) has been or is convicted of an indictable offence (whether in Queensland or elsewhere); or
- (c) is or becomes a patient within the meaning of the *Mental Health Act 1974*;

is not capable of being or continuing to be a member.

**Constitution of committee**

**115AF.(1)** When all nominations have been made under section 115AD, notification of the members of the Racing Industry Coordinating Committee is to be published in the gazette.

**(2)** The Racing Industry Coordinating Committee is taken to be constituted on publication under subsection (1).

**Tenure of office**

**115AG.(1)** A member of the Racing Industry Coordinating Committee holds office for 3 years from the day of publication under section 115AF(2).

**(2)** A person previously nominated as a member of the Racing Industry Coordinating Committee is eligible for re-nomination as a member.

**Vacation of office**

**115AH.** The office of a member nominated to the Racing Industry Coordinating Committee becomes vacant if the member—

- (a) dies; or
- (b) becomes incapable of continuing as a member; or
- (c) is absent, without reasonable excuse and prior leave of absence

granted by the Racing Industry Coordinating Committee, from 3 consecutive meetings of the committee of which due notice has been given to the member; or

- (d) resigns, by signed notice given to the committee; or
- (e) ceases to be qualified as a member.

### **Casual vacancy**

**115AI.(1)** If a casual vacancy happens in the office of a member nominated to the Racing Industry Coordinating Committee, another person is to be nominated in the same way as the person whose office has become vacant was nominated.

**(2)** A person nominated under subsection (1) to fill a casual vacancy as a member—

- (a) holds office for the balance of the term of office of the person's predecessor or until the person sooner vacates that office; and
- (b) if otherwise qualified—is eligible for re-nomination as a member.

### **Members to be honorary members**

**115AJ.(1)** The members of the Racing Industry Coordinating Committee are honorary members and are not to be paid fees or allowances in respect of the duties they perform as members.

**(2)** The members of the committee are entitled to be reimbursed such out-of-pocket expenses necessarily incurred by them in the performance of their duties.

### **Chairperson of committee**

**115AK.(1)** The members of the Racing Industry Coordinating Committee are to elect a chairperson from 1 of the members of the committee.

**(2)** The chairperson of the committee may resign as chairperson and remain a member of the committee.

**Acting chairperson**

**115AL.** The members of the Racing Industry Coordinating Committee may appoint 1 of the members to act as chairperson—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the chairperson is absent from duty or from the State or is, for any other reason, unable to perform the duties of the office.

**Committee may regulate its proceedings**

**115AM.** The Racing Industry Coordinating Committee may regulate its proceedings as it considers appropriate.

*Division 3B—Prohibition on the admission of the public to enquiries***Prohibition on the admission of the public to enquiries**

**115AN.** Notwithstanding any provision of the rules of greyhound racing, the rules of trotting or the rules of racing, a person other than a person directly involved in an enquiry conducted by a control body, or committee of a club, or a delegate or employee of a control body or committee of a club shall not be admitted to such enquiry unless the person has obtained the consent of the person directly involved in the enquiry and the person in charge of the enquiry.

*Division 4—Racing Development Fund***Establishment of fund**

**116.(1)** There shall be established and thereafter maintained at the Treasury a fund to be called the ‘Racing Development Fund’ (the “**fund**”).

**(2)** The fund shall be administered by the chief executive.

**(3)** There shall be paid into the fund on and from the commencement of this Act at the times and in the manner prescribed—

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- (a) all moneys levied charged and paid in respect of any class of totalisator pursuant to section 211;
  - (b) the net amount of—
    - (i) all unpaid fractions and surplus moneys;
    - (ii) all unpaid dividends and refunds;  
derived from totalisators;
  - (c) all moneys—
    - (i) made by way of grant, bequest or donation to the fund;
    - (ii) directed by the Minister to be paid to the fund upon the dissolution of a club;
    - (iii) prescribed to be payable to the fund;
    - (iv) received from the Treasurer by way of interest on the balance standing at credit in the fund from time to time;
    - (v) appropriated by Parliament to the fund;
    - (vi) received by way of repayments of principal and interest that are owing to the fund;
  - (d) all other moneys payable to the fund under this Act.
- (5) There shall be paid out of the fund moneys—
- (a) advanced by way of—
    - (i) special payments approved by the Governor in Council on such terms and conditions as are recommended by the Minister;
    - (ii) loans for purposes authorised by or under this Act;
  - (b) necessary to defray the prescribed costs and expenses of administering this Act.

**Purposes for which moneys may be advanced out of fund**

**117.(1)** Moneys may be paid from time to time out of the fund by way of advance—

- (a) for or with respect to racing venues or proposed racing venues to

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develop—

- (i) public facilities;
  - (ii) totalisator facilities;
  - (iii) facilities for bookmakers;
  - (iv) training, stabling or kennelling facilities at racing venues;
  - (v) other facilities;
- (b) to acquire land or any interest in land—
- (i) that is required—
    - (A) to develop fixed improvements at racing venues;
    - (B) to establish or extend racing venues;
  - (ii) as a proposed racing venue;
- (c) to discharge or reduce an existing advance obtained by a club;
- (d) to meet the capital or special requirements of control bodies and the totalisator board;
- (e) for any special purpose;
- (f) to enable trustees appointed under the *Racing Venues Development Act 1982* to establish, extend or develop land placed under their control as racing venues and for such other purposes as are prescribed under section 4(1) of that Act.

(2) For the purposes of this section—

“**develop**” includes erect, construct, reconstruct, improve, repair, replace or substitute.

(3) Moneys paid for a purpose referred to in subsection (1)(f) may be paid to the trustees concerned whose receipt therefor shall be a sufficient discharge to the chief executive who shall not be accountable for the proper application of the moneys.

### **Application for advance from fund**

**118.(1)** Trustees appointed under the *Racing Venues Development Act 1982*, the totalisator board, a control body, a club or other person may make

an application for an advance from the fund for a purpose specified in section 117.

(2) An application under subsection (1) must be made to the chief executive in the form approved by the chief executive.

(3) The chief executive, upon receipt of an application made pursuant to subsection (2)—

- (a) shall make or cause to be made all such enquiries, inspections and investigations in respect thereof as the chief executive considers necessary;
- (b) shall furnish to the Minister such particulars of or relating to the application as the Minister requires generally or in a particular case;
- (c) shall make to the Minister with respect to each application such recommendations as the chief executive thinks fit, including, where the chief executive recommends the making of an advance, the amount of that advance and the terms and conditions upon which the advance should be made.

(3A) In making a recommendation, the chief executive shall have regard to the accounting, budgetary and taxation practices of a club or other person seeking the advance and where the chief executive considers that such practices are not satisfactory, the chief executive shall recommend against the making of the advance.

(4) Upon receipt by the Minister of a recommendation from the chief executive, the Minister may recommend to the Governor in Council that an advance be made and thereupon the Governor in Council may approve the making of the advance.

### **Interest on loans**

**119.(1)** The Governor in Council on the recommendation of the Minister may—

- (a) charge interest on an advance by way of loan, or part thereof, at a rate or rates determined by the Governor in Council;
- (b) vary the rate of interest charged on moneys owing to the fund.

(2) In making a recommendation the Minister shall have regard to but shall not be bound by guidelines prescribed under section 125.

### **Variation of terms and conditions of loans**

**120.(1)** Without in any way derogating from the provisions of section 119, in regard to any advance made to any person from the fund or from the Racecourse Development and Assistance Fund established and maintained under the *Racing and Betting Act 1954*, any of the terms and conditions upon which the advance was made may, by regulation, be varied and may, if specified in the regulation, have retrospective effect to a date specified in the regulation.

(2) In a case where the terms and conditions of an advance made to a local authority are varied pursuant to subsection (1) any debentures issued by the local authority in respect of the moneys borrowed shall be cancelled and (if necessary) fresh debentures shall be issued upon the terms and conditions of the advance as varied pursuant to subsection (1).

### **Minister constituted a corporation sole**

**121.(1)** For the purposes of this division the Minister shall be a corporation sole by the name or style ‘Racing Development Corporation’ (the “**corporation**”).

(2) The corporation by the name assigned to it by subsection (1) shall have perpetual succession and an official seal and shall be capable in law of suing and being sued, of compounding or proving in a court of competent jurisdiction all debts and sums of money due to it and of acquiring, holding, demising and alienating property and of doing all such other acts and things as bodies corporate may in law do and suffer.

(2A) All courts and persons acting judicially shall take judicial notice of the official seal and, until the contrary is proved, shall assume that it was duly affixed to any document on which it appears.

(3) The corporation as constituted under this section represents the Crown and shall have and may exercise all the powers, privileges, rights and remedies of the Crown.



**Racing Development Corporation is statutory body**

**121A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the corporation is a statutory body.

**(2)** The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

**Security for loans from fund**

**122.(1)** Before moneys are advanced by way of loan from the fund, the corporation shall require the applicant therefor to provide such security for the repayment of the moneys to be advanced and interest (if any) thereon as the corporation determines.

**(2)** In addition to the security required by subsection (1), the corporation may require such further or collateral security as it considers necessary either generally or in a particular case.

**Manner of dealing with moneys advanced from fund**

**123.(1)** All moneys paid out of the fund for the purposes of this Act shall be paid in the first instance to the corporation and those moneys shall be dealt with according to the purpose for which they were so paid.

**(2)** All moneys advanced by way of loan from the fund together with interest (if any) thereon shall be repaid to the corporation in the manner prescribed.

**(3)** The corporation shall account to the Treasurer for and shall pay into the fund in the manner and at the times prescribed all moneys received by it by way of repayment of loans from the fund whether as principal or interest.

**(4)** If a borrower defaults in the payment of principal moneys or interest under the terms of a loan, the corporation shall not incur any liability for the amount in default until such amount has been recovered by it.

**Guidelines and priority order of needs for advances from fund**

**125.(1)** The regulations may prescribe guidelines and a priority order of needs for the allocation of moneys by way of advances from the fund for development of racing venues or proposed racing venues.

**(2)** A prescription in accordance with this section shall have regard to, but shall not be restricted to, classes of development, localities, the making of advances and the charging of interest on advances by way of loan and benefits likely to accrue to the racing, trotting and greyhound racing industries.

**(3)** In making a recommendation in respect of an application for an advance from the fund, the Minister shall have regard to but shall not be bound by such a prescription.

**Allowance of special rebates**

**126.** The corporation may allow a special rebate in the manner and at the rate prescribed in a case where moneys advanced from the fund or a part thereof and interest thereon (if any) are repaid in full at a time earlier than the time at which the principal sum advanced and interest thereon (if any) were required to be repaid under the terms and conditions upon which the advance was made.

**Corporation may acquire property**

**126A.(1)** In addition to the power to make advances from moneys from time to time in the fund the corporation may apply those moneys—

- (a)** where it intends to establish or develop land as a racing venue—in the acquisition of that land, whether held on freehold or leasehold tenure, together with any improvements thereon;
- (b)** where it intends to develop land situated at Deagon, Brisbane in the State of Queensland by making available on that land facilities for the stabling of horses—with the prior approval of the Governor in Council in the acquisition of that land together with any improvements thereon, and may apply those moneys to establish or develop the land and improvements accordingly.

**(1A)** The power conferred by the *Land Act 1994* on the Governor in

Council to grant in fee simple any unallocated State land within Queensland includes power to grant to the corporation in priority to and to the exclusion of all other persons unallocated State land acquired pursuant to this section, notwithstanding the provisions of the *Land Act 1994*.

(2) Nothing contained in subsection (1)(a) shall prohibit land being used and money being applied for a purpose not referred to in that paragraph provided that the land is used principally as a racing venue.

(3) In this section—

“**develop**” includes erect, construct, reconstruct, improve, repair, replace or substitute.

### **Corporation’s power to vary the lease granted under the Willows Sports Complex Act 1993**

**126AA.(1)** This section applies to the lease granted by the corporation to the lessee under the repealed *Willows Sports Complex Act 1993*.

(2) If asked by the lessee, the corporation may vary the term of the lease to not more than 50 years.

(3) This section has effect despite section 126A(2).

(4) In this section—

“**lease**” means the lease over lot 2 on RP 740697 and situated in the county of Elphinstone, parish of Coonambelah, the term of which started on 4 January 1994.

“**lessee**” means the Willows Sports Complex Joint Board.

### **Financial Accommodation to the corporation**

**126B.(1)** If at any time there are insufficient moneys in the fund to allow the corporation to exercise any of its powers or perform any of its functions or duties under this Act, the Governor in Council may, on the recommendation of the Treasurer, approve that the fund be overdrawn by such amount, for such period and on such terms and conditions as the Treasurer thinks fit.

(2) The corporation shall not enter into commitments with respect to expenditure from the fund which could result in the fund being overdrawn

at any time without the prior approval of the Governor in Council given on the recommendation of the Treasurer and the corporation shall furnish to the Treasurer each year a 5 year estimate of expenditure from the fund based on known and anticipated commitments.

(3) Notwithstanding the provisions of any other Act or law, financial accommodation to the corporation shall be extended only in accordance with the provisions of this section.

### **Appointment of consultants etc. by corporation**

**126C.(1)** The corporation may engage such consultants and legal and technical advisers as the corporation considers necessary from time to time to report to the corporation upon any project in respect of which the advance of moneys from the fund has been or may be approved pursuant to section 118 and upon the application of the moneys advanced.

(1A) An appointment under this section may be made generally or for a specific purpose or in respect of a particular racing venue or proposed racing venue.

(2) The fees, costs and expenses of consultants and legal and technical advisers appointed pursuant to subsection (1) and acting in accordance with the terms of their appointments shall be costs and expenses incurred in administering the fund.

(3) A consultant or legal or technical adviser appointed pursuant to subsection (1) whilst acting in accordance with the terms of appointment may make such enquiries as the consultant or adviser considers necessary to enable him or her to properly report to the corporation and for that purpose may enter upon any racing venue or proposed racing venue.

(4) A person shall not hinder or obstruct a consultant or legal or technical adviser acting in accordance with the terms of appointment pursuant to subsection (1).

Maximum penalty—4 penalty units.

***Division 5—General provisions*****Days when meetings prohibited**

**127.** A meeting shall not be held on Christmas Day or Good Friday.

**Restrictions as to meetings on Anzac Day**

**128.(1)** A meeting must not start before midday on Anzac Day.

**(2)** For the purposes of this section, a meeting shall be deemed to start before midday if betting with a bookmaker or investment on a totalisator occurs before that time at the racing venue at which the meeting is or is to be held on that day.

**No betting on trials and novelty events**

**129A.(1)** A person who bets with respect to the outcome of a trial or novelty event commits an offence against this Act.

**(2)** This Act and any other law relating to betting is to be read subject to subsection (1).

**Duty of club committees to comply with Act**

**130.(1)** Every member of the committee of a club shall comply with the provisions of this Act that relate to the club, a racing venue under its care, management, supervision or control or to persons in attendance at that racing venue.

**(2)** The rules of racing, rules of trotting and rules of greyhound racing shall apply subject to this Act and clubs shall make all necessary adaptations to those rules for the purpose of the application of this Act.

**(3)** A club shall not make, permit or suffer any exemption or waiver of any of those rules that might prejudice or otherwise affect the operation of this Act.

**Audit of books and accounts of club**

**131.(1)** Each club shall cause its books to be audited after 30 June in each year by a person who is a registered company auditor.

**(2)** In respect of a club, where the commissioner is satisfied that—

- (a) a person registered in accordance with subsection (1) is not readily available; and
- (b) a competent person not so registered is available, the commissioner may in writing authorise the latter person to perform the audit.

**(2A)** An authority pursuant to subsection (2) may be limited to the audit required for the financial year specified in the authority or may be granted without limit of time.

**(2B)** The commissioner may at any time cancel an authority granted without limit of time.

**(3)** The auditor or other person authorised shall complete the audit in respect of a financial year on or before 30 September next following the end of that financial year.

**(4)** The Minister, when and so often as the Minister thinks it proper to do so, may request the Auditor-General to examine the books and accounts of a club.

**(4A)** Upon receipt of a request made pursuant to subsection (4) the Auditor-General or an authorised person directed by the Auditor-General may carry out the examination in respect of which the request was made.

**(4B)** The Auditor-General or authorised officer shall have and may exercise with respect to that examination, all the powers and authorities and shall perform all the functions and duties conferred or imposed on the Auditor-General or officer by the *Financial Administration and Audit Act 1977*.

**(4C)** The club in question shall pay the fees in respect of an examination carried out in accordance with subsections (4A) and (4B) and any amount of such fees remaining unpaid shall be a debt due to the Crown and may be recovered by action in a court of competent jurisdiction.

**(5)** Each club shall with respect to the financial year in question furnish to the commissioner at the time and in the manner prescribed statements

duly certified by its auditor setting forth—

- (a) its income and expenditure (on an accrual basis);
- (b) particulars of each amount paid by it for an approved charitable, benevolent, patriotic or special purpose;
- (c) its assets and liabilities as at the end of that financial year;
- (d) such other matters as are prescribed.

(6) The commissioner shall examine financial statements furnished to the commissioner in accordance with subsection (5) and, having regard to this Act, any other Act or law, the rules of racing, rules of trotting or, as the case may be, rules of greyhound racing, may make such enquiry into and take such action with regard to a statement so furnished or any item or matter contained in or arising out of that statement as the commissioner thinks fit.

(7) Where the person having the ownership or control of a racing venue is a person other than a club, the commissioner may by direction in writing require that person to submit to the commissioner audited financial statements and do all other acts and things required of a club or control body under this section.

(7A) In order to give effect to subsection (7), that person shall be deemed to be a club during the period such direction is in force.

(8) A club or other person that refuses, fails or omits to satisfy fully any requisition made by the commissioner following the commissioner's enquiry in accordance with subsection (6) commits an offence against this Act.

### **Control body to furnish an annual report to Minister and to clubs**

**132.(1)** Each control body as soon as practicable after 30 June each year and no later than 31 October shall furnish to the Minister and to each club under its control a comprehensive annual report that shall include details contained in the statements required in section 131(5) and the amounts paid to it by each club under its control by way of levy or similar payment during that year and a summary of the control body's activities during that year.

(2) The Minister shall cause the annual report furnished in compliance

with subsection (1) to be laid before the Legislative Assembly as soon as practicable thereafter.

### **Commissioner may make enquiries, investigations and the like for statistical or research purposes**

**133.(1)** The commissioner may make any request, enquiry or investigation of any kind for the purpose of compiling statistics or for research in relation to sporting contingencies or matters concerned with or in relation thereto.

**(2)** Upon receipt of any request, enquiry or requisition of any kind from the commissioner, a person, club, control body or the totalisator board shall comply fully therewith.

### **Application of receipts and the like of club**

**134.(1)** A club shall not divide directly or indirectly moneys comprising receipts or profits or other assets of the club, however derived, amongst the individual members of the club or any of them.

**(2)** A club shall apply its receipts and profits, however derived, in any manner following—

- (a) where the club is a race club—for the promotion or advancement of racing in Queensland;
- (b) where the club is a trotting club—for the promotion or advancement of trotting in Queensland;
- (c) where the club is a greyhound club—for the promotion or advancement of greyhound racing in Queensland;
- (d) for payment to the credit of the Racing Development Fund;
- (e) with the approval of the Minister—for a charitable, benevolent, patriotic or special purpose.

**(3)** For the purposes of the operation of subsection (2), the promotion of racing, trotting or greyhound racing shall include—

- (a) the purchase or lease or other lawful right to occupy or use a club's racecourse, paceway or, as the case may be, greyhound course;



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- (b) the maintenance of and improvements to a club's racecourse, paceway or, as the case may be, greyhound course;
  - (c) the improvement of property of a club where the revenue obtained from that property is applied solely for the promotion of racing, trotting or, as the case may be, greyhound racing;
  - (d) payments by a club to its control body for the promotion or advancement of racing, trotting or, as the case may be, greyhound racing.
- (4)** This section does not operate so as to prevent—
- (a) payment by a club to a member of a club of—
    - (i) principal and interest calculated at a rate not exceeding the rate for the time being approved by the Reserve Bank of Australia as the maximum rate of interest chargeable by banks for overdraft accommodation payable in respect of moneys lent to the club by that member;
    - (ii) rent in respect of a lease by a club of a racing venue the property of the member, approved by the Minister prior to the execution of the lease;
  - (b) expenditure by a club of amounts for the purposes of—
    - (i) providing reasonable entertainment for members of the club in common with other persons;
    - (ii) defraying the expenses of a member for or in connection with attendance by the member with the prior approval of the club at—
      - (A) a conference or meeting of persons interested or concerned in racing or in the control, holding or supervision of meetings; or
      - (B) a conference or meeting with the Queensland Principal Club, the Harness Racing Board or, as the case may be, Greyhound Authority or with the Minister or commissioner; or
      - (C) any place to promote the interests of the club;
  - (c) payment to a member of a club of prize money or for the award

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of a trophy won by a horse or greyhound in a race at a meeting held by the club;

- (d) payment by a club of reasonable amounts to a person (whether or not a member of the club) for legal, accounting, secretarial or other professional services requested by or provided for the club.

(5) A club shall not dispose of or in any way relinquish possession of an asset otherwise than in a manner specified in subsection (2) without the approval in writing of the Minister first had and obtained.

(6) Notwithstanding this Act or any other Act or any law, custom or practice, a club shall not sell, forfeit or relinquish or otherwise dispose of any interest in real property that is used as a racing venue or for exercising, conditioning or training horses or greyhounds without the approval of the Minister first had and obtained.

(7) An approval of the Minister given for the purposes of subsection (6) shall be published in the gazette.

(8) The Minister may direct that any contract, agreement or arrangement of any kind entered into by a club with a person that in the Minister's opinion is contrary to or has the effect of avoiding the provisions of subsection (6) be rescinded.

(9) The Governor in Council, may, by regulation, declare that subsections (6) to (8) have retrospective operation and effect from a date specified therein and thereupon the subsections shall, on and from the date so specified, have retrospective operation and effect accordingly.

### **Combined sports meetings**

**135.(1)** For the purposes of this section and the definition "combined sports meeting"—

**"horse race"** includes hurdle race or steeple chase but does not include flag race or jumping or a like event in which a skill other than speed alone is tested.

(2) A person who desires to hold a combined sports meeting may make application as prescribed for a permit under this section.

(2A) An application for a permit under this section—

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- (a) shall be made to the chief executive;
- (b) shall be in writing in the form approved by the chief executive;
- (c) shall contain the prescribed particulars.

**(2B)** The chief executive shall consider each application and may grant or, without giving a reason therefor, refuse it.

**(2C)** Where an application is granted the chief executive shall issue in respect thereof a permit.

**(3)** A permit under this section—

- (a) shall be in writing in the form approved by the chief executive;
- (b) shall be subject to this Act and such terms, conditions or restrictions as the chief executive either generally or in a particular case imposes, endorsed or attached to the permit;
- (c) shall authorise the holder thereof to conduct a combined sports meeting and do such other acts and things as are prescribed with respect thereto;
- (d) may be cancelled by the chief executive at any time after its issue without giving a reason therefor;
- (e) may be amended, altered, varied or otherwise modified by the chief executive during the currency thereof.

**Disclosure of criminal history**

**136.(1)** On receipt of an application for a licence under this Act, the chairperson of the relevant control body must, in writing, request the Commissioner of the Police Service to provide the criminal history of the applicant.

**(2)** The Commissioner of the Police Service must, on receipt of a written request by the chairperson of the control body, provide in writing to the chairperson the criminal history (as shown in the commissioner's records) of the applicant for the licence.

**(3)** Subsections (1) and (2) do not apply to an application to renew a licence.

**(4)** In this section—

**“criminal history”** does not include a conviction that is part of the person’s criminal history in relation to which the rehabilitation period within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986* has ended.

### **Exceptions to non-disclosure**

**136A.(1)** In this section—

**“court”** includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

**“person to whom this section applies”** means a person who is or has been—

- (a) the chairperson of a control body; or
- (b) an officer or employee of a control body.

**“produce”** includes access to.

**“protected document”** means the criminal history of an applicant obtained under section 136.

**(2)** A person to whom this section applies must not—

- (a) make a record of a protected document; or
- (b) directly or indirectly, divulge or communicate to a person the contents of, or information contained in, a protected document concerning another person;

unless the record is made, or the information divulged or communicated—

- (c) under or for the purposes of the administration of this Act; or
- (d) in the performance of duties, as a person to whom this section applies, under or in relation to the administration of this Act; or
- (e) otherwise required by operation of law; or
- (f) with the prior consent of the person, who is not a minor, to whom it relates: or
- (g) to the person to whom it relates regarding a possible breach of this Act by the person.

Maximum penalty—100 penalty units.

**(3)** A person to whom this Act applies is not required—

- (a) to divulge or communicate the contents of, or information contained in, a protected document to a court; or
- (b) to produce a protected document in court;

unless it is necessary to do so for the purposes of carrying this Act into effect.

### **Racing venues to be licensed**

**137.(1)** A race club must not conduct a meeting at a venue that is not licensed.

**(2)** An application for a licence for a racing venue must—

- (a) be in writing; and
- (b) be made to the control body that has control over the type of racing to be conducted at the venue; and
- (c) specify the location of the racing venue; and
- (d) contain such other information and particulars as are prescribed and as the control body concerned requires.

**(3)** The control body may—

- (a) grant the application, subject to such conditions (if any) as it considers appropriate; or
- (b) refuse the application.

**(4)** The control body may, at any time while a licence for a racing venue is in force, by written notice given to the holder of the licence, require the holder of the licence to prepare and submit a report on such matters as the control body specifies with respect to the venue.

**(5)** A request under subsection (4) may include a requirement to submit recommendations on the matters specified by the control body.

**(6)** A control body may suspend or cancel a licence for a racing venue granted by it.

**(7)** A control body must give written reasons for any action it takes under subsection (6).

(8) If a licence is suspended or cancelled, the holder must surrender the licence to the control body.

## **PART 4—BOOKMAKERS**

### *Division 1—General provisions*

#### **Control by clubs and control bodies over bookmakers**

**139.(1)** Nothing in this Act shall authorise a person to carry on bookmaking at a racing venue without the permission of the club holding a meeting at that venue, or affect the right of the club to impose conditions in respect of the carrying on of bookmaking by a person at that venue, or affect the right of a person lawfully entitled so to do to exclude a bookmaker from that venue.

(2) Notwithstanding subsection (1), a control body, where the circumstances in its opinion justify it, may nominate and appoint any bookmaker to field at a meeting held by a club under its jurisdiction.

(2A) The control body may direct a bookmaker so nominated and appointed to field in a particular place at that venue and may stipulate the betting service the bookmaker may offer to the persons attending any meeting held at that venue.

(2B) The control body may impose such conditions and restrictions with respect to that bookmaker as it thinks fit.

(3) Where there is conflict between a club and a control body in the exercise by them of the powers vested in them by subsections (1) to (2B) the powers of the control body shall prevail over those of the club and those subsections shall be read and construed accordingly.

(4) However, the Minister may direct to the contrary or may direct that the powers of the control body shall be exercised in such manner as the Minister thinks fit.

**Licensing of bookmakers and bookmakers' clerks**

**140.(1)** A person shall not at any time carry on bookmaking or be employed or engaged by a bookmaker at a racing venue unless that person is the holder of a current bookmaker's licence or, as the case may be, bookmaker's clerk's licence issued by the control body exercising control at that racing venue at that time.

**(2)** Every club shall ensure that a person is not permitted to carry on bookmaking or to be employed or engaged by a bookmaker at a meeting held by the club at a racing venue at any time unless that person has in the person's possession at that racing venue and at that time a current appropriate licence.

**(3)** It is the function and duty of a control body to issue, review and at its discretion renew every licence permitting a person to carry on bookmaking or to be employed or engaged by a bookmaker at a racing venue or time over or at which that control body exercises control.

**(4)** Notwithstanding subsection (3), a control body may refuse to issue or renew or may revoke a bookmaker's licence or a bookmaker's clerk's licence.

**(5)** A person who is or appears to be carrying on bookmaking or who is or appears to be employed or engaged by a bookmaker at a meeting shall, upon demand made by any betting inspector or other officer, produce and deliver to that inspector or officer the bookmaker's licence or, as the case may be, bookmaker's clerk's licence issued to that person.

**(6)** Applications for and the grant and renewal of bookmakers' licences and bookmakers' clerks' licences shall be subject to such terms and conditions as are prescribed.

**Restrictions on betting by bookmakers**

**141.(1)** A bookmaker shall not, at a meeting, make a bet on any event or contingency other than—

- (a) a race to be decided at that meeting; or
- (b) a race to be decided at any other meeting; or
- (c) any other sporting contingency approved under section 147A.

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(2) The Governor in Council may, by regulation, prohibit (either generally or in a particular case) betting at racing venues specified in the regulation on races to be decided on the same day and at the same time of day at another racing venue.

(3) A bookmaker at a meeting shall not make a bet on a race to be decided at a meeting held at another racing venue on the same day and at the same time of day while a regulation made pursuant to subsection (2) remains in force.

(4) Subject to subsection (5), a bookmaker at a meeting shall not make a bet with a person who is not at the material time present at the racing venue where that meeting is being held.

(5) A bookmaker at a meeting may make a bet with a person (the “bettor”) who is not present at the racing venue where the meeting is being held if—

- (a) the bet is made through an approved telephone bookmaking system; and
- (b) the bettor’s consent to recording the betting transaction is obtained before the transaction starts; and
- (c) the details of the bet are confirmed with the bettor before the betting transaction ends, including, for example, the betting ticket number, account number and amount of the bet; and
- (d) the amount of the bet is at least \$250 or the amount of the possible winnings from the bet is at least \$2 000.

(6) An “**approved telephone bookmaking system**” means a telephone system for bookmaking approved by the chief executive.

(7) The chief executive may approve a telephone system for bookmaking only if the chief executive is satisfied that—

- (a) all telephone calls on the system will be recorded; and
- (b) the relevant control body has established procedures to ensure it adequately supervises the system and its use.

**Bookmakers may advertise**

**142.(1)** Subject to such terms and conditions as are prescribed, a



bookmaker may advertise his or her calling as a bookmaker and the racing venue or venues where the bookmaker lawfully carries on bookmaking.

(2) Nothing in this Act shall indemnify or protect a bookmaker against any claim or action brought against the bookmaker in a court of competent jurisdiction arising out of or resulting from an advertisement promulgated or authorised by the bookmaker or on the bookmaker's behalf and authorised by or under this Act.

(3) For the purposes of this section—

“**bookmaker**” includes any group or association of bookmakers.

### **Bookmakers to indemnify bettors against default**

**143.(1)** A control body shall not issue, renew or permit to continue in force a bookmaker's licence unless the holder thereof obtains and maintains in full force and effect 1 or more than 1 policy of insurance or bond indemnifying bettors in respect of winning bets and refunds payable to them against loss suffered by them by virtue of the holder carrying on bookmaking.

(2) A policy of insurance or bond obtained by a person in compliance with subsection (1) shall comply with all terms and conditions prescribed with respect thereto.

(3) Where a person fails to maintain in full force and effect adequate insurance or security in compliance with subsection (1), the control body shall immediately suspend that person's bookmaker's licence until it is satisfied that such insurance or security is being maintained.

(4) All control bodies and the commissioner may make all enquiries and do all such acts and things as they consider necessary to establish that the indemnities intended to be provided under subsection (1) are obtained and maintained.

### **Commissioner may enter into an indemnity arrangement with bookmakers**

**144.(1)** Notwithstanding section 143, the commissioner may enter into an arrangement with a bookmaker or group of bookmakers whereby the indemnities intended to be provided under section 143(1) are provided other

than by or through policies of insurance or bonds obtained by individual bookmakers.

(2) An arrangement entered into by the commissioner pursuant to subsection (1) shall be subject to such terms and conditions as the commissioner imposes from time to time either generally or in particular cases.

(3) The commissioner is not bound under this section to enter into an arrangement with a bookmaker or group of bookmakers.

(4) Where the commissioner enters into an arrangement with a bookmaker or group of bookmakers, the commissioner shall notify all relevant control bodies accordingly and those control bodies shall accept the commissioner's notification as evidence that the indemnities intended to be provided under section 143 have been provided.

(5) The commissioner may terminate an arrangement entered into by the commissioner under subsection (1) and may at any time review, modify, qualify or rescind a term or condition imposed by the commissioner under subsection (2).

### **Bookmakers may nominate agents during certain periods**

**145.(1)** Upon application in writing made by a bookmaker to the control body by which the bookmaker has been licensed, that control body may, in writing, authorise a person who is then licensed by that control body as a bookmaker's clerk and who is nominated by that bookmaker, to act as a bookmaker's agent for the purpose of conducting the bookmaking of that bookmaker for a period during which that bookmaker—

- (a) is temporarily incapacitated through illness or accident; or
- (b) is on vacation for a period not exceeding 4 weeks in any year; or
- (c) is temporarily unable, for reasons acceptable to the control body, to conduct bookmaking for a period not exceeding 4 weeks.

**(1A)** However, when a bookmaker is unable to conduct bookmaking for a period due to incapacity caused by illness or accident, a control body may waive the requirement of a written application signed by the bookmaker personally if it is satisfied that the person who signed and lodged the application is acting for and on behalf of that bookmaker.

(2) A bookmaker's agent, for the purposes of this Act, shall be deemed to be the bookmaker during the period covered by an authority pursuant to subsection (1) and shall be subject to this Act and the regulations to the same extent as the bookmaker's agent would be subject if the bookmaker's agent were the holder of a bookmaker's licence.

(3) Notwithstanding this Act, any other Act or any law or practice but subject to subsection (3A), a bookmaker who applies for and secures the grant of an authority pursuant to subsection (1) shall be liable for the payment of all taxes, levies, fees and other charges relating to or arising out of the conduct of his or her bookmaking by the bookmaker's agent and the bookmaker shall make all arrangements and shall issue all instructions necessary to ensure that the bookmaker's agent is fully instructed, authorised and enabled to pay all such taxes, levies, fees and charges at the time and place and in the manner prescribed by or under this Act or any other Act, or any law or practice throughout and in respect of the period during which the authority is in force.

(3A) Where an amount of bookmaker's turnover tax, club levy, penalty or additional penalty payable in respect of bets made by a bookmaker's agent at any time during a period an authority pursuant to subsection (1) is in force remains unpaid after the due date for payment thereof, the commissioner may recover the amount of such unpaid tax, levy, penalty or additional penalty from the bookmaker's agent concerned.

(4) A control body, immediately after the issue by it of an authority under subsection (1), shall furnish to the commissioner in writing and in the manner and form prescribed full details with respect to the authorisation of the person to act as a bookmaker's agent.

(5) Where a bookmaker's licence is suspended or cancelled under this Act, an authority issued under this section to that bookmaker's agent shall lapse and be of no further force or effect.

### **Bookmakers may nominate remote clerks in certain circumstances**

**146.(1)** Upon application in writing made by a bookmaker to the control body by which the bookmaker has been licensed, that control body, with the prior approval of the commissioner, may authorise a person who is then licensed by that control body as a bookmaker's clerk, and who is nominated by that bookmaker, to act as a bookmaker's remote clerk for the purpose of

conducting a part of that bookmaker's bookmaking at a place remote from the place where that bookmaker is permitted by the bookmaker's licence to carry on bookmaking at a racing venue.

(2) A control body shall not authorise a bookmaker's remote clerk to conduct part of a bookmaker's bookmaking in a place where or at a time when a bookmaker is normally permitted or could reasonably be permitted to conduct business.

(3) A bookmaker shall not permit more than 1 bookmaker's remote clerk to conduct, at the same time, part of that bookmaker's bookmaking at a meeting.

(4) A bookmaker's remote clerk shall not conduct part of a bookmaker's bookmaking at a meeting in the exercise of an authority granted by a control body unless—

- (a) the bookmaker concerned conducts the bookmaker's bookmaking at that meeting; and
- (b) all bets made by or on behalf of that bookmaker's remote clerk are made on behalf of the bookmaker concerned and are aggregated for all purposes of this Act with all other bets made by or on behalf of that bookmaker; and
- (c) the means of communication established between the bookmaker concerned and the bookmaker's remote clerk are approved by the control body and the commissioner.

(5) A bookmaker's remote clerk shall, for the purposes of this Act, be deemed to be the bookmaker during the period covered by an authority granted by a control body and shall be subject to this Act and the regulations to the same extent as the bookmaker's remote clerk would be subject if the bookmaker's remote clerk were the holder of a bookmaker's licence.

(6) The commissioner may refuse to give an approval sought under subsection (1) and may withdraw an approval given by the commissioner without assigning a reason therefor.

(7) Where the commissioner withdraws an approval the commissioner shall notify the control body that granted an authority pursuant to the approval of the withdrawal whereupon the control body shall forthwith revoke the authority.

**Bookmaking at athletic meetings**

**147.(1)** The commissioner, upon application in writing made by an athletic club in respect of a particular athletic meeting and where in the commissioner's opinion the circumstances so warrant, may grant a permit in writing to the club to allow bookmaking at that athletic meeting.

**(1A)** The commissioner shall not grant a permit pursuant to subsection (1) in respect of an athletic meeting to be held on a Sunday, Christmas Day or Good Friday.

**(2)** The commissioner may refuse to grant a permit pursuant to this section and, when the commissioner grants or refuses to grant the permit, is not obliged to assign a reason therefor.

**(3)** An athletic club shall not permit a person to carry on bookmaking at an athletic meeting unless the club is the holder of a permit issued pursuant to this section.

**(4)** A person shall not carry on bookmaking at an athletic meeting at which bookmaking is permitted—

- (a) unless the person is the holder of a current bookmaker's licence; or
- (b) on a part of the athletic ground on which that meeting is held that is not set apart for the purpose of bookmaking by the athletic club holding that athletic meeting; or
- (c) unless the person has the prior permission in writing of that athletic club.

**(5)** An athletic club holding an athletic meeting at which bookmaking is permitted shall not permit or suffer a person other than a licensed bookmaker to carry on bookmaking at that meeting.

**(6)** A person shall not in the course of carrying on bookmaking at an athletic meeting make a bet on any event or contingency other than a sporting contingency to be decided at that athletic meeting.

**(7)** The provisions of this part, other than the provisions imposing bookmaker's turnover tax, regulating and supervising the conduct of bookmakers at meetings held at racing venues shall, with all necessary adaptations, apply to bookmakers permitted to field at athletic meetings.

**Bookmaking on certain sporting contingencies**

**147A.(1)** In this section—

“**sporting contingency**” does not include a horse race, trotting race or greyhound race.

(2) The Minister, upon application in writing made in the manner prescribed, may approve bookmaking on a sporting contingency.

(3) Any approval given under subsection (2) shall be published in the gazette.

(4) A person shall not carry on bookmaking on a sporting contingency unless—

- (a) an approval under subsection (2) in respect of the sporting contingency has been given; and
- (b) the person is the holder of a current bookmaker’s licence; and
- (c) the bookmaking is carried on at a racing venue at a time when a lawful meeting is being held at the venue.

**Supply and control of betting tickets**

**148.(1)** Subject to subsection (5), betting tickets issued by bookmakers pursuant to section 149 shall be in the form and conform to the specifications determined by the commissioner from time to time.

(2) A person other than the Government Printer shall not print betting tickets unless the person is licensed by the commissioner to print betting tickets.

(3) The commissioner may—

- (a) license persons to print betting tickets;
- (b) authorise persons (including persons licensed pursuant to paragraph (a)) to hold stocks of betting tickets for sale to bookmakers;

subject to such terms and conditions as may be prescribed.

(4) Subject to subsections (5) and (6), a bookmaker shall not acquire betting tickets from a person who is not authorised to hold stocks of betting tickets for sale to bookmakers pursuant to subsection (3).

(5) Where a bookmaker, with the written approval of the commissioner, uses any equipment, device or service for the recording of bets and that equipment device or service produces or causes to be produced a form of betting ticket, the commissioner may grant an approval in writing for that bookmaker to issue such a form of betting ticket.

(6) The commissioner may refuse to grant an approval sought pursuant to subsection (5) and may review, modify, qualify or revoke an approval granted without in any case assigning a reason therefor.

### **Bookmakers to issue betting tickets**

**149.(1)** A bookmaker, upon making a bet with a person, shall forthwith issue or cause to be issued to that person in respect of that bet a betting ticket clearly showing thereon in the manner prescribed such particulars of that bet as are prescribed.

(2) A bookmaker shall issue or cause to be issued a separate betting ticket in respect of each bet made by the bookmaker.

(2A) However, where a bookmaker makes with a person a win bet and a place bet at the same time in respect of the same runner 1 betting ticket may be issued in respect of those bets.

(3) A bookmaker, save where the bet is a credit bet, shall deliver or cause to be delivered to the bettor forthwith upon the making of a bet a betting ticket issued by or on the bookmaker's behalf in respect of that bet.

(3A) Where a bet is a credit bet, a bookmaker shall upon the request of the bettor, deliver or cause to be delivered to the bettor the betting ticket issued by or on the bookmaker's behalf in respect of that credit bet.

(4) A bookmaker shall not destroy a betting ticket presented to the bookmaker by a bettor for payment of a winning bet claimed by that bettor to be payable to the bettor before that bettor has satisfied himself or herself as to the correctness or otherwise of the bettor's claim or of the amount paid or payable to the bettor.

(4A) Where the bettor is not so satisfied, the bookmaker shall return the ticket intact to the bettor.

(4B) For the purposes of subsection (4), the bettor shall be deemed to have been satisfied if the bettor leaves the immediate area where the

bookmaker normally effects payment of winning bets without that ticket unless prior thereto the bettor has disputed an adjudication given by or on behalf of that bookmaker and that bookmaker has refused or failed to return the ticket to the bettor intact.

(5) Where the commissioner has granted written approval for a bookmaker to use any equipment, device or service for the recording of bets and for that bookmaker to use a form of betting ticket other than the form determined by the commissioner, that other form of betting ticket shall at all material times and for all material purposes be deemed to be a betting ticket for the purposes of this Act.

(6) A person who commits an offence against a provision of this section is liable to a maximum penalty of 40 penalty units.

### **Supply and control of betting sheets**

**150.(1)** Subject to subsection (3)—

- (a) all betting sheets used by bookmakers shall be printed by or at the direction of the Government Printer in the form approved by the commissioner;
- (b) all betting sheets used by bookmakers shall be acquired from the commissioner or the commissioner's agent in the manner prescribed.

(2) The commissioner may appoint agents for the purpose of supplying betting sheets to bookmakers subject to the prescribed terms and conditions.

(3) Where a bookmaker, with the written approval of the commissioner, uses any equipment, device or service for the recording of bets and that equipment, device or service prints or records, or causes to be printed or recorded a form of betting record other than the form approved by the commissioner, the commissioner, after entering into such arrangements with that bookmaker as are, in the commissioner's opinion, adequate to secure the full and proper payment of all bookmaker's turnover tax and club levy that that bookmaker is liable or may become liable to pay, may grant the commissioner's written approval for that bookmaker to use a form of betting record other than the form approved by the commissioner.

(3A) Notwithstanding subsection (3), the commissioner may refuse to grant an approval sought and may review, modify, qualify or revoke an



approval granted without assigning a reason therefor.

(4) A person—

- (a) shall not acquire a betting sheet in the form approved by the commissioner unless that person is a bookmaker and that betting sheet is acquired from the commissioner or an agent appointed by the commissioner for use by that bookmaker in bookmaking;
- (b) other than the commissioner or an agent appointed by the commissioner shall not supply or cause or permit to be supplied to a person a betting sheet in the form approved by the commissioner;
- (c) shall not use or cause or permit to be used a betting record that is not in the form approved by the commissioner or that is not acquired from the commissioner or the commissioner's agent unless the commissioner has approved, in writing, the use of that form of betting record by that person.

Maximum penalty—40 penalty units.

### **Bookmaker to account for every betting sheet or other approved record**

**151.(1)** A bookmaker, save to the extent to which an exemption applies consequent upon the granting by the commissioner of an approval under section 150(3), shall furnish to the commissioner at the time and in the manner prescribed the original of every betting sheet used by that bookmaker and shall, upon demand made by the commissioner, account to the satisfaction of the commissioner for every betting sheet, whether used or unused, supplied to the bookmaker by the commissioner or the commissioner's agent.

(2) A bookmaker to whom the commissioner has granted an approval under section 150(3) shall furnish to the commissioner at the time and in the manner prescribed a true copy of each approved form of betting record upon which is recorded the particulars of all bets made by the bookmaker or on the bookmaker's behalf.

(3) Notwithstanding that a person has ceased to carry on bookmaking, subsection (1) or, as the case may be, (2) and section 153(4) shall, in

respect of such bookmaking, continue to apply to the person and the person shall be liable accordingly.

### **Commissioner may approve the use of certain electronic and like recording devices**

**152.(1)** The commissioner, upon application in writing in that behalf made by a bookmaker, may grant to that bookmaker approval in writing for the use by the bookmaker for recording details of betting transactions in the stead of the approved form of betting sheet any mechanical, electrical, electronic or like equipment or device or any service provided by or with the aid of such equipment or device specified in the approval.

(2) The use by a bookmaker of an approved item of equipment or device or approved service shall be subject to the prescribed terms and conditions and to such additional terms and conditions as the commissioner generally or in a particular case imposes.

(3) Notwithstanding this Act, where the commissioner has granted an approval under subsection (1) and an approved equipment, device or service is used by a bookmaker at a meeting, it shall not be necessary for that bookmaker to enter or cause to be entered particulars of a bet made by the bookmaker on the approved form if complete, accurate and legible particulars of that bet are recorded forthwith upon the making of that bet and are kept so recorded in, on or through and are retrievable at all material times from such approved equipment, device or service.

(3A) However, the commissioner either generally or in a particular case, may direct a bookmaker to whom the commissioner has granted an approval under subsection (1) to enter and keep entered on the approved form, full and accurate particulars of all bets made by or on behalf of that bookmaker in accordance with this Act.

(4) Where a bookmaker uses any equipment, device or service approved by the commissioner under subsection (1), the provisions of this Act relating to the recording of complete, accurate and legible particulars of all bets made by or on behalf of a bookmaker on the approved form and in the manner approved shall be read and construed with all necessary adaptations to the intent that those provisions shall apply to every bet recorded or that should be recorded in, on or through any approved equipment, device or service as if such equipment, device or service were the form of record

approved by or under this Act.

(5) A bookmaker shall not, at a meeting, use or permit to be used any mechanical, electrical, electronic or similar equipment or device or any service provided by or with the aid of any such equipment or device for the purpose of recording details of bets made by or on behalf of that bookmaker in the course of carrying on bookmaking unless the bookmaker is there and then in possession of a written approval granted by the commissioner under subsection (1).

Maximum penalty—40 penalty units.

(6) The commissioner—

- (a) may refuse to grant an approval sought under subsection (1) without assigning a reason therefor;
- (b) may review, modify, qualify or revoke an approval granted pursuant to subsection (1) or a term or condition imposed by the commissioner under subsection (2) without in any case assigning a reason therefor.

### **Bookmakers to record all bets on prescribed or approved betting sheets**

**153.(1)** Subject to section 150(3), a bookmaker for the purpose of recording complete, accurate and legible particulars of all bets made by the bookmaker or on the bookmaker's behalf shall use only those betting sheets contained in books purchased from the commissioner or the commissioner's agent in the manner prescribed.

(2) A bookmaker, in respect of each bet made by the bookmaker or on the bookmaker's behalf, shall enter or cause to be entered on all copies of the approved form or in, on or through such other form approved by the commissioner under section 150(3), forthwith upon the making of that bet and prior to the making of any other record or note of that bet whether in writing or in any other manner complete, accurate and legible particulars of that bet in the manner prescribed and shall keep so entered all such particulars of that bet.

(3) Where a bet made by or on behalf of a bookmaker is a credit bet, the bookmaker shall enter or cause to be entered and kept entered on all copies of the approved form or in, on or through any other approved form of

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record, in addition to the particulars required to be recorded pursuant to subsection (2), the correct name of the bettor.

(4) A bookmaker, in respect of each bet made by the bookmaker or on the bookmaker's behalf shall retain all relevant records for a period of at least 2 years or, if a longer period than 2 years is prescribed, that longer period.

(5) A bookmaker, when required to do so by the control body by which the bookmaker is licensed as a bookmaker, shall furnish to that body a duplicate copy of any betting sheet used by the bookmaker or, where a form of betting record other than a betting sheet in the prescribed form is used with the approval of the commissioner, a true copy of such approved form of betting record.

(6) A bookmaker, upon demand made orally or in writing by the commissioner, a betting inspector, an officer or a police officer, shall produce and deliver for inspection all such records and any item of recording equipment or any other equipment, device or thing as are demanded and shall allow such records, recording equipment, other equipment, device or thing to be inspected or investigated in any manner by the commissioner or other person specified in this subsection.

(7) A bookmaker shall comply with such further requirements with respect to the recording of bets made by the bookmaker or on the bookmaker's behalf as are prescribed.

(8) A person who commits an offence against this section is liable to a maximum penalty of—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.

(9) The increased penalties prescribed by subsection (8) shall be imposable and may be imposed notwithstanding that the offence punishable is created by a provision of this section different from that creating a prior offence.

**Supervision of bookmakers**

**154.(1)** Any betting inspector or other officer authorised in writing by the commissioner, either generally or in a particular case, may, at any racing venue or other place, demand from a person the production and delivery of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind that the commissioner has reasonable grounds for believing is being or has been used in any way for the purpose of making records concerning betting transactions and may, if a breach of this Act appears to the commissioner to have been committed, take possession of the item or items demanded.

**(1A)** A person to whom a demand is made under subsection (1) shall thereupon comply fully therewith.

**(2)** Any betting inspector or other officer authorised in writing by the commissioner, either generally or in a particular case, may enter a racing venue or other place and may demand from the occupier thereof or an employee or agent of the occupier or from a bookmaker or bookmaker's clerk or from an employee or agent of a bookmaker or from an employee or agent of a control body exercising control over that racing venue or place or from a police officer any assistance that that betting inspector or officer considers necessary for the purpose of ascertaining whether this Act is being observed or whether a breach of this Act has been committed.

**(2A)** A person to whom a demand is made under subsection (2) shall comply fully therewith upon such demand being made.

**(3)** A person who—

- (a) fails, neglects or refuses to produce and deliver forthwith for examination a book, document, card, paper, ticket, record or any equipment, device or thing required to be produced and delivered upon demand made under subsection (1); or
- (b) by an act done or omitted by the person, causes, assists in or permits the concealment, damage, defacement, destruction, disposal or loss of a book, document, card, paper, ticket, record or any equipment, device or thing of any kind required to be produced and delivered to any betting inspector or other authorised officer upon demand made under subsection (1), or of any particulars or information recorded on, in or through any such item as demanded; or

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- (c) fails, neglects or refuses to give all assistance forthwith when and as demanded by any betting inspector or other authorised officer under subsection (2); or
- (d) assaults, delays, hinders, obstructs or resists or aids or incites any other person to assault, delay, hinder, obstruct or resist any betting inspector or other authorised officer in the performance of duties;

commits an offence against this Act.

Maximum penalty—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.

(4) The increased penalties prescribed by subsection (3) shall be imposable and may be imposed notwithstanding that the offence punishable is created by a provision of this section different from that creating a prior offence.

### **Other offences by bookmakers**

**155.** A bookmaker shall not—

- (a) procure a person to make on the bookmaker's behalf or on behalf of another bookmaker a bet that, if made by the bookmaker, would be contrary in any respect to this Act; or
- (b) issue or deliver to a person in respect of a bet a betting ticket previously used in respect of some other bet; or
- (c) issue or deliver to a person a betting ticket—
  - (i) that has not been acquired or produced in accordance with this Act;
  - (ii) upon which the bookmaker's name is not printed; or
- (d) sell or transfer a betting ticket to another person; or
- (g) make a record or note of a bet, whether in writing or in any other manner, unless prior thereto the bookmaker has entered or caused to be entered complete, accurate and legible particulars of that bet

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on all copies of the form approved by the commissioner or, as the case may be, an approved form of betting record; or

- (h) make a bet whereby the bookmaker agrees to pay to the bettor, if the latter should win the bet, a sum of money the amount of which is dependent upon or related to any dividend declared and paid by a totalisator; or
- (i) enter or keep recorded any account under or for the purposes of this Act that is false or misleading in a material particular; or
- (j) fail to include in a return furnished under or for the purposes of this Act any information required by or under this Act to be contained therein; or
- (k) advertise the bookmaker's calling as a bookmaker at the racing venue or racing venues where the bookmaker lawfully carries on bookmaking in a manner other than the prescribed manner.

Maximum penalty—40 penalty units.

**Commissioner may direct suspension of bookmaker's licence**

**156.(1)** Where a bookmaker—

- (a) in respect of a meeting—
  - (i) fails to furnish to the commissioner in compliance with section 168 a return with respect to bets and the betting sheets required to be furnished with that return; or
  - (ii) fails to pay the amount of bookmaker's turnover tax or club levy due and payable by the bookmaker; or
  - (iii) furnishes in purported compliance with section 168 a return of all bets made by the bookmaker that, in the opinion of the commissioner, is incomplete or is false or misleading in a material particular or that is based on any record that, in the opinion of the commissioner, is incomplete or is false or misleading in a material particular; or
- (b) upon demand made by the commissioner under section 151(1), fails to account to the satisfaction of the commissioner for every

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betting sheet supplied to the commissioner; or

- (c) fails to enter or cause to be entered on all copies of the form approved by the commissioner or in, on or through any other form of betting record approved by the commissioner, forthwith upon the making of a bet, complete, accurate and legible particulars thereof; or
- (d) makes a record or note of a bet, whether in writing or other manner, before the bookmaker has entered or caused to be entered complete, accurate and legible particulars of that bet on all copies of the form approved by the commissioner or in, on or through any other form of betting record approved by the commissioner;

the commissioner, whether or not the bookmaker is prosecuted for an offence constituted by the bookmaker's act or omission, may direct a control body to suspend the licence granted by it to that bookmaker.

**(2)** A direction issued under this section shall have operation and effect—

- (a) from the time at which it is issued by the commissioner; and
- (b) for the period specified therein; or
- (c) if a period is not specified therein—until the commissioner revokes it in writing.

**(3)** The commissioner may notify a bookmaker, control body or club of a direction issued by the commissioner under this section by the most convenient or expeditious means the commissioner considers available at the time at which the direction is issued and the commissioner shall confirm it in writing as soon as possible after it has been issued.

**(4)** Upon the issue of a direction under this section, a control body is authorised and directed to and shall suspend the licence granted by it to the bookmaker to whom the direction relates.

**(5)** Where a direction under this section is issued to the committee of a control body the direction shall be deemed to be given to every club registered by that control body and shall be binding on every such club accordingly.

**(6)** A direction issued under this section shall be binding on a club to which the direction is given or is deemed to have been given on and from



the date when and the time at which the direction is given or deemed to have been given to the committee of the club and the club shall not permit or suffer a bookmaker to carry on bookmaking at a meeting held by the club at any time during which the direction is in force.

(7) A bookmaker, at any time during which a direction issued under this section in relation to the bookmaker is in force, shall not carry on bookmaking at a meeting notwithstanding that the bookmaker may not, at any material time, have received a written notification of that direction from the commissioner.

(8) A licence, permit or other authority issued by a control body shall not authorise, justify or excuse a contravention of this section.

(9) In a proceeding under this section, a certificate signed by the commissioner and stating that a direction proved in that proceeding to have been given by the commissioner under this section has not been revoked shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact.

### **Commissioner may direct suspension of bookmaker's clerk's licence**

**157.(1)** Where a bookmaker's clerk employed or otherwise engaged by a bookmaker—

- (a) fails to enter or cause to be entered on all copies of the form approved by the commissioner or in, on or through any other form of betting record used by that bookmaker with the approval of the commissioner, forthwith upon the making of a bet, complete, accurate and legible particulars of that bet; or
- (b) makes a record or note of a bet made by that bookmaker whether in writing or other manner, before the bookmaker's clerk has entered or caused to be entered complete, accurate and legible particulars of that bet on all copies of the form approved by the commissioner or in, on or through any other form of betting record used by that bookmaker with the approval of the commissioner, the commissioner, whether or not that bookmaker's clerk is prosecuted for an offence constituted by the bookmaker's clerk's act or omission, may by writing direct a control body to suspend the licence granted by it to that bookmaker's clerk.

(2) A direction issued under this section shall have operation and effect from the time at which it is issued by the commissioner and—

- (a) for the period specified therein; or
- (b) if a period is not specified therein—until the commissioner revokes it in writing.

(3) The commissioner may notify a bookmaker's clerk, control body or club of a direction issued by the commissioner under this section by the most convenient or expeditious means the commissioner considers available at the time at which the direction is issued and the commissioner shall confirm it in writing as soon as possible after it has been issued.

(4) Upon the issue of a direction under this section, a control body is authorised and directed to and shall suspend the licence granted by it to the bookmaker's clerk to whom the direction relates.

(5) Where a direction under this section is issued to the committee of a control body the direction shall be deemed to be given to every club registered by that control body and shall be binding on every such club accordingly.

(6) A direction issued under this section shall be binding on a club to which the direction is given or is deemed to have been given on and from the date when and the time at which the direction is given or deemed to have been given to the committee of the club and the club shall not permit or suffer a bookmaker's clerk to perform the duties of a bookmaker's clerk for a bookmaker bookmaking at a meeting held by the club at any time during which the direction is in force.

(7) A bookmaker's clerk, at any time during which a direction issued under this section in relation to the bookmaker's clerk is in force, shall not perform the duties of a bookmaker's clerk for a bookmaker bookmaking at a meeting notwithstanding that the bookmaker's clerk may not, at any material time, have received a written notification of that direction from the commissioner.

(8) A licence, permit or other authority issued by a control body shall not authorise, justify or excuse a contravention of this section.

(9) In a proceeding under this section, a certificate signed by the commissioner and stating that a direction proved in that proceeding to have been given by the commissioner under this section has not been revoked

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact.

### **Penalty for unlawful bookmaking**

**158.(1)** A person who carries on bookmaking contrary to this part commits an offence against this Act and is liable, notwithstanding any action taken by the commissioner in accordance with the powers vested in the commissioner by this part to a maximum penalty of—

- (a) for a first offence—10 penalty units; and
- (b) for a second offence—20 penalty units; and
- (c) for a third or subsequent offence—40 penalty units.

**(2)** The increased punishments prescribed by this section shall be imposable and may be imposed notwithstanding that a second or subsequent offence is different from any prior offence under this part.

### **Prohibition of betting by bookmaker with infants**

**159.(1)** A bookmaker or an agent or employee of a bookmaker shall not—

- (a) bet with a person who is under or apparently under the age of 18 years;
- (b) bet with a person who the bookmaker, agent or employee knows is betting on behalf of a person who is under the age of 18 years.

Maximum penalty—10 penalty units.

**(1A)** It is a defence to a charge for an offence against subsection (1) for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that the person whose age is material to the offence was of or above the age of 18 years.

**(2)** A person who is under the age of 18 years shall not bet with a bookmaker or an agent or employee of a bookmaker.

Maximum penalty—10 penalty units.

**(3)** A person shall not bet, on behalf of a person who is under the age of

18 years, with a bookmaker or an agent or employee of a bookmaker.

Maximum penalty—10 penalty units.

### **Removal of suspected person**

**160.(1)** Where the committee of a club having the control of a racing venue where a meeting is being or is about to be held has reasonable grounds for believing that a person found in, on or about that venue—

- (a) is carrying on bookmaking;
- (b) is or when so found has been engaged in betting at that meeting;
- (c) makes a practice of betting;

in any case in contravention of this Act, the committee may direct any agent or employee of the club or request a police officer to remove that person from that venue and the person so directed or requested shall remove that person from that venue accordingly.

**(2)** A direction or request given in accordance with subsection (1) shall be sufficient authority to the agent, employee or police officer to remove that person accordingly.

**(3)** A person who is removed from a racing venue pursuant to this section shall not re-enter that venue at any time on the day of the person's removal therefrom.

**(3A)** A person who has been warned pursuant to section 161(1) not to attend or be present at a racing venue shall not enter or be present in, on or about that venue at any time on the day to which the warning applies.

**(4)** A person who contravenes subsection (3) or (3A) may be arrested without warrant by a police officer.

### **Power of club to prohibit the attendance of certain persons at a racing venue**

**161.(1)** A club, by a notice in writing signed by the secretary thereof and given to that person may prohibit a person who the committee of the club believes on reasonable grounds—

- (a) carries on the business of or acts as a bookmaker;

(b) makes a practice of betting;

in either case in contravention of this Act, from attending or being present in, on or about a racing venue whereon a meeting is about to be or may at any time thereafter be held by the club.

(2) A person to whom a notice pursuant to subsection (1) is given shall not attend or be present in, on or about a racing venue to which the prohibition applies at any time during which the prohibition remains in force.

(3) A notice pursuant to subsection (1) shall be given by serving it personally on the person to whom it is directed.

(4) A club may rescind a notice given pursuant to subsection (1) at any time upon its being satisfied for any reason that it ought not to remain in force.

### *Division 2—Bookmaker's turnover tax*

#### **Bookmaker's turnover tax**

**163.(1)** There shall be levied and charged to the use of Her Majesty in right of the State and paid by every bookmaker a tax called 'bookmaker's turnover tax' on every bet made by the bookmaker or on the bookmaker's behalf save a bet made by the bookmaker that for any reason is required to be refunded.

(2) Bookmaker's turnover tax shall be calculated on the aggregate of the amounts of all bets made by a bookmaker at a meeting at the rate of 1%.

#### **When tax payable**

**166.(1)** The amount of bookmaker's turnover tax shall be paid to the commissioner within 7 days after the date of each meeting at which bets are made.

(2) The amount of bookmaker's turnover tax fixed by the commissioner under section 169(1) or (2) shall be paid to the commissioner on or before the date specified in a demand made by the commissioner under section 169(3).

(3) In any action or proceeding for the recovery of bookmaker's turnover tax, a statement in writing signed by the commissioner and stating that the person named therein is a bookmaker who has failed to pay the amount specified therein of bookmaker's turnover tax in respect of the meeting or meetings set out therein shall be evidence of those matters and, in the absence of evidence to the contrary, conclusive evidence thereof.

### **Advice by bookmaker to club of total value of bets**

**167.** Forthwith upon the conclusion of a meeting at which the bookmaker has made bets a bookmaker shall furnish to the secretary or other designated officer or employee of the club concerned, in writing, information as to the total value of all bets made by the bookmaker at that meeting.

### **Return by bookmaker of all bets**

**168.(1)** A bookmaker, within 7 days after a meeting at which the bookmaker has made bets, shall furnish to the commissioner a return in the form approved by the commissioner with respect to all bets made by the bookmaker at that meeting together with the original of every betting sheet or other approved form of betting record used by the bookmaker at that meeting.

(2) A bookmaker who furnishes to the commissioner in purported compliance with subsection (1), a return that is incomplete, false or misleading commits an offence against this Act.

Maximum penalty—

- (a) for a first offence—40 penalty units; and
- (b) for a second offence—80 penalty units; and
- (c) for a third or subsequent offence—120 penalty units.

### **Commissioner may fix bookmaker's turnover tax**

**169.(1)** Where a bookmaker fails to furnish a return in compliance with section 168 or where the commissioner considers that a return is incomplete, false or misleading and the amount of bookmaker's turnover

tax cannot be correctly determined, the commissioner may fix the amount of such tax to be paid by the bookmaker in respect of a meeting at which the bookmaker carried on bookmaking or, as the case may be, in respect of that return.

(2) Where for any reason the commissioner at any time is satisfied that a return furnished by a bookmaker pursuant to section 168 is incomplete, false or misleading then, notwithstanding that the commissioner has accepted the return, the commissioner may fix such amount of bookmaker's turnover tax in respect of the meeting to which that return relates as the commissioner considers just.

(3) The commissioner may issue a demand for the payment of any amount of bookmaker's turnover tax fixed under subsection (1) or (2) and shall specify in that demand the date on which the amount becomes due and payable.

### **Penalties for late payment**

**170.(1)** Penalty at the rate of 5% shall be charged and become due and payable forthwith—

- (a) on the amount of bookmaker's turnover tax;
- (b) on an amount fixed by the commissioner in accordance with section 169;

remaining unpaid after the date on which that amount became due and payable.

(2) Additional penalty at the rate of 5% shall be charged and become due and payable on a part of any amount specified in subsection (1) that remains unpaid—

- (a) upon the expiration of 1 month commencing on the date when that amount first became due and payable; and
- (b) upon the expiration of each month thereafter.

(2A) However, additional penalty on that amount shall not be charged after the expiration of a period of 3 months commencing on the date when that amount first became due and payable.

(3) Penalty or additional penalty determined by the commissioner in

accordance with subsection (1) or, as the case may be, (2) shall be deemed to be bookmaker's turnover tax payable in each case in respect of a meeting and shall be payable on demand in that behalf made by the commissioner.

(4) The commissioner, for any reason that the commissioner thinks is sufficient, may remit any penalty or additional penalty (or a part of the penalty or additional penalty) charged pursuant to this section.

### **Application of bookmaker's turnover tax and penalty**

**171.(1)** Bookmaker's turnover tax shall be paid by the commissioner into and form part of the Consolidated Fund.

(3) Penalty and additional penalty imposed under this Act shall be paid by the commissioner into and form part of the Consolidated Fund.

### **Club to submit a declaration of bookmakers' total bets**

**173.** Immediately upon the conclusion of a meeting, a club shall make and furnish to the commissioner in the manner and form prescribed a declaration of bookmakers' total bets with respect to that meeting setting forth—

- (a) the name of each bookmaker who carried on bookmaking at that meeting; and
- (b) the total value of all bets made by each bookmaker at that meeting; and
- (c) the total value of all bets made by all bookmakers at that meeting; and
- (d) such other particulars as are prescribed.



## **PART 5—REGULATION OF TOTALISATORS**

### *Division 1—The Totalisator Administration Board of Queensland*

#### **Constitution of Totalisator Administration Board of Queensland**

**175.(1)** The Totalisator Administration Board of Queensland established and constituted under the *Racing and Betting Act 1954* is preserved, continued in existence and constituted under this Act.

**(2)** The Totalisator Administration Board of Queensland by that name shall be a body corporate and shall have perpetual succession and a common seal and for the purposes of this Act shall be capable in law of suing and being sued, of acquiring, holding and disposing of land and other property, of granting and taking leases of land and other property and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

**(3)** All courts and persons acting judicially shall take judicial notice of the common seal of the totalisator board and until the contrary is proved shall presume that the seal was duly affixed to a document on which it appears.

**(4)** The totalisator board shall have and may exercise such powers and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

**(5)** The totalisator board does not represent the Crown.

#### **Composition of totalisator board**

**176.(1)** The totalisator board shall consist of a number of persons not exceeding 10 appointed by the Governor in Council upon the nomination of the Minister, by notification published in the gazette.

**(2)** The Governor in Council shall appoint a chairperson and a deputy chairperson of the totalisator board who shall, in each case, be a person nominated by the Minister.

**Tenure of office**

**179.(1)** A member of the totalisator board shall be appointed and hold office for such term not exceeding 3 years as the Governor in Council determines, specified in the notification of appointment published in the gazette, but if by the expiration of that term the member's successor has not been duly appointed the member shall, subject to this Act, hold office until the member's successor is appointed.

**(2)** The Governor in Council may at any time remove a member of the totalisator board from office as a member by notification published in the gazette.

**Disqualification from membership**

**180.** A person who—

- (a) is a body corporate;
- (b) is a bookmaker;
- (c) is an undischarged bankrupt or takes advantage of the laws for the time being relating to bankrupt or insolvent debtors;
- (d) has been convicted in Queensland of an indictable offence (whether on indictment or after being dealt with summarily) or elsewhere than in Queensland in respect of an act or omission that if done or made by the person in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office;
- (e) is a patient within the meaning of the *Mental Health Act 1974*;
- (f) is a person who appears to the Governor in Council not to have proven business expertise or experience appropriate to the functions of the totalisator board;

shall not be capable of being or continuing to be a member of the totalisator board.

**Vacation of office**

**181.(1)** The office of a member of the totalisator board shall become vacant if the member—

- (a) dies;
- (c) resigns office by writing signed by the member furnished to the Minister;
- (d) is absent without prior leave granted by the totalisator board from 3 consecutive meetings thereof of which due notice has been given to the member;
- (e) ceases to be qualified as a member;
- (f) accepts or holds an office of profit under the totalisator board or is directly or indirectly concerned in any contract with the totalisator board or is entitled to a benefit directly or indirectly from work done or to be done for or goods supplied to or to be supplied to the totalisator board;
- (g) is removed from office as a member by the Governor in Council.

**(2A)** Notwithstanding subsection (1)(f), the office of a member of the totalisator board shall not become vacant by reason only that the member or a firm in which the member is a partner is appointed to or acts in a professional capacity for or on behalf of the totalisator board or that the member is a shareholder, director or creditor of a body corporate consisting of not less than 20 members that contracts with or does or undertakes to do work for or supplies or undertakes to supply goods to the totalisator board.

**(3)** Attendance of a member of the totalisator board at the time and place appointed for an ordinary meeting thereof shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held and the secretary shall enter in the minute book the names of all members who so attend.

**Casual vacancies**

**182.(1)** When a vacancy occurs in the office of a member of the totalisator board during the term of office of members then constituting the totalisator board, the Governor in Council shall appoint in accordance with this Act another qualified person as a member to hold office for the balance

of the person's predecessor's term of office.

(2) A person appointed to fill a casual vacancy in the membership of the totalisator board shall be appointed and hold office for the balance of the person's predecessor's term of office as a member or until the person sooner vacates that office and shall, if otherwise qualified, be eligible for reappointment as a member.

### **Appointment of substitute member**

**183.(1)** If a member of the totalisator board other than the chairperson or deputy chairperson is likely to be absent from meetings thereof for any period, the Governor in Council may, upon the nomination of the Minister, by notification published in the gazette, appoint a qualified person who is not a member of the totalisator board to act as a member during the absence of that member and while so acting a person so appointed shall have and may exercise the powers and shall perform the functions and duties of a member other than the chairperson or deputy chairperson.

(2) A person appointed under this section to act in the stead of a member shall be entitled during the period of appointment to any fees and other remuneration which would normally be paid to a member but no fees or other remuneration shall be paid to the member whose absence caused the appointment under this section, in respect of the period of the member's absence.

### **Expenses, fees or allowances to members**

**184.(1)** The totalisator board may pay to the members such expenses, fees or allowances as are approved by the Governor in Council.

(2) Expenses, fees or allowances may vary between different classes of members.

### **Procedure at meetings**

**185.(1)** The chairperson of the totalisator board shall preside at all meetings thereof at which the chairperson is present and in the chairperson's absence from any cause the deputy chairperson shall preside.

(1A) Whilst so presiding the deputy chairperson shall have and may

exercise the powers and shall perform the functions and duties of the chairperson.

(2) If both the chairperson and deputy chairperson are absent from a meeting of the totalisator board, a member thereof elected from amongst the members present at that meeting shall preside and whilst so presiding the member so elected shall have and may exercise the powers and shall perform the functions and duties of the chairperson.

(3) A member shall not represent a particular club or a particular section of the racing industry at a meeting of the totalisator board.

(4) A quorum at a meeting of the totalisator board shall consist of a simple majority of the number of members thereof for the time being.

(5) The totalisator board shall exercise a power or perform a function or duty by a majority vote of its members present at the meeting and voting on the business in question.

(5A) A member who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(6) The totalisator board shall hold ordinary meetings at such times and places as it determines from time to time.

(7) The chairperson of the chairperson's own motion may, and, if so requested in writing at any time by 2 or more members of the totalisator board, shall forthwith convene a special meeting of the totalisator board.

(8) The secretary shall cause to be given to each member of the totalisator board in writing, delivered personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address, notice of every ordinary and special meeting of the totalisator board at least 48 hours before the time appointed for the commencement of the meeting but a shorter period of notice of a special meeting may be given where the chairperson by reason of the special circumstances of the case considers it necessary so to do.

(9) In the case of a special meeting, notice thereof shall specify the general nature of the business to be transacted at the meeting.

(10) If within half an hour of the time appointed for the commencement of any duly convened meeting or if at any time during the course of a duly convened meeting a quorum is not present, the meeting shall lapse and the business set down to be transacted at the meeting, or so much of that

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business as has not been transacted at that meeting, shall be the business or part of the business to be transacted at the next meeting of the totalisator board, whether ordinary or special, and if at that next meeting a quorum is not present those members who are present shall constitute a quorum and may transact the business that was set down to be transacted at the lapsed meeting or so much of that business as had not been transacted thereat.

**(11)** Business, other than the business specified in the notice thereof, shall not be conducted at a special meeting of the totalisator board.

**(12)** A resolution of the totalisator board shall not be revoked or altered—

- (a) unless notice of intention to move the revocation or alteration thereof is given in writing to each member of the totalisator board personally or by post or sent by telegraphic message addressed to the member at the member's usual residential address at least 48 hours before the time appointed for the commencement of the meeting at which it is proposed to move the revocation or alteration; or
- (b) unless the member intending to move the revocation or alteration of the resolution, instead of giving 48 hours notice to each member gives, at a meeting of the totalisator board, notice in writing of the member's intention to move the revocation or alteration at the next following meeting of the totalisator board, in which case the secretary shall annex to each notice of the next following meeting a copy of the notice of intention but notice of that next following meeting shall be given to each member not less than 48 hours before the time appointed for the commencement of that meeting.

**(13)** The totalisator board shall cause minutes of all proceedings at a meeting of the totalisator board—

- (a) to be entered in a book kept for the purpose;
- (b) to be signed by the chairperson of the meeting or by the chairperson of the next following meeting;
- (c) to be thereupon sent to the Minister.

**(14)** Subject to this Act, the totalisator board shall conduct its business

generally and procedure at meetings in such manner as it determines from time to time.

### **Custody and affixing of seal**

**186.(1)** The common seal of the totalisator board shall be kept in the custody of the secretary thereto, or where there is a temporary vacancy in that position, of the chairperson.

**(2)** The common seal shall be affixed to a document only in pursuance of a resolution of the totalisator board and by the person having the custody of the seal in accordance with this Act.

**(3)** Where that person is the secretary, the common seal shall be affixed in the presence of the chairperson but otherwise it shall be affixed in the presence of at least 2 members of the totalisator board.

### **Authentication of documents**

**188.** Save where it is otherwise expressly provided, a document made or issued by the totalisator board in the exercise of its powers or the performance of its functions shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairperson or the secretary at the chairperson's direction.

### **Functions, powers and duties of totalisator board**

**189.(1)** The totalisator board shall have the control and general supervision throughout Queensland of investment on its totalisators and rules made by the totalisator board shall, to the extent necessary to give operation and effect to this section, be read subject hereto.

**(2)** It is hereby declared that the conduct of its totalisators by the totalisator board under and in accordance with the provisions of this Act, notwithstanding any other Act or law to the contrary, is lawful.

**(3)** The functions of the totalisator board are as follows—

- (a)** to control, supervise, regulate and promote investment on its totalisators;
- (b)** to initiate, develop and implement such policies as are considered

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conducive to the development and welfare of the totalisator board and the protection of the public interest;

- (c) to ensure that distributions of its profits and other moneys are as high as prudent business accounting principles will allow;
- (d) to disseminate as much information of interest to the public as it is possible to provide commensurate with prudent business management principles;
- (e) to arrange for the payment of dividends to investors on totalisators operated by the totalisator board at the earliest practicable time after each race on which the totalisator board operates;
- (f) to apply for, and hold, an operator's licence under the *Gaming Machine Act 1991*, part 3A;
- (g) to do such acts and things as are necessary or desirable to be done for or in connection with the performance of those functions.

(4) Without limiting the generality of subsection (2) or the powers and duties conferred or imposed by any other section, the totalisator board has and may exercise and shall perform the following powers and duties—

- (a) to establish offices and agencies in such numbers and at such places as the Minister approves;
- (b) to erect any building on land acquired by it or to equip, fit and furnish any building or premises;
- (c) to enter into agency contracts or other contracts or arrangements of any kind for the purposes of the exercise and performance of its powers and duties;
- (ca) to enter into an agency agreement with a keno licensee and act as an agent of the licensee for the conduct of keno games by the licensee under the licensee's keno licence;
- (e) to publish or provide information or material including a periodical publication to inform and keep informed employees and agents of the totalisator board and the public generally concerning matters pertaining to the totalisator board;
- (f) when so directed by the Minister or of its own motion—



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- (i) to furnish to the Minister a report and if necessary a recommendation with respect to any matter relating to the totalisator board;
- (ii) to undertake research and make investigations into any aspect relating to its operations;
- (g) to take such steps and do such acts and things as are incidental or conducive to the exercise or performance of any of its functions, powers and duties.

(5) Before taking action under subsection (3)(a), (b) or (c) in relation to premises that are licensed premises under the *Liquor Act 1992*, the totalisator board is to consult with the chief executive.

(6) The totalisator board may, by its rules or by resolution, delegate upon such terms and conditions and in such manner as it determines to a member or an employee the exercise or performance of such of its functions, powers and duties (other than this power of delegation) as are specified by its rules or by the resolution.

(7) Any act or thing done or suffered by a delegate while acting in that capacity shall have the same force and effect as if that act or thing had been done or suffered by the totalisator board and shall be deemed to have been done or suffered by the totalisator board.

(8) The totalisator board, for the purpose of the performance of any contract, agreement or arrangement made by it, may make its computer and other equipment available for use by or on behalf of a person or club or government department, statutory corporation or authority or agency under such terms and conditions as the Minister approves.

(16) The totalisator board, as soon as practicable after 30 June in each year, shall prepare and forward to the Minister a comprehensive report on its operations and activities during the financial year that ended on that date and the Minister shall lay the report before the Legislative Assembly as soon as practicable thereafter.

(17) The totalisator board shall cause to be kept proper books of account and records in relation to all its transactions and, in respect of each financial year, shall prepare and forward to the Minister a statement of accounts and balance sheet and the Minister shall lay such statement and balance sheet before the Legislative Assembly as soon as practicable thereafter.

(18) The accounts of the totalisator board shall be audited at least once in each year by the Auditor-General or by an authorised officer or person directed by the Auditor-General, each of whom shall have, with respect to such audit and accounts all the powers and authorities conferred on the Auditor-General, officer or person by the *Financial Administration and Audit Act 1977*.

(19) The costs and expenses of the Auditor-General or the authorised officer or person shall be fixed by the Auditor-General and paid by the totalisator board.

(20) The Auditor-General shall certify whether the statement of accounts and balance sheet prepared on behalf of the totalisator board—

- (a) are prepared in the proper form;
- (b) are in agreement with the accounts;
- (c) in the Auditor-General's opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of that period.

(21) The Auditor-General, as part of the audit, shall review the reserves and provisions in the accounts of the totalisator board and may make recommendations thereon to the Minister.

(22) The totalisator board, where it considers that for the purpose of more effectually exercising its powers or performing its functions and duties it requires—

- (a) the withholding of a portion of its profits otherwise available for distribution to clubs;
- (b) special financial accommodation;

may—

- (c) in a case to which paragraph (a) refers—apply to the Minister so to do;
- (d) in a case to which paragraph (b) refers—apply for an advance from the Racing Development Fund.

(23) The Minister may approve or refuse an application made under subsection (22)(c) and where the Minister approves it may impose such terms and conditions with respect to the withholding of profits as the

Minister thinks fit.

(24) An application made under subsection (22)(d) shall be dealt with as prescribed.

(25) The net profit and other moneys of the totalisator board, after allowing for reserves and provisions, shall be distributed at such times and in such manner as are prescribed.

(26) In this section—

“agency agreement” see the *Keno Act 1996*, section 84.<sup>1</sup>

“keno game” means a game for which rules are made under the *Keno Act 1996*, section 138.<sup>2</sup>

“keno licence” means a licence to conduct keno games issued under the *Keno Act 1996*.

“keno licensee” means a person who holds a keno licence.

### **Totalisator board is statutory body**

**189A.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the totalisator board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the powers under this Act of the totalisator board are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **Officers**

**190.(1)** The totalisator board shall appoint and employ a manager, secretary and such other officers and employees as it considers necessary for the effectual performance of its functions and duties.

(1A) An officer of the totalisator board so appointed and employed may be employed either permanently, temporarily or casually.

(2) Subject to any applicable award, the manager, secretary and any other officer of the totalisator board shall respectively hold office upon such terms

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<sup>1</sup> Section 84 (Entering into agency agreements)

<sup>2</sup> Section 138 (Keno rules)

and subject to such conditions and shall receive such remuneration as the totalisator board determines.

(2A) The manager, secretary and other officers of the totalisator board are to be employed under this Act, and not under the *Public Service Act 1996*.

(3) A person who, immediately prior to the commencement of this part, held an office as an officer or occupied a position as an employee of the Totalisator Administration Board of Queensland established and constituted under the *Racing and Betting Act 1954* (the “**authority**”) shall continue to hold that office or occupy that position until the officer or employee vacates it or is lawfully removed therefrom and shall be deemed to be an officer or employee of the totalisator board.

(4) The period of service that each person referred to in subsection (3) has had with the authority shall be deemed to be service with the totalisator board for the purpose of calculating the person’s entitlements to annual leave, sick leave, long service leave and superannuation and the totalisator board may take whatever action is necessary to give effect to this provision.

(5) However, any period of service with the authority in respect whereof a person has received annual leave, sick leave or long service leave shall not be taken into account as service with the totalisator board in calculating the person’s entitlement to the leave in question.

### **Power of totalisator board on investments from outside Queensland**

**191.(1)** The totalisator board may enter into an arrangement or agreement with a person outside Queensland, including outside Australia, about investments made on a totalisator operated by the totalisator board by persons outside Queensland, including outside Australia.

- (2) The totalisator board may enter into the arrangement or agreement—
- (a) only if the Minister approves of the arrangement or agreement; and
  - (b) only on the terms the Minister decides.

**Power of totalisator board to amalgamate net pools**

**191A.(1)** The totalisator board may enter into an arrangement or agreement with a person outside Queensland, including outside Australia, to amalgamate the net pool of any class of totalisator operated by the totalisator board with a similar class of totalisator operated by the person.

- (2)** The totalisator board may enter into the arrangement or agreement—
- (a) only if the Minister approves of the arrangement or agreement; and
  - (b) only on the terms the Minister decides.

**Dissolution and winding up of totalisator board**

**192.(1)** Upon the dissolution of the totalisator board, it shall be wound up and its assets shall be marshalled, sold and realised by a person appointed in that behalf by the Minister.

- (2)** The proceeds shall be applied and—
- (a) firstly, in payment of creditors of the totalisator board;
  - (b) secondly, in payment of moneys due by way of distribution to clubs;
  - (c) thirdly, as to any moneys then remaining, for such racing, trotting or greyhound racing purposes as the Governor in Council directs.

**Rules**

**193.(1)** The totalisator board may make rules not inconsistent with this Act providing for or with respect to all matters and things in connection with the operation of its totalisators and the conduct of its offices and agencies including, without limiting the generality of this provision, conditions upon which persons may invest on its totalisators and the respective rights and liabilities of the totalisator board and those investors.

**(1A)** A rule so made shall be of no force or effect until it has been passed by resolution of the totalisator board and approved by the Minister.

- (2)** The rules of the totalisator board—
- (a) shall be binding on the totalisator board and on every person

investing or intending to invest on its totalisators;

- (b) shall be made available for perusal by members of the public at any office or agency of the totalisator board.

(3) The totalisator board, with the approval of the Minister, may amend the rules made in accordance with subsection (1) by adding to, deleting from, altering or varying the provisions thereof and the rules as so amended shall be for the time being the rules of the totalisator board.

(4) A rule made by the totalisator board that is inconsistent with a regulation made for a purpose relating to the totalisator board (save a rule so made with respect to investments on its totalisators) shall be to the extent of the inconsistency invalid and the regulation shall prevail.

### *Division 2—Operation of totalisators*

#### **Totalisator licences**

**194.(1)** A club or person may apply to the Minister as prescribed for a totalisator licence.

(2) The Minister shall consider each application made pursuant to subsection (1) and may approve or, without giving a reason therefor, refuse the application.

(2A) Where the Minister approves an application the Minister shall issue to the applicant a totalisator licence.

(3) A totalisator licence—

- (a) shall be in the form approved by the commissioner;
- (b) shall contain the prescribed particulars;
- (c) shall remain in force until revoked or surrendered;
- (d) shall be subject to such terms, conditions or restrictions as are prescribed either generally or in a particular case or so far as not prescribed as the Minister in a particular case thinks fit;
- (e) shall specify the class or classes of totalisator that may be operated;
- (f) shall authorise the holder thereof to do such acts and things as are

prescribed with respect thereto;

- (g) may be revoked;
- (h) may be amended, altered, varied, reviewed, or otherwise modified from time to time.

(4) The Minister may revoke, amend, alter, vary, review or otherwise modify a totalisator licence granted pursuant to this section without giving a reason therefor.

(4A) A revocation or any amendment, alteration, variation, review or other modification of a totalisator licence shall be notified in writing to the holder of that licence.

(5) A club or person shall not operate or permit to be operated a class of totalisator unless the club or person is, at the material time, the holder of a current totalisator licence in respect of that class of totalisator.

(6) The commissioner with the approval of the Minister may operate a totalisator on behalf of a club or group of clubs without being the holder of a totalisator licence.

### **Restriction as to totalisator contracts**

**195.** A club shall not enter into a contractual relationship with a person or group of persons to supply, install or operate a totalisator, totalisator equipment or totalisator communications equipment without the written approval of the Minister first had and obtained.

### **Amalgamation of net pools**

**196.(1)** Where—

- (a) the totalisator board and 1 or more than 1 club; or
- (b) more than 1 club;

operate the same class of totalisator in respect of the same race or series of races, the respective net pools of that class of totalisator may, subject to subsection (2) or (3), be amalgamated for the purpose of declaring any common dividend or common dividends in respect of that class of totalisator on that race or series of races.

(2) The totalisator board may and, if requested by the Minister so to do, shall amalgamate the net pool of any class or classes of totalisator operated by it on a race or series of races with the net pool of that class or, as the case may be, those classes of totalisator operated on that race or series of races by or on behalf of a club or group of clubs.

(3) The Minister, by endorsement on the totalisator licence issued to a club or by notice in writing given to a club, may direct that the net pool of any class or classes of totalisator operated by or on behalf of the club on a race or series of races be amalgamated with the net pool of that class or, as the case may be, those classes of totalisator operated on that race or series of races by or on behalf of any other club or clubs.

(4) For the purpose of the amalgamation of certain net pools, the Minister may designate a totalisator operated by or on behalf of a club or group of clubs or the totalisator board to be a primary totalisator.

(5) With the approval of the Minister first had and obtained in respect of that place, the net pools of certain totalisators may be amalgamated at a place other than a racing venue and that place shall be deemed to be a primary totalisator.

### **Restrictions on sale of tickets on totalisator**

**197.(1)** An operator of a totalisator shall not sell or permit or suffer to be sold a ticket on a totalisator on a race or series of races after the scheduled starting time for that race or the first of a series of races or, where the scheduled starting time has been officially extended, after such extended time but an operator shall not, in any case sell a ticket after the time of the actual start of the race.

(2) Notwithstanding subsection (1), an operator shall not sell a ticket on a totalisator or class of totalisator being operated on a particular race or series of races after a direction has been given by an inspector of totalisators that the selling of tickets on a particular race or series of races shall cease.

(3) An inspector of totalisators may at any time rescind a direction given by the inspector pursuant to subsection (2) and thereupon the direction shall be of no force or effect.



**Unit of investment**

**198.** The unit of investment for each class of totalisator shall be the amount prescribed from time to time with respect to that class.

**Method of dealing with moneys paid into a totalisator**

**199.(1)** Subject to section 199A, moneys paid into a particular class of totalisator in respect of a race or series of races shall be added together and thereupon shall become and be the totalisator pool for that class of totalisator for that race or series of races.

**(1A)** However, that in respect of a place totalisator, all investments on a placegetter on which a dividend would, but for this subsection, be declared shall be refunded and shall not form part of the totalisator pool where—

- (a) in a race in which 3 dividends are required to be declared—more than 50% of all investments in that totalisator pool have been made on that placegetter;
- (b) in a race in which 2 dividends are required to be declared—more than 75% of all investments in that totalisator pool have been made on that placegetter.

**(1B)** However, that in respect of a stakes return totalisator, where the aggregate of investments on all placegetters on which a dividend would, but for this subsection, be declared exceeds the net pool of that totalisator, all investments made on any 1 of those placegetters shall be refunded and shall not form part of the totalisator pool where—

- (a) in a race in which 3 dividends are required to be declared—more than 50% of all investments in that totalisator pool have been made on that placegetter;
- (b) in a race in which 2 dividends are required to be declared—more than 75% of all investments in that totalisator pool have been made on that placegetter.

**(2)** There shall be deducted from each totalisator pool for each class of totalisator in respect of each race or series of races the amounts respectively payable as totalisator tax and Racing Development Fund levy and retainable as commission.

**(3)** The balance of each totalisator pool after the deductions specified in

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subsection (2) have been made shall be available to be paid by way of dividends.

(3A) The calculation and payment of dividends shall be as prescribed.

(4) Where net pools of the same class of totalisator in respect of the same race or series of races are amalgamated, the value of those net pools shall be added together and regarded as 1 net pool for the purpose of determining the dividend or dividends payable on that class of totalisator in respect of that race or series of races.

(4A) An amalgamation to which subsection (4) refers shall take place at the primary totalisator designated as such by the Minister.

(4B) Where net pools of a class of totalisator are amalgamated and in consequence thereof the amount payable by way of dividend or dividends or that would have been payable but for the operation of subsection (9) or (9A) is not equivalent to the net pool in that class of totalisator operated by any 1 of the operators, that operator shall effect all necessary monetary adjustments with other operators participating in that amalgamation through the commissioner as prescribed.

(5) Subject to subsection (5A), each dividend shall be calculated by dividing the number of units of investment representing all the winning tickets sold on each class of totalisator into the net pool for that totalisator determined as prescribed.

(5A) In calculating the dividend on a unit of investment—

- (a) a fraction of 10c less than 5c shall be disregarded; and
- (b) a fraction of 10c equal to or greater than 5c shall be taken to be 5c.

(6) Moneys available to be paid by way of dividends and not so paid by reason of the operation of subsection (5A) are in this Act called “**unpaid fractions**”.

(6A) Unpaid fractions shall be paid to the commissioner at the time and in the manner prescribed and shall be dealt with as prescribed.

(7) The amount payable to an investor by way of dividend shall be determined by multiplying the dividend calculated to be payable on a unit of investment by the number of those units represented on or by a winning ticket held by that investor.

(8) A dividend shall be paid to an investor upon presentation of a ticket

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entitling the holder thereof to a dividend.

(8A) A dividend may not be payable upon presentation of a ticket that is mutilated or defaced.

(9) An investor who holds a winning ticket on a totalisator other than a 60–40 totalisator shall be paid for each unit of investment represented by that ticket a dividend of not less than—

- (a) \$1.05 where the unit of investment is \$1.00;
- (b) 55c where the unit of investment is 50c.

(9A) However, an investor who holds a winning ticket on a place totalisator or stakes return totalisator in respect of a placegetter shall be paid a dividend of not less than \$1.00 for each unit of investment represented by that ticket where—

- (a) in a race in which 3 dividends are required to be declared more than  $33\frac{1}{3}\%$  of all investments made on that totalisator in relation to that race have been made on that placegetter;
- (b) in a race in which 2 dividends are required to be declared more than 50% of all investments made on that totalisator in relation to that race have been made on that placegetter.

(10) Surplus moneys shall be paid to the commissioner at the time and in the manner prescribed and shall be dealt with as prescribed.

### **All up investments**

**199A.(1)** In this section—

**“all up dividend”** means the amount payable in respect of a successful all up investment being the product of the notional dividend invested on the runner in the final race of the series and the dividend declared for that runner.

**“all up investment”** means an investment whereby the investor nominates a runner in a series of 2 or more races and in respect of which the investment on the runner nominated in the second and each subsequent race is the notional dividend or refund payable in respect of the runner nominated in the previous race.

**“notional dividend”** means—

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- (a) in relation to the second race of a series—the product of the investment on the runner in the first race and the dividend declared for that runner;
- (b) in relation to a subsequent race—the product of the notional dividend invested on the runner in the previous race and the dividend declared for that runner.

(2) An operator of a totalisator may accept an investment as an all up investment.

(3) For the purpose of calculating the totalisator pool for a race there shall be included in the pool a sum equal to the number of units of investment represented by the aggregate of all moneys, rounded down to the next lowest whole number of units of investment to be invested on the same runner pursuant to any all up investments.

(4) The moneys not included in a totalisator pool pursuant to subsection (3) shall be surplus moneys.

(5) The all up dividend payable in respect of a successful all up investment shall be paid out of the net pool in respect of which the last investment was made and if there are insufficient funds in that pool the shortfall shall be paid out of surplus moneys and if there are insufficient surplus moneys out of the unpaid fractions.

(6) In calculating the all up dividend—

- (a) a fraction of 10c less than 5c shall be disregarded; and
- (b) a fraction of 10c equal to or greater than 5c shall be taken to be 5c.

(7) Moneys available to be paid by way of dividends and not so paid by reason of the operation of subsection (6) shall be unpaid fractions.

**Dealing with moneys paid into a sports totalisator**

**199B.(1)** There shall be deducted from each sports totalisator pool the amounts that are, under this Act, payable as totalisator tax and retainable as commission.

(2) The net pool for each sports totalisator is the amount remaining in the sports totalisator pool after making the deductions authorised by subsection (1).

(3) The calculation and payment of dividends from the net pool of a sports totalisator shall be as prescribed by the rules of the totalisator board.

### **Declaration of totalisator transactions and payments to commissioner**

**200.(1)** A club that is licensed to operate a totalisator at a meeting, whether or not a totalisator was in fact operated thereat, shall cause a declaration (a “**declaration of totalisator transactions**”) in the form approved by the commissioner and containing the prescribed particulars with respect to the operation of all classes of totalisator at that meeting to be made by the secretary or a member of the club or an agent of the club engaged to operate the totalisator and lodged with the commissioner within the prescribed time.

(1A) The declaration of totalisator transactions made and lodged pursuant to subsection (1) shall be accompanied by a payment consisting of the total amount of totalisator tax, Racing Development Fund levy, unpaid fractions and surplus moneys set forth in the declaration.

(2) The totalisator board, for and in respect of each operating week, shall cause to be made and lodged with the commissioner, within the prescribed time, a declaration in the form approved by the commissioner and containing the prescribed particulars with respect to the operation of all classes of totalisator operated by it during that week.

(2A) The declaration made and lodged pursuant to subsection (2) shall be accompanied by a payment consisting of the total amount of totalisator tax, Racing Development Fund levy, unpaid fractions and surplus moneys set forth in the declaration.

(3) Where in respect of a placegetter in a race to which section 199(9) and (9A) applies, the aggregate of all dividends payable to investors on that totalisator in that race exceeds the net pool less unpaid fractions of that totalisator, the club or, as the case may be, totalisator board may recoup the amount by which the net pool less unpaid fractions is deficient by deducting that amount from the total amount payable to the commissioner under subsection (1A) or (2A).

(4) The commissioner shall thereupon recover the amount of that deficiency from the unpaid fractions account.

**Unpaid dividends and refunds from totalisator other than totalisator operated by totalisator board**

**201.(1)** The total amount of—

- (a) dividends payable; and
- (b) refunds;

that remains unpaid in respect of a meeting at the time at which a totalisator other than a totalisator operated by the totalisator board operated by or on behalf of the club that held that meeting closes for business on the day of that meeting shall be paid into a separate trust account, operated in accordance with prescribed terms and conditions, in the name of the club that held the meeting or of the agent of the club who operated its totalisator.

(2) Every club other than a club on whose behalf a totalisator is operated by the totalisator board and every agent of a club other than the totalisator board that operates a totalisator at a meeting on behalf of a club shall, within the prescribed time, furnish to the commissioner such details as are prescribed with respect to unpaid dividends and refunds.

(3) The holder of a ticket entitling the holder to be paid a dividend or refund in respect of an investment on a totalisator operated at a meeting shall be paid that dividend or refund if, within 28 days after the date of the meeting at which the ticket was sold, the holder presents that ticket to the club or its agent that operated a totalisator at that meeting at any other meeting held by the club or at which that agent operates a totalisator.

(4) Upon the expiration of the period of 28 days referred to in subsection (3), the club or its agent shall within the prescribed time furnish to the commissioner a return, in the form approved by the commissioner and containing the prescribed particulars, of unpaid dividends and refunds in respect of a meeting that remain unpaid.

(4A) The return shall be accompanied by a payment of the total amount of the unpaid dividends and refunds set forth in the return.

(5) The commissioner shall pay out of the unpaid dividends account to the holder of a ticket to whom subsection (3) applies, the dividend or refund to which the holder is entitled if, after the expiration of the period of 28 days referred to in that subsection and within 5 years of the date of the meeting at which the ticket was sold, the holder presents the ticket to the commissioner.

(6) A payment made pursuant to subsection (5) may be subject to the deduction of the prescribed service charge from the dividend or refund otherwise payable.

### **Unpaid dividends and refunds, and unpaid moneys from sports totalisators from totalisator operated by totalisator board**

**202.(1)** The totalisator board may retain out of the moneys invested on a totalisator operated by it during an operating week, for a period of 3 months commencing on the day following the end of that operating week, the total amount of unpaid dividends and refunds and unpaid moneys from sports totalisators in respect of those moneys.

(2) Subject to subsection (1) and subsection (3), the totalisator board shall pay to the commissioner in the manner and at the time prescribed the total amount of unpaid dividends and refunds and unpaid moneys from sports totalisators in respect of investments made on totalisators operated by it during each operating week.

(3) Subject to subsection (3A), the holder of a ticket issued to the holder by the totalisator board and entitling the holder to be paid a dividend or refund shall, on presentation of that ticket to that Board within 5 years of the date of the meeting in respect of which the ticket was issued, be paid that dividend or refund.

(3A) Where a ticket referred to in subsection (3) is presented to the totalisator board for payment after the expiration of 28 days from the date when the meeting on which the totalisator operated was held, payment of the dividend or refund may be subject to the deduction of the prescribed service charge.

(4) Notwithstanding subsection (3) or (3A), the totalisator board may deduct from a payment of unpaid dividends and refunds and unpaid moneys from sports totalisators that it is required to make to the commissioner, the full value of any dividend or refund that it is required to pay to an investor, where the amount of that dividend or refund has already been paid to the commissioner.

(5) Notwithstanding sections 116(3)(b) and 203(4), the commissioner shall pay unpaid moneys from sports totalisators to the credit of the Consolidated Fund.

**Unpaid fractions account and unpaid dividends account**

**203.(1)** The commissioner shall establish and at all times thereafter keep the following accounts—

- (a) an unpaid fractions account;
- (b) an unpaid dividends account.

**(2)** There shall be paid into the unpaid fractions account all amounts paid to the commissioner under this Act as unpaid fractions and surplus moneys.

**(2A)** There shall be paid out of the unpaid fractions account all amounts authorised to be so paid from time to time by or under this Act or by the *Anzac Day Act 1995*, section 15.

**(3)** There shall be paid into the unpaid dividends account all amounts paid to the commissioner under this Act as unpaid dividends and refunds.

**(3A)** There shall be paid out of the unpaid dividends account all amounts authorised to be so paid from time to time by or under this Act.

**(4)** The commissioner shall pay into the Racing Development Fund in the manner and at the times prescribed the net amount standing at the material time at credit in the—

- (a) unpaid fractions account;
- (b) unpaid dividends account;

save all moneys determined by the commissioner from time to time to be retained in those accounts for the purpose of meeting commitments prescribed by or under this Act.

**Supervision of totalisators**

**204.** The commissioner and subject to the commissioner, inspectors of totalisators shall be responsible for the supervision of totalisators.

**Powers, functions and duties of inspector of totalisators generally**

**205.(1)** An inspector of totalisators—

- (a) shall supervise the operation of a totalisator at which the inspector



is in attendance;

- (b) may enter at any time a place in which a totalisator is located or operated or in which records relating to a totalisator are kept;
- (c) may inspect a totalisator located at a place so entered or a part thereof and the operation thereof;
- (d) may require a person in a place so entered to produce and deliver to the inspector money, books, tickets, vouchers and other writings or records in that place or in any place used in connection with the totalisator;
- (e) may examine all things produced and delivered to the inspector upon a requirement under paragraph (d), may make or take copies thereof or extracts therefrom or of or from entries therein and where the inspector considers it necessary may take possession of any of those things;
- (f) may require a person in a place so entered to disclose to the inspector information that the inspector considers necessary for the purposes of the inspection;
- (g) may exercise such other powers and perform such other functions and duties as are conferred or imposed upon the inspector by or under this Act;
- (h) may by writing under the inspector's hand require the operator of a totalisator to produce and deliver to the inspector money, books, tickets, vouchers and other writings or records.

(2) An inspector of totalisators following each inspection shall report to the commissioner on the operation of totalisators under the commissioner's supervision and on matters incidental thereto.

### **Books and records**

**206.** Every operator of a totalisator shall cause to be entered in books or other recording media approved by the commissioner and retained for a period of at least 2 years prescribed particulars of all transactions with respect to every class of totalisator operated by that operator.

**Offences with respect to totalisators**

**207.(1)** A person—

- (a) shall not operate or assist in operating a totalisator—
  - (i) at a place other than a racing venue or other place authorised by or under this Act;
  - (ii) on a day or at a time of day other than a day or time of day authorised by or under this Act;
- (b) shall not invest on a totalisator operating at a place other than a racing venue or other place authorised by or under this Act.

**(2)** A person—

- (a) shall not send or cause, permit or suffer to be sent to another person any advertisement, circular, letter, notice, telegram, other writing or communication of any kind requesting or inviting that other person to employ the person as an agent or offering the person's services as an agent in purchasing a ticket, or investing money in connection with the operation of a totalisator;
- (b) shall not act as an agent or employ another person to act for the person as an agent in purchasing a ticket, or investing money in connection with the operation of a totalisator in consideration of any commission, fee, reward, share or interest of any kind or on an understanding or agreement, express or implied, in consideration of any commission, fee, reward, share or interest of any kind.

**Prohibition of investment by infants on totalisators**

**208.(1)** A person who is under the age of 18 years shall not invest on a totalisator either on the person's own behalf or on behalf of any other person.

Maximum penalty—10 penalty units.

**(2)** A person who is the operator of or who assists in operating a totalisator shall not—

- (a) supply to a person—
  - (i) who is under or apparently under the age of 18 years;

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- (ii) who is acting on behalf of a person who is under the age of 18 years;

a ticket or other instrument evidencing an investment on that totalisator;

- (b) pay to a person—

- (i) who is under or apparently under the age of 18 years;

- (ii) who is acting on behalf of a person who is under the age of 18 years;

a dividend payable by that totalisator.

- (3) A person shall not—

- (a) make an investment on a totalisator;

- (b) collect a dividend payable by a totalisator;

for or on behalf of a person who is under or apparently under the age of 18 years.

(4) A person shall not operate or assist in operating a totalisator unless there is displayed in a prominent position in the vicinity of and so as to be visible to persons attending that totalisator a printed copy of subsections (1) to (3).

(5) It is a defence to a charge of an offence against subsection (2) or (3) for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that the person whose age is material to the offence was of or above the age of 18 years.

(6) A person who commits an offence against subsection (2), (3) or (4) is liable to a maximum penalty of 10 penalty units.

(7) A person shall not send or cause to be sent to an office or agency of the totalisator board for the purpose of making an investment or receiving payment of a dividend a person who is under or apparently under the age of 18 years.

Maximum penalty—10 penalty units.

**Off-course investment on totalisator other than totalisator operated by totalisator board**

**209.(1)** Notwithstanding this Act or any other law or practice, an operator of a totalisator other than the totalisator board, with the approval of the Minister, may accept, as prescribed, investments on a class of totalisator operated by it to which the approval of the Minister relates, from persons who are not and will not be in attendance at a meeting at which that class of totalisator is operated, at the time a race to which the investments relate is conducted.

**(2)** The Minister shall not approve acceptance of investments under subsection (1) if, in the Minister's opinion, an equal opportunity for accepting similar investments is offered by the totalisator board at the material time.

**(3)** The Minister may revoke an approval under subsection (1) without giving a reason therefor.

***Division 3—Taxes, levies and commission*****Totalisator tax**

**210.(1)** There shall be levied and charged to the use of Her Majesty in right of the State and paid by every club or person that operates a totalisator of any class and by the totalisator board a tax called 'totalisator tax'.

**(2)** Totalisator tax shall be levied, charged and paid on all moneys paid into a totalisator that are included for the calculation of dividends.

**(3)** The rate of totalisator tax to be levied, charged and paid is as follows—

- (a)** for a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—the rate per centum set out in schedule 2, part 1, column 2 opposite and for each class of totalisator set out in column 1;
- (b)** for a class of totalisator operated by or on behalf of a club, or group of clubs, at a betting meeting or by the totalisator board—the rate per centum set out in schedule 2, part 2, column 2 opposite and for each class of totalisator set out in column 1.

**Racing Development Fund levy**

**211.(1)** There shall be levied and charged and paid in respect of any class of totalisator (other than a sports totalisator) by—

- (a) every club or person that operates a totalisator;
- (b) the totalisator board;

on all moneys paid into that class of totalisator that are included for the calculation of dividends, a levy called ‘Racing Development Fund levy’.

**(2)** The rate of Racing Development Fund levy to be levied, charged and paid is as follows—

- (a) for a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—the rate per centum set out in schedule 2, part 1, column 3 opposite and for each class of totalisator set out in column 1;
- (b) for a class of totalisator operated by or on behalf of a club, or group of clubs, at a betting meeting or by the totalisator board—the rate per centum set out in schedule 2, part 2, column 1 opposite and for each class of totalisator set out in column 1.

**Commission**

**212.** There shall be deducted from and retained out of such amounts of all moneys paid into a class of totalisator as are included for the calculation of dividends, by—

- (a) a club; and
- (b) the totalisator board;

commission—

- (c) for moneys paid into a class of totalisator operated by or on behalf of a club, or group of clubs, at a race, trotting or greyhound meeting—at the rate per centum set out in of schedule 2, part 1, column 4 opposite and for each class of totalisator set out in column 1; or
- (d) for the moneys paid into a class of totalisator operated by or on behalf of a club, or group of clubs, at a betting meeting or by the totalisator board—at the rate per centum set out in schedule 2,

part 2, column 4 opposite and for each class of totalisator set out in column 1.

## **PART 6—UNLAWFUL BETTING**

### **Application of this part and saving**

**213.(1)** Nothing in this part shall apply with respect to—

- (a) a totalisator that is lawfully operated in accordance with part 5 or a person operating or assisting in operating a totalisator or investing thereon; or
- (b) the deposit, receipt, subscription, holding or payment of money or other property as entrance or nomination fees in respect of any lawful race, game, sport, pastime or exercise or as part of the prize or stakes therefor; or
- (c) betting by and with a bookmaker in the course of the lawful carrying on by the bookmaker of bookmaking on any racecourse, paceway, greyhound course or athletic ground.

**(2)** Except as provided in subsection (3), nothing in this part shall prejudice or affect in any way—

- (a) the *Art Unions and Public Amusements Act 1992*; or
- (b) the *Vagrants, Gaming, and Other Offences Act 1931*; or
- (c) the *Gaming Act 1850*; or
- (d) the *Gaming Act 1972*; or
- (e) the *Suppression of Gambling Act 1895*; or
- (f) the Criminal Code.

**(3)** Where a person, upon being charged with an offence referred to in section 218(1), pleads any plea other than a plea of guilty, the Criminal Code, section 604 shall not apply.

**Unlawful bookmaking**

**214.** A person shall not carry on bookmaking or act as a bookmaker at a place other than—

- (a) a racing venue where, on a day when and at a time of day at which—
  - (i) a meeting is lawfully held or is deemed to be lawfully held under this Act;
  - (ii) betting with bookmakers is lawful or is deemed to be lawful under this Act; or
- (b) an athletic ground where, on a day when and at a time of day at which an athletic meeting at which bookmaking is permitted under this Act is lawfully held.

**Common betting house**

**215.(1)** A place shall not be opened, kept or used wholly or partly for, with respect to or in connection with any of the following purposes—

- (a) betting by the occupier thereof with another person whether—
  - (i) in person; or
  - (ii) by messenger or agent; or
  - (iii) by post, telephone or telegraph; or
  - (iv) by or through—
    - (A) any mechanical, electrical, electronic or any other equipment or device or any service provided by or with the aid of any such equipment or device; or
    - (B) any form or means of data transmission; or
    - (C) any form or means of telemetry; or
    - (D) any form or frequency of radio transmission; or
    - (E) any film, microfilm or any other photographic or holographic equipment, service or process; or
    - (F) any tape, cassette, disc or other audio or visual recording or replaying device or equipment; or

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- (G) any telex, facsimile or other telecommunication equipment or service; or
  - (H) any form of television communication; or
  - (I) any form or means of electromagnetic radiation; or
  - (J) any combination of any of the abovementioned means of communication; or
- (v) in any other manner;
- (b) the receipt of money or other property by or on behalf of the occupier thereof as or for the consideration for—
- (i) any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter; or
  - (ii) securing the paying or giving by some other person of; money or other property in relation to or on a sporting contingency in Queensland or elsewhere;
- (c) the payment or settlement of a bet made in relation to or on a sporting contingency in Queensland or elsewhere.

(1A) A place that is opened, kept or used wholly or partly for a purpose specified in subsection (1) is for the purposes of this Act a ‘common betting house’.

(2) The Governor in Council may, by regulation, approve the payment and settlement, at the place specified in the regulation, of a bet lawfully made by and with a bookmaker at any racing venue or athletic ground specified in the regulation.

(3) A place that is specified in a regulation in force under subsection (2) is not a common betting house with respect to the payment and settlement of a bet to which the subsection applies.

**Prohibition of opening, keeping or using a common betting house**

**216.(1)** A person shall not—

- (a) open, keep or use; or
- (b) permit or suffer a place of which the person is the occupier to be opened, kept or used as; or



(c) in any way assist in conducting the business of;  
a common betting house.

**(1A)** It is immaterial, in relation to an offence defined in subsection (1)(b), whether the occupier was or was not present at the time the offence was committed.

**(2)** A person—

- (a) being the occupier; or
- (b) acting for or on behalf of the occupier; or
- (c) in any way assisting in conducting the business;

of a common betting house, shall not receive directly or indirectly money or other property—

- (d) as a deposit on a bet on condition of paying or giving; or
- (e) as or for the consideration for any assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter;

money or other property on the happening of a sporting contingency in Queensland or elsewhere.

**(3)** A person shall not give an acknowledgement on the receipt of money or other property, received in the manner and for a purpose specified in subsection (2), purporting or intended to entitle the bearer or any other person to receive money or other property on the happening of a sporting contingency in Queensland or elsewhere.

### **Possession of instrument of betting**

**217.** A person shall not have in the person's possession an instrument of betting not authorised by or under this Act, in respect of a horse race, trotting race or greyhound race.

### **Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house**

**218.(1)** This section applies to a person who contravenes section 214, 216 or 217.

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**(1A)** The person commits an offence that is a misdemeanour.

**(1B)** For a first offence, the person is liable to—

- (a) subject to subsection (3)—a minimum penalty of 300 penalty units; and
- (b) a maximum penalty of 400 penalty units.

**(1C)** For a second offence, the person is liable to—

- (a) a minimum penalty of 401 penalty units; and
- (b) a maximum penalty of 600 penalty units or imprisonment for 18 months.

**(1D)** For a third or subsequent offence, the person is liable to—

- (a) a minimum penalty of 601 penalty units; and
- (b) a maximum penalty of 1 000 penalty units or imprisonment for 5 years.

**(1E)** Despite any other Act, if a court fines the person, the court must order that the person be imprisoned if the fine is not paid.

**(1F)** The term of imprisonment that the court must order under subsection (1E) must be such that, in the court's opinion, will satisfy the justice of the case, but must be—

- (a) if the person was liable to a fine under subsection (1B)—a term of not less than 3 months and not more than 6 months; and
- (b) if the person was liable to a fine under subsection (1C)—a term of not less than 12 months and not more than 18 months; and
- (c) if the person was liable to a fine under subsection (1D)—a term of not less than 3 years and not more than 5 years.

**(2)** Notwithstanding any other provision of law or any rule of law or practice a person who, having been arraigned before a court of competent jurisdiction (whether consequent upon committal for trial or otherwise), has pleaded not guilty shall be tried by a judge of that court sitting alone.

**(3)** If—

- (a) a person is convicted of an offence mentioned in subsection (1) and it is the person's first offence against any provision of any of the sections mentioned in subsection (1); and

- (b) the court before whom the person is convicted considers that in the particular case there are special circumstances that make it just to do so;

the court may impose a penalty less than the minimum penalty mentioned in subsection (1B) but not, in any case, less than 50 penalty units.

(4) A person charged with an offence against any provision of section 214, 216 or 217 may upon the person's trial be convicted of any offence against any other provision of the section that the person is alleged by the charge to have contravened that is established by the evidence in lieu of the offence with which the person is charged.

(5) A person is liable for the penalty under this section—

- (a) for a second offence—if the person has been convicted of a single offence against any provision of any of the sections mentioned in subsection (1); or
- (b) for a third or subsequent offence—if the person has been convicted of 2 or more offences against any provisions of any of the sections mentioned in subsection (1).

### **Orders under s 218 not original orders**

**218AA.(1)** An order under section 218 is not an original order within the meaning of the *Penalties and Sentences Act 1992*.

(2) Without limiting subsection (1), a court must not make a fine option order in relation to an offence against any of the sections mentioned in section 218(1).

### **No alternatives to imprisonment**

**218AB.(1)** This section applies if—

- (a) a court imposes a term of imprisonment on a person under section 218; or
- (b) an order is made under section 218(1E) and the person fails to pay the fine.

(2) The court must not make an order (including any order under the *Penalties and Sentences Act 1992*) that would result in the person not

serving the sentence in prison.

*Examples of the orders that the court must not make—*

*Example 1—*A probation order.

*Example 2—*A community services order.

*Example 3—*An intensive correction order.

*Example 4—*An order that suspends the term of imprisonment.

### **Recovery of penalties imposed under s 218**

**218A.(1)** This section applies to an order for the payment of a penalty or costs that is made, before the commencement of the *Racing and Betting Amendment Act 1993*, in relation to an offence against any of the sections mentioned in section 218(1).

**(2)** Where an order referred to in subsection (1) is made the judge making the order or the Chief Judge of District Courts shall, if the penalty is not paid within the time allowed by the judge for payment of the penalty or costs on the expiration of that time or, if no time is allowed for payment, then immediately, furnish to the Attorney-General a certificate in the form approved by the chief executive, setting forth—

- (a) the amount of the penalty or costs;
- (b) the full name and place of residence or business of the person on whom the penalty or costs has or have been imposed;
- (c) the reason for the penalty or costs.

**(3)** Upon receipt of the certificate specified in subsection (2), the Attorney-General shall cause final judgment in the form approved by the chief executive to be entered in a court of competent jurisdiction for the amount of the penalty or costs and costs of entering judgment.

**(3A)** A judgment entered pursuant to subsection (3) is for all purposes a judgment of the court in which it has been entered.

**(4)** An appeal does not lie in respect of a judgment entered pursuant to subsection (3) or (3A).

**(5)** The registrar of a court to whom a certificate referred to in subsection (2) is duly produced for registration shall, upon payment of the appropriate fee, register the certificate in the court and, upon such

registration, the certificate shall be a record of the court in which it is registered and the order to which it refers shall be deemed to be a judgment of that court obtained by the Crown as plaintiff against the offender as defendant for the payment to the Crown of money comprising—

- (a) the amount of the penalty or costs;
- (b) costs of registration of such certificate in such court;

to the intent that like proceedings (including proceedings in bankruptcy) may be taken to recover the amount of the judgment as if the judgment had been made by such court in favour of the Crown.

### **Resorting to common betting house prohibited**

**219.(1)** A person shall not, without reasonable excuse the proof of which shall be upon the person, resort to or be found in or entering or leaving a common betting house.

**(2)** In this section—

“**resort to**” includes apply whether by the agency of another person, letter, telegram, telephone or other means of correspondence or communication and whether directly or indirectly.

Maximum penalty—

- (a) for a first offence—10 penalty units or imprisonment for 1 month; and
- (b) for a second offence (whether for the same or another offence against this section)—20 penalty units or imprisonment for 6 months; and
- (c) for a third or subsequent offence (whether for the same or another offence against this section)—40 penalty units or imprisonment for 1 year.

### **Prohibition of advertising of common betting house**

**220.(1)** A person shall not—

- (a) send, exhibit, print or publish, or cause to be sent, exhibited, printed or published; or

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- (b) permit to be exhibited or published in, on or about any place of which the person is the occupier;

any placard, handbill, card, writing, sign, advertisement or other matter whereby it is made to appear that a place is opened, kept or used, wholly or partly for the purpose of exhibiting lists for betting that could induce a person to resort to a place wholly or partly for the purpose of betting.

(2) A person—

- (a) being the occupier of a common betting house;
- (b) for or on behalf of the occupier of, or other person concerned in the business of, a common betting house;

shall not invite a person to resort thereto wholly or partly for the purpose of betting.

(2A) In subsection (2)—

“**resort to**” has the meaning assigned to it by section 219.

Maximum penalty—100 penalty units or imprisonment for 2 years.

(3) A person shall not send, exhibit, print or publish, or cause to be sent, exhibited, printed or published, any letter, circular, telegram, placard, handbill, card, writing, sign, advertisement or other matter—

- (a) whereby it is made to appear that a person in Queensland or elsewhere will, on application, give information or advice for the purpose of or with respect to a bet on a sporting contingency in Queensland or elsewhere or will make on behalf of any other person such bet; or
- (b) whereby a person is induced to apply to or at a place, or to any person, with a view to obtaining information or advice for the purpose of a bet or with respect to a sporting contingency in Queensland or elsewhere; or
- (c) inviting, expressly or by implication, a person to make or take a share in or in connection with a bet; or
- (d) whereby a person is induced to apply to or at a place or to a person with a view to obtaining information or advice on any system or other method or means by which the person may make a selection of a runner for the purpose of a bet on a sporting

contingency in Queensland or elsewhere.

Maximum penalty—100 penalty units or imprisonment for 2 years.

### **Betting on licensed premises**

**221.(1)** A person who holds a licence of any description under and within the meaning of the *Liquor Act 1992* shall not permit or suffer the place in respect of which that licence is in force to be used for the purpose of betting.

Maximum penalty—

- (a) for a first offence—100 penalty units or 6 months imprisonment; and
- (b) for a second offence—200 penalty units or 1 year imprisonment; and
- (c) for a third or subsequent offence—400 penalty units or 2 years imprisonment.

**(2)** It is a defence to a charge of an offence against this section brought against a person specified in subsection (1) if the person proves that—

- (a) the person has issued proper instructions and used all reasonable means to secure observance of this Act; and
- (b) the offence in question was committed without the person's knowledge; and
- (c) the person could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

**(3)** The Commissioner of the Police Service shall report to the Minister in writing particulars of every conviction of a person in relation to a place in respect of which a licence of any description issued under the *Liquor Act 1992* is in force for a third or subsequent offence against—

- (a) subsection (1); or
- (b) section 214, 216, 217 or 222; or
- (c) the *Vagrants, Gaming, and Other Offences Act 1931*, section 4(1)(g)(iii).

**(4)** On receiving a report specified in subsection (3), the Minister may

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give the chief executive details of the convictions, the subject of the report.

(5) The chief executive must then ask the person about whom the report was made to give reasons why the licence the person holds under subsection (3) should not be suspended.

(6) The chief executive must suspend the licence held by the person, for no longer than 2 years, if—

- (a) the person does not give reasons as required; or
- (b) in the chief executive's opinion, the licence should be suspended for another reason.

(7) A suspension pursuant to subsection (6) shall, during the period thereof, operate as a cancellation of the licence the subject of the suspension for all purposes of the *Liquor Act 1992* and without right to compensation in the holder thereof or any other person.

(8) This section applies notwithstanding the Criminal Code, sections 7, 23 and 24 or any other Act, rule, law or practice.

(9) Subsection (1) does not apply to betting on a totalisator operated at a place by or on behalf of the totalisator board.

**Prohibition of betting in public place**

**222.** A person shall not—

- (a) by himself or herself or an agent bet in a public place; or
- (b) frequent, loiter in, use or be present in a public place wholly or partly for the purpose of betting; or
- (c) placard, post up or exhibit, or assist in placarding, posting up or exhibiting in, on or about a public place any information, notice or list, directly or materially relating to betting.



## **PART 7—MISCELLANEOUS**

### **Prohibition of giving warning of presence or approach**

**223.(1)** A person—

- (a) who is in, on or about a place shall not give a warning;
- (b) shall not be in, on or about a place wholly or partly for the purpose of giving a warning to another person;

of the presence or approach of any police officer or officer.

Maximum penalty—20 penalty units or imprisonment for 6 months.

(2) The means and manner by which a warning specified in subsection (1) is given are immaterial for the purposes of this section.

### **Prohibition of prevention of detection**

**224.** A person—

- (a) who is in, on or about a place shall not do or omit to do an act that has as an effect the prevention of;
- (b) shall not be in, on or about a place wholly or partly for the purpose of preventing or attempting to prevent;

the detection of an offence against this Act.

Maximum penalty—20 penalty units or imprisonment for 6 months.

### **Batteries, drugs and the like at racing venues and other places**

**225.(1)** A person who, without reasonable excuse the proof of which shall be upon the person, has in the person's possession or is conveying—

- (a) at a racing venue; or
  - (b) at any other place where the conduct of a race is permitted; or
  - (c) at a place where a trial is permitted to be conducted; or
  - (d) at a place used for the purpose of training a horse or greyhound;
- or

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- (e) at a stable or kennel; or
- (f) in or about a vehicle or vessel; or
- (g) at any other place where a registered horse or greyhound is or could reasonably be expected to be at the material time;

any—

- (h) battery, cell or other thing that is assembled, designed or manufactured to provide a supply or source of electrical energy; or
- (i) capacitor, coil, wire or other thing that is assembled, designed or manufactured to conduct, deliver, discharge, intensify or store any electricity or electric charge, current or voltage; or
- (j) hypodermic syringe or hypodermic needle or other medical, surgical or veterinary appliance or instrument; or
- (k) applicator, atomiser, dispenser, sprayer, vaporiser or other thing that is assembled, designed or manufactured to apply, deposit, discharge, propel or spray any substance; or
- (l) drug, irritant or noxious or toxic substance or thing; or
- (m) object, contrivance or thing that is capable of—
  - (i) inflicting injury to a person, horse or greyhound; or
  - (ii) interfering with a horse or greyhound; or
  - (iii) interfering with a jockey or driver or a steward or other official; or
  - (iv) interfering with the operation of a lighting, power or control system, lure drive or any other plant or equipment; or
  - (v) interfering with or damaging a course prepared or laid out for the purpose of conducting races or trials or a building or other structure;

commits an offence against this Act.

Maximum penalty—400 penalty units or imprisonment for 2 years.

**(2)** A police officer, without any authority other than this Act, may stop, detain and search a person at a racing venue or place where a trial is being conducted who the officer suspects on reasonable grounds has in the

person's possession or is conveying any of things specified in subsection (1).

(3) An article specified in subsection (1) seized pursuant to section 235 shall on conviction of the offender be forfeited to Her Majesty.

### **Attempt to commit offence**

**226.(1)** A person shall not attempt to commit an offence against this Act.

(1A) A person convicted of the offence of attempting to commit an offence against this Act is liable to the same penalty as an offender convicted of the offence itself, unless the person proves that the person desisted of his or her own motion from the further prosecution of the person's intention without its fulfilment being prevented by circumstances independent of the person's will, in which case the person is liable to one-half of the penalty to which the person would otherwise be liable.

(1B) The Criminal Code, section 4 applies with respect to an attempt to commit an offence against this Act.

(2) A person may be convicted of attempting to commit an offence upon a complaint charging the person with that offence.

### **Interference with person, horse, greyhound or property**

**227.** A person who—

- (a) at a racing venue or place where a trial is permitted to be conducted—
  - (i) inflicts or causes injury to or interferes with a registered horse or greyhound;
  - (ii) inflicts or causes injury to or interferes with a jockey or driver or any steward or other official;
  - (iii) interferes with the operation of a lighting or power system, lure drive or any other plant or equipment;
  - (iv) interferes with or damages a course prepared or laid out for the purpose of conducting races or trials or a building or other structure;

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- (v) uses or causes to be used on a registered horse or greyhound any apparatus or thing referred to in section 225(1)(h), (i), (j) or (k) without the explicit approval of the control body that has jurisdiction over that venue or place or the delegate of that control body; or
- (b) at any other place, without reasonable excuse the proof of which shall be upon the person—
  - (i) inflicts or causes injury to or interferes with a registered horse or greyhound;
  - (ii) inflicts or causes injury to or interferes with a jockey or driver or any steward or other official;
  - (iii) uses or causes to be used on a registered horse or greyhound any apparatus or thing referred to in section 225(1)(h), (i), (j) or (k);

commits an offence against this Act.

Maximum penalty—400 penalty units or imprisonment for 2 years.

**Use of drugs and the like on horse or greyhound**

**228.(1)** A person who, at any time, uses on, administers to or causes to be used on or administered to a registered horse or greyhound, any drug, irritant or noxious or toxic substance or thing which could affect the performance, behaviour or physical condition of that horse or greyhound—

- (a) at a racing venue or place where a trial is permitted to be conducted, without the explicit approval of the control body that has jurisdiction over that venue or place or the delegate of that control body; or
- (b) at any other place, without reasonable excuse the proof of which shall be upon the person;

commits an offence against this Act.

Maximum penalty—400 penalty units or imprisonment for 2 years.

**(2)** Without limiting the provisions of subsection (1), a person other than a registered veterinary surgeon within the meaning of the *Veterinary Surgeons Act 1936* shall not administer a drug to a registered horse or

registered greyhound at any place within a period of 7 days immediately prior to a race or trial in which that horse or greyhound participates.

Maximum penalty—400 penalty units or imprisonment for 2 years.

(3) The person for the time being holding the office of Chief Health Officer (Department of Health) under the *Health Act 1937* is hereby empowered to make available to the chief executive on such basis as may be agreed upon by the officers concerned details held in the Chief Health Officer's records in so far as those records apply to registered veterinary surgeons within the meaning of the *Veterinary Surgeons Act 1936*, of drugs brought into Queensland together with the details of the person to whom those drugs are distributed.

### **Inspection, removal, sampling, analysis**

**228A.(1)** The provisions of this section shall apply notwithstanding the rules of greyhound racing, the rules of trotting or the rules of racing and where any provision of this section conflicts with or is inconsistent with any provision of such rules the provision of this section shall apply and the provision of the relevant rules shall be deemed to have been repealed to the extent of such conflict or inconsistency.

(2) Any officer authorised by the chief executive may, at any time make or cause to be made any test which the authorised officer considers desirable, to determine whether a drug has been administered to any registered horse or registered greyhound.

(3) For the purpose of making a test referred to in subsection (2) the authorised officer may—

- (a) enter any racing venue, or place where a trial is permitted to be conducted, or any other place in order to obtain samples from a registered horse or registered greyhound; and
- (b) take possession of a registered horse or registered greyhound and detain such horse or greyhound for such period and at such place as the officer considers necessary; and
- (c) take such samples, in the prescribed manner, from a registered horse or registered greyhound as the officer considers necessary.

(4) An authorised officer may engage any suitably qualified person to

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assist the officer in the discharge of the officer's functions or in the exercise of the officer's powers under this section and a person so assisting shall for the purposes for which the person was engaged have all the functions and powers of an authorised officer under this section.

(5) An authorised officer and any person engaged by the officer pursuant to subsection (4) may employ the services of a veterinary surgeon, steward, swab attendant and such other person as may be convenient for the purpose of taking samples pursuant to this section at a racing venue at which a meeting or trial is being conducted.

(6) A person who takes a sample pursuant to subsection (3) shall seal and mark the sample and deliver it for analysis in the prescribed manner.

(7) Where any method of analysis, chemical or physical, has been prescribed for the analysis of any samples taken pursuant to this section, any analyst, for the purpose of any prosecution for a breach of the provisions of the rules of greyhound racing, the rules of trotting, the rules of racing or any provision of this Act shall, in the analyst's certificate of analysis declare that the analyst has followed the prescribed method in the analysis.

(7A) However, evidence shall be admissible in any proceedings for an offence of the nature referred to of analysis made by other than the prescribed method and to show that the prescribed method is not correct.

(8) The results of the analysis of any sample taken pursuant to this section shall, as soon as reasonably possible, after the completion of that analysis, be forwarded by the authorised officer to the control body having jurisdiction in the area in which the racing venue or other place at which the sample from the registered horse or registered greyhound was taken is located.

(8A) In forwarding the results of such analysis, the authorised officer shall provide to the control body all relevant details concerning such analysis including the place from which the sample the subject of the analysis was taken and the date on which it was taken.

(9) A person who without authority opens, alters, breaks, removes or erases any mark or seal placed by an authorised officer pursuant to subsection (6), on any sample is guilty of an offence against this Act.

**Offences relating to police officers, officers and records**

**229.(1)** A person shall not—

- (a) prevent any police officer, officer or other person authorised by or under this Act to enter or re-enter a place, from entering or, as the case may be, re-entering that place or a part thereof;
- (b) delay or otherwise howsoever obstruct any police officer, officer or other person authorised by or under this Act to enter or re-enter a place, in entering or, as the case may be, re-entering that place or a part thereof;
- (c) assault, resist, obstruct, hinder, threaten, abuse, insult or intimidate a police officer, officer, or other person in the exercise of powers or the discharge of duties under this Act, or incite another person so to do;
- (d) fail to comply with any determination, order, notice, direction or request made or given under this Act by the commissioner or any police officer or officer;
- (e) retake or attempt to retake possession of, remove or otherwise deal with anything seized under this Act;
- (f) when required by any police officer, officer or other person authorised by or under this Act to give information for the purposes of this Act—give information that to his or her knowledge is false or misleading in a material particular.

**(2)** A person required by this Act to keep a book, voucher or document or to enter, record or keep recorded any account or particulars therein (and when that person is a club or any other body or association of persons, the secretary thereof or a person having the possession or control of any book, voucher or document of the club or other body or association of persons), shall not refuse or otherwise fail, during such time as that book, voucher or document is required to be so kept—

- (a) to produce and deliver the book, voucher or document to; or
- (b) to permit any extracts to be taken therefrom or any copies thereof to be made by;

a person lawfully demanding the production and delivery thereof or to be permitted to take extracts therefrom or to make copies thereof.

(3) A person who commits an offence against this section is liable to a maximum penalty of 20 penalty units or imprisonment for 6 months.

### **Forgery and like offences**

**230.(1)** A person shall not—

- (a) forge or counterfeit any certificate, licence, permit or other authority granted and issued under this Act or a betting ticket or totalisator ticket; or
- (b) utter any certificate, licence, permit or other authority granted and issued under this Act or a betting ticket or totalisator ticket so forged or counterfeited; or
- (c) personate any person named in any certificate, licence, permit or other authority granted under this Act; or
- (d) falsely represent himself or herself to be an officer or a member or an officer or employee of the totalisator board; or
- (e) connive at any of the offences specified in paragraph (a), (b), (c) or (d); or
- (f) knowingly make a false statement in an application for a certificate, licence, permit or other authority under this Act.

(2) A person required by or under this Act to furnish a return or make a declaration shall not make a return or declaration that is false or misleading in any particular.

(3) A person who commits an offence against this section is liable to a maximum penalty of 100 penalty units or imprisonment for 2 years.

### **Warrant to enter and search places and arrest persons**

**231.(1)** A justice who is satisfied upon the complaint in writing on oath of a police officer that there are reasonable grounds for suspecting that—

- (a) a place is opened, kept or used as a common betting house; or
- (b) a person has committed, is committing or is likely to commit in, on or at a place an offence against this Act;

may issue a warrant in the form approved by the chief executive directed to



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the police officer concerned or another police officer.

(2) A warrant issued pursuant to this section shall be, for the period of 1 month from and including the date of its issue, sufficient authority for the police officer—

- (a) to enter or re-enter by day or by night either alone or with the assistance of such police officers or other persons as the officer thinks fit, the place specified in the warrant;
- (b) to search the place so entered or re-entered and every person found in, on or about that place;
- (c) to use such force as is reasonably necessary (whether by breaking open doors or windows or otherwise) in making such entry or re-entry;
- (d) to pass through, from, over and along any other place for the purpose of entering or re-entering that place;
- (e) to break open, search and examine any bag, box, chest, cupboard, drawer, package, parcel, trunk or other thing whether or not a fixture found by the officer in, on or about that place where the officer has reasonable grounds for suspecting that there are in any of those things instruments of betting, money, documents or other things of any kind suspected on reasonable grounds of being used or designated for use in connection with or in relation to an offence against this Act or that any of those things may reasonably be expected to afford evidence as to the commission of an offence against this Act;
- (f) to seize, detain and remove instruments of betting, money, documents or other things of any kind found by the officer in, on or about that place or on any person found by the officer in, on or about that place;
- (g) to make copies of or take extracts from any book, card, list, paper, ticket, voucher or other document found by the officer in, or about that place without seizing it;
- (h) to arrest a person found by the officer in, on or about that place.

**General power of arrest without warrant**

**232.(1)** In addition to the powers of arrest otherwise conferred by or under this Act, a police officer may arrest without warrant a person—

- (a) found by the officer committing an offence against section 214, 216, 217, 222, 225, 227 or 228;
- (b) who, the officer believes on reasonable grounds, has recently been betting in a public place contrary to this Act;
- (c) who, when required under this Act to state the person's name and address or to produce evidence to prove that a name or address given is correct, fails to do so or states a name or address or produces evidence that in the opinion of the member is false;
- (d) if the officer believes on reasonable grounds that proceedings against that person by complaint and summons for an offence against this Act would not be effective.

**(2)** The power to arrest a person conferred by this Act does not prejudice or in any way affect the power and authority to proceed by way of complaint and summons against that person under the *Justices Act 1886*.

**Police officer may grant bail for offence against s 214, 216, 217 or 219**

**232A.** A police officer into whose custody is delivered a person arrested in respect of an offence against section 214, 216, 217 or 219 may exercise in relation to that person the powers conferred on the officer by the *Bail Act 1980*, section 7.

**Power to require name, address**

**233.(1)** Any police officer or officer who—

- (a) finds a person committing or reasonably suspects a person of having committed an offence or being about to commit an offence against this Act; or
- (b) is making enquiries or investigations with a view to establishing whether or not an offence against this Act has been committed or is about to be committed; or
- (c) finds a person in the company of a person so committing or so

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suspected; or

- (d) is of the opinion that the name and address of a person is required for the purposes of giving effect to this Act, or for the purpose of enabling the officer to carry out the officer's functions or duties under this Act; or
- (e) arrests a person in the exercise of a power conferred by this Act;

may require that person to state the person's name and address, and, where the officer suspects on reasonable grounds that the name or address given is false, may require evidence as to the correctness thereof.

(2) A person required under this section to state the person's name and address or name or address who—

- (a) refuses or otherwise fails to state the person's name and address or, as the case may be, name or address; or
- (b) states a false name or a false address;

commits an offence against this Act.

(3) A person required under this section to produce evidence to prove that the name or address given is correct who—

- (a) fails to produce that evidence;
- (b) produces false evidence with respect to the person's name or address;

commits an offence against this Act.

**Power to search clothing and person of arrested person and to seize and detain things**

**234.(1)** A police officer at any time and in any place—

- (a) may search the clothing and person of a person arrested under this Act;
- (b) may seize, detain and remove instruments of betting, money, documents and other things of any kind found on that person or in the person's possession or under the person's control at the time of the person's arrest including, without limiting the generality of this provision, anything that in the opinion of that

member will afford evidence as to the commission of an offence against this Act at the time of or immediately before the person's arrest.

(2) This section is in addition to and not in substitution for or derogation of the Criminal Code, section 259.

### **Further powers of police officers**

**235.** In addition to the powers otherwise conferred upon the officer by or under this Act a police officer in any place may—

- (a) stop, detain and search—
  - (i) a vehicle in or on which the officer suspects on reasonable grounds there is being carried an instrument of betting or an article specified in section 225, or anything used or apparently capable of being used in contravention of section 216, 217 or 228;
  - (ii) a person who the officer suspects on reasonable grounds has contravened section 214, 216, 217, 219, 222, 223, 224 225 or 230;
- (b) seize any instrument of betting, article or other thing found therein or thereon in contravention of this Act;
- (c) for the purposes of paragraph (a) or (b), use such force as is reasonably necessary in effecting entry into a vehicle or conducting the search of a person;
- (d) search the records that are prescribed by the *Poisons Regulation 1973*, part K, section K2 to be kept by any veterinary surgeon, for the purposes of any investigation in relation to an alleged offence under this Act, and take details of any entry or entries therein.

### **Offences generally and penalty**

**236.(1)** A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

(2) A person who—

- (a) fails to do that which the person is directed or required to do;

(b) does that which the person is forbidden to do;

by a person acting under the authority of this Act commits an offence against this Act.

(3) Save where a specific penalty is otherwise prescribed, a person who commits an offence against this Act is liable—

- (a) for a first offence—20 penalty units or imprisonment for 6 months; and
- (b) for a second or subsequent offence—40 penalty units or imprisonment for 1 year.

(5) Notwithstanding this Act or any other Act, where a person is convicted of an offence against this Act, the penalty to which the person is liable is in addition to a forfeiture under this Act.

### **Proceedings for offences**

**237.(1)** A prosecution for an offence against this Act—

- (a) shall be brought within 12 months after the offence is committed or within 6 months after the offence comes to the knowledge of the complainant whichever is the later period;
- (b) may be by way of summary proceedings under the *Justices Act 1886* or upon indictment.

(2) Notwithstanding this Act or any other Act, in a proceeding on a complaint or on indictment a court may make an order on any matter within its jurisdiction though no application or complaint is made in respect thereof.

(3) In a proceeding for an offence against this Act, a police officer, though not the complainant, shall be entitled to appear before a Magistrates Court on behalf of and act for the complainant.

(4) For the purposes of this Act, a conviction of an offence against this Act by a person who at the time of conviction has previously been convicted of an offence against this Act committed before or after the person committing the first mentioned offence shall be taken to be a conviction for a second, third or subsequent offence, as the case may be, against this Act.

(5) Where proceedings for an offence (being an offence other than an offence against section 214, 216 or 217) for which the maximum penalty is 400 penalty units are brought in a court of summary jurisdiction and the defendant does not plead guilty, the court—

- (a) may commit the defendant for trial and may exercise in respect of the defendant all or any of the powers conferred by law as if it were a justice taking an examination of witnesses in relation to an indictable offence; or
- (b) with the consent of the defendant, determine the proceedings.

### **Time limits for payment of penalties**

**238.(1)** Where a person is adjudged by a court to pay a penalty for an offence against section 214, 216, 217, 222, 225, 227 or 228, the judge or justices constituting that court shall not allow time for the payment of that penalty or a part thereof or direct payment of that penalty or a part thereof to be made by instalments unless the judge is or the justices are satisfied that—

- (a) that person is possessed of insufficient means to enable the person to pay the sum forthwith and that the person has a fixed abode; or
- (b) there are special circumstances (whether by reason of the person not having been previously convicted of an offence against this Act or having regard to the person's character or otherwise) for allowing time to pay or making the direction for payment by instalments.

**(2)** In any case—

- (a) the time allowed by a court for the payment of a penalty or a part thereof shall not exceed 28 clear days;
- (b) the time allowed for payment of a penalty by way of instalments shall be such as will finalise payment thereof within 3 months.

**(3)** Any justices or justice to whom application is made to issue a warrant of execution for a sum adjudged by a court to be paid by a person convicted of an offence against this Act (other than an offence against section 214, 216 or 217) or to issue a warrant of commitment for

non-payment of that sum or for default of sufficient distress to satisfy that sum, shall not postpone the issue of such warrant unless the justices or justice are or is satisfied that—

- (a) the person adjudged to pay the sum is possessed of insufficient means to enable the person to pay the sum forthwith and that the person has a fixed abode; or
- (b) there are special circumstances (whether by reason of the person not having been previously convicted of an offence against this Act or having regard to the person's character or otherwise) for postponing the issue of such warrant.

(4) In any case the period of the postponement of such warrant shall not exceed 7 days.

### **Increased penalties**

**239.** A conviction for an offence against this Act shall not, after 10 years from the date of the conviction, be receivable in evidence against a person for the purpose of subjecting the person to an increased penalty or to a forfeiture under this Act.

### **Liability for offence by club, body corporate or other association of persons**

**240.** Where a club or other body or association of persons, corporate or unincorporate commits an offence against this Act, each of the following persons shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly—

- (a) in the case of a club or other body or association of persons other than a body corporate—the secretary and every member of the committee thereof by whatever name called;
- (b) in the case of a body corporate—
  - (i) the person who at the time the offence is committed was the chairperson of directors, managing director, manager or other governing officer by whatever name called or other member of the governing body by whatever name called; and

- (ii) every person who at the time of the offence managed or took part in the management, administration or government of the business in Queensland thereof.

### **Liability of bookmaker for offence by agent or employee**

**241.(1)** Notwithstanding the Criminal Code, sections 7 and 23 or any other Act, law or practice, where a person commits an offence against this Act as an agent or employee of a bookmaker, that bookmaker shall be deemed to have taken part in committing the offence and to be guilty of the offence and may be charged with committing the offence.

**(2)** It is a defence to a charge of an offence against this Act brought against a person specified in subsection (1) if the person proves that—

- (a) the person has issued proper instructions and used all reasonable means to secure observance of this Act; and
- (b) the offence in question was committed without the person's knowledge; and
- (c) the person could not, by the exercise of reasonable diligence, have prevented the commission of the offence.

**(3)** A person is not liable to be convicted of an offence committed by the person as an employee of a bookmaker if the person satisfies the court that the offence was committed while the business of his or her employer was being conducted under the personal superintendence of that employer or of a manager or other representative of that employer and that the offence was committed with the knowledge of that employer, manager or representative.

**(4)** Save as provided by subsection (3), this section applies so as not to prejudice liability imposed under this Act on a person by whom an offence against this Act is actually committed.

### **Forfeiture and disposal of instruments of betting**

**242.(1)** The court that convicts a person of an offence against this Act—

- (a) may order to be forfeited to Her Majesty the instruments of betting, money, documents and other things seized under this Act that relate to or are connected with the commission of the offence of which the person has been convicted;



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(b) may make such other order with respect to all or any of the things specified in paragraph (a) as it thinks fit.

(2) Where the court before whom a person is charged for an offence against this Act dismisses the complaint, it—

(a) may order to be forfeited to Her Majesty the instruments of gaming within the meaning of the *Vagrants, Gaming, and Other Offences Act 1931*, instruments of betting, documents and other things (save money) that were found in the possession or under the control of that person;

(b) may make such other order with respect to all or any of the things specified in paragraph (a) and money found in the possession or under the control of that person and seized under this Act as the court thinks fit.

(3) An order made by a court under this section for the delivery of a thing seized to the person appearing to the court to be the owner thereof shall not prejudice or in any way affect the right of a person to recover by action in a court of competent jurisdiction that thing from the person to whom it was delivered by virtue of the order provided that such action is commenced within the 6 months next following the date of the order.

(4) All instruments, documents and other things (save money) forfeited to Her Majesty pursuant to this section shall be destroyed or otherwise disposed of in such manner as the Minister directs.

(4A) Money forfeited to Her Majesty pursuant to this section shall be paid into the Consolidated Fund.

(5) A forfeiture, destruction or disposal of a thing in accordance with this section does not confer upon any person a right to compensation.

**Removal of persons from racing venues and trials**

**243.(1)** A police officer may at any time enter any racing venue where a meeting is being held or place where a trial is being conducted and may—

(a) order a known or reputed criminal who the officer suspects on reasonable grounds is in that place for an unlawful purpose;

(b) order a person who is behaving in a disorderly manner or who the officer suspects on reasonable grounds is about to behave or

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continue to behave in a disorderly manner;

- (c) order a known or reputed pick pocket, urger, tout or tick tacker or a person who at the direction of the committee of the club conveyed to the officer should not be permitted to enter or remain at the racing venue where a meeting is being held or place where a trial is being conducted;
- (d) order a person found soliciting alms;
- (e) order an associate of any of the persons specified in paragraph (a), (b), (c) or (d);

to leave that racing venue or place.

(2) A person specified in subsection (1) who having been ordered to leave a racing venue or place—

- (a) remains at that racing venue or place after having been so ordered to leave; or
- (b) on leaving that racing venue or place in accordance with an order given pursuant to this section, returns thereto on the same day;

commits an offence against this Act.

(3) A police officer may arrest without warrant a person who, having been ordered by a police officer to leave a racing venue where a meeting is being held or place where a trial is being conducted, fails to do so or having left returns thereto on the same day.

(4) A police officer, using such force as is reasonably necessary, may remove a person who, by notice in writing given to the officer by the committee of a club, has been warned not to enter or remain on or at any racing venue or place where a trial is conducted.

### **Protection of and payment to informants**

**244.(1)** Where a person is convicted of an offence against this Act as a result of information supplied by a person (not being a police officer) to a police officer or an officer and adjudged to pay a penalty, the court before which that person is convicted shall order one-half of the penalty to be paid to the person who supplied the information that resulted in the conviction of the offender and the other one-half to be paid into the Consolidated Fund.

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(2) The amount awarded by the court to the informant shall be paid to the Commissioner of the Police Service or Commissioner of Stamp Duties who shall cause that amount to be paid to the informant in the manner prescribed by subsection (3).

(3) The Commissioner of the Police Service shall cause the amount specified in subsection (2) to be forwarded—

- (a) in a case where the prosecution was brought by an officer of the licensing branch of the Police Service at Brisbane—to the officer in charge of that branch;
- (b) in a case where the prosecution was brought by another police officer—to the officer in charge of the police district in which the complaint was heard and determined.

(3A) The police officer concerned shall in turn pay such amount to the informant.

(3B) The Commissioner of Stamp Duties shall pay an amount paid to the commissioner by the court pursuant to subsection (2) to the informant.

(4) The name of an informant referred to in this section, or any other particular that may be likely to lead to the informant's identification shall not be divulged to a person other than the person or persons specified in subsection (6).

(5) A person who, without lawful excuse the proof of which shall be upon the person reveals, causes to be revealed or in any manner divulges the identity of an informant to whom this section refers commits an offence against this Act.

Maximum penalty—400 penalty units or imprisonment for 2 years.

(6) The informant's identity shall be at all times confidential information and no record of the informant's identity shall be kept except by the police officer or officer to whom the informant supplied information or by the police officer of or above the rank of inspector immediately in charge of such police officer or, as the case may be, the Commissioner of Stamp Duties.

(7) A person who gives or offers monetary or other gain or reward to any person with a view to establishing or obtaining information leading to or that could lead to the identity of an informant to whom this section refers commits an offence against this Act.

Maximum penalty—400 penalty units or imprisonment for 2 years.

(8) It is immaterial whether such giving or offer of reward is made to a particular person, group of persons or is made orally or in writing or by any other means.

### **Source of information or reports**

**245.(1)** A prosecutor or witness on behalf of the prosecution in a proceeding under this Act shall not be compelled to disclose the fact that the prosecutor or witness received information or the nature of such information or the name of a person who gave such information.

(2) Any police officer or officer appearing as a prosecutor or witness shall not be compelled to produce a report or document made or received by the officer in his or her official capacity or containing confidential information or to make a statement in relation thereto.

### **Finger prints and the like**

**246.(1)** Where a person has been arrested for an offence against this Act, the officer in charge of police at the police establishment to which the person is taken after arrest or where the person is in custody may take or cause to be taken all such particulars as the person considers necessary for the identification of that person including the person's voice print, photograph, finger prints, palm prints, foot prints, toe prints or handwriting and in taking those particulars may use such force as is reasonably necessary for that purpose.

(2) A court that convicts a person, who appears personally before it, of any offence against this Act may in its discretion order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsection (1) and that officer and any officer acting in aid of the first officer shall take (using such force as is reasonably necessary for that purpose) that person to a place where those particulars can adequately be taken and take those particulars.

(3) Where a person is found not guilty of an offence against this Act or a complaint for an offence against this Act is dismissed, any voice print, photograph, finger prints, palm prints, foot prints, toe prints or handwriting previously taken under this Act in relation to the offence in respect of which

the person was found not guilty or in respect of which the complaint was dismissed shall, at the request of that person, be destroyed in the person's presence save where they are required as evidence in respect of any other offence that that person is alleged to have committed against this Act.

### **Personal appearance before court of offenders against certain sections**

**247.** Where a person charged with or arrested for an offence against section 214, 216, 217 or 219 does not appear personally before the court at a time and place when and where the complaint or charge for that offence is to be heard or to which the hearing thereof has been adjourned, the judge or the justices constituting the court—

- (a) if that person has been released on bail—shall declare the undertaking as to bail to be forfeited;
- (b) in every case to which this section applies—shall require evidence on oath to be given before the judge or justices of the matter of the complaint or charge unless, in the case of an adjournment, the matter of the complaint or charge is substantiated to his or her or their satisfaction by evidence on oath given prior to that adjournment;
- (c) if the evidence on oath required to be given in accordance with paragraph (b) or, in the case of an adjournment, given prior to that adjournment substantiates the matter of the complaint or charge to his, her or their satisfaction—shall issue his, her or their warrant to apprehend that person and bring the person before a judge or justices.

### **Avoidance of wagering or gaming contracts**

**248.(1)** Subject to subsection (2) and section 249—

- (a) a contract or agreement whether by parol or in writing with respect to gaming or wagering is void;
- (b) a promise, express or implied—
  - (i) to pay to a person a sum of money;
  - (ii) to pay to a person by way of commission, fee, reward or otherwise a sum of money;

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- (iii) to pay to a person for services rendered a sum of money; in accordance with the terms of a contract or agreement or in relation thereto or in connection therewith is void;
- (c) an action shall not be brought in a court to recover a sum of money or other property—
  - (i) alleged to be won or lost on a bet; or
  - (ii) deposited in the hands of a person to abide the event on which a bet has been made; or
  - (iii) lent or advanced for the purpose of gaming or wagering.

(2) Subsection (1) does not apply to any subscription or contribution or agreement to subscribe or contribute for or to a plate, prize or sum of money to be awarded to the winner of a lawful game, sport, pastime or exercise or to a person who receives or holds the subscription or contribution for that purpose.

**Circumstances in which bookmaker may sue or be sued**

**249.** A person who, on any racing venue or athletic ground, while lawfully engaging in bookmaking, makes a bet with another person shall be deemed to have entered into a valid contract with that other person and the person may sue or be sued on a contract so entered.

**Disposal of penalties and the like**

**250.(1)** Subject to subsection (2) and save where this Act otherwise expressly provides, all fees, forfeitures, penalties and other moneys recovered under this Act shall be paid into and become part of the Consolidated Fund.

(2) A penalty imposed by or under this Act upon a conviction in a proceeding in which a police officer is the complainant or upon a conviction for an offence against section 214, 216 or 217 shall, upon its recovery, be paid and applied as follows—

- (a) one-half to the Consolidated Fund;
- (b) one-half to the Police Fund.

**Cost of administration**

**251.** The cost of the administration of this Act shall be paid out of the moneys from time to time appropriated by Parliament for the purpose.

**Fees, taxes and the like are debts due to the Crown**

**252.(1)** All fees, taxes, levies and other moneys due and payable by a person under this Act and remaining unpaid are debts due to the Crown and may be recovered—

- (a) in a summary way under the *Justices Act 1886*; or
- (b) by action as for a debt in a court of competent jurisdiction.

**(2)** Upon a conviction for an offence constituted by a failure by the defendant to pay fees, taxes, levies or other moneys due and payable by the defendant under this Act, the court may, in addition to imposing a penalty, order the defendant to pay the amount of fees, taxes, levies or other moneys so due and payable.

**Immunity of police officers and other persons**

**253.** A police officer or an officer acting in the discharge of duties or a person acting under the instructions of a police officer or an officer shall be deemed not to be an offender or accomplice in the commission of an offence against this Act although that police officer, officer or person would but for this section have been such an offender or accomplice.

**Superannuation schemes**

**254A.** The Harness Racing Board, Greyhound Authority, totalisator board or Queensland Principal Club may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

**Mode of service of documents**

**255.** Any determination, direction, notification, order or other writing authorised or required by this Act to be given to or served on any person or to or on the committee of a club or any other body or association of persons shall, unless some other mode of giving or serving is expressly provided, be duly given or served if—

- (a) in the case of a person—
  - (i) it is served personally on the person to whom it is directed;
  - (ii) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;
  - (iii) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it;
- (b) in the case of the committee of a club or any other body or association of persons—
  - (i) it is served personally on the secretary of the club or other body or association of persons;
  - (ii) it is sent by post to the secretary of the club or other body or association at the place of residence or business of the secretary last known to the person who gives it.

**Evidentiary provisions**

**256.** In a proceeding for the purposes of this Act—

- (a) it is not necessary to prove the appointment of the chief executive, Commissioner of Stamp Duties or an officer or a police officer or, in any case, his or her authority to do an act, take a proceeding or give any order or direction;
- (b) a signature purporting to be that of—
  - (i) the chief executive;
  - (ii) the Commissioner of Stamp Duties;
  - (iii) an officer;
  - (iv) a police officer;



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- (v) the secretary or steward of a club or control body whether situated in Queensland or elsewhere;
- shall be taken to be the signature it purports to be until the contrary is proved;
- (c) it is not necessary to prove the limits of any area or locality or that a place is within or not within a prescribed area or locality or part thereof or within or not within a prescribed distance of a prescribed place, area or locality but this provision does not prejudice or affect in any way the right of a defendant to prove that a place is or is not within the prescribed area or locality or part thereof or is or is not within the prescribed distance of a prescribed place, area or locality;
- (d) where it is necessary to prove that a person was at any material time under the age of 18 years—the opinion of the court of its own view of that person or the opinion of a police officer who has seen that person that that person was at the material time under the age of 18 years shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that fact;
- (e) a document purporting to be a copy of any determination, direction, notice, notification or order made or given under this Act or of a certificate, licence, permit or other authority granted or issued under this Act shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of that determination, direction, notice, notification, order, certificate, licence, permit or other authority and of the matters contained therein;
- (f) a document purporting to be signed by the secretary of a club or the steward in charge of a meeting held by a club stating that—
- (i) a meeting was held or appointed to be held by the club at the place (whether situated in Queensland or elsewhere) and on the date specified in the document; and
- (ii) a horse or greyhound known by the name specified in the document competed in or had been entered to compete in any race or races at that meeting;
- shall, upon its production in that proceeding, be evidence and, in

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the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;

- (g) a document purporting to be signed by the commissioner stating that at a specified time or during a specified period there was or was not in force a certificate, licence, permit or other authority under this Act as described in the document granted, issued or given to a specified person or in respect of a specified thing and that such certificate, licence, permit or authority was or was not subject to the terms, conditions or restrictions set out in the document shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;
  - (ga) a document purporting to be signed by a person authorised by or pursuant to this Act to perform tests on, or on samples taken from, horses or, as the case may be, greyhounds, stating that—
    - (i) a particular substance could affect the performance, behaviour or physical condition of a horse or, as the case may be, greyhound; or
    - (ii) a particular substance may be used as an ingredient in formulating or preparing another substance for the purpose of rendering the lastmentioned substance in a form suitable to be administered to a horse or, as the case may be, greyhound; or
    - (iii) the origin of a particular substance cannot be traced to normal feeding of a horse or, as the case may be, greyhound; or
    - (iv) the presence or evidence of a particular substance or any metabolite or artefact of a substance was found or detected during tests of, or of a sample taken from, a horse or, as the case may be, greyhound;
- shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;
- (h) a certificate purporting to be signed by the commissioner certifying as to the receipt or otherwise of a notice, application or payment or that an amount of fees, taxes, charges, levies or other

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moneys is payable under this Act by a specified person and has not been paid shall, upon its production in that proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that certificate;

- (i) where—
- (i) any police officer, officer or other person is wilfully prevented from or delayed or otherwise howsoever obstructed in entering or, as the case may be, re-entering a place that the person is authorised by or under this Act to enter or re-enter;
  - (ii) it is found that an external or internal door of, or means of access to, a place that any police officer, officer or other person is authorised by or under this Act to enter or re-enter is concealed or secured by any bolt, bar, chain or other means or contrivance;
  - (iii) any means or contrivance is used for the purpose of preventing or obstructing or of giving an alarm in case of the entry or re-entry into a place or part thereof by a police officer, officer or other person authorised by or under this Act to enter or re-enter that place or part;
  - (iv) it is found that a place is fitted or provided with any computer, machine, device, recorder, telephone, blackboard, instrument of betting or other means or contrivance used, apparently used or capable of being used in carrying on or in connection with betting or capable of use for betting or for concealing, damaging, defacing, destroying, disposing of, erasing, obliterating or removing any instrument of betting;
- it shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place is a common betting house and that a person found therein is using it as a common betting house in contravention of this Act;
- (j) it shall be sufficient evidence, until the contrary is proved, in support of an allegation—
- (i) in a complaint that a place is a common betting house, to prove that a bet was made or settled with or paid to a person

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in or on that place;

- (ii) that a person is acting as a bookmaker at a place in contravention of this Act, to prove that any bet was made or settled with or paid to any person in or on that place;
- (k) an allegation or averment in a complaint that—
  - (i) at any material time—
    - (A) a place was a public place; or
    - (B) a particular person was the occupier of a place specified in the complaint; or
    - (C) a particular person was the secretary, chairperson or a member of the committee of a club or other association specified in the complaint; or
  - (ii) on a specified day—
    - (A) any race meeting, trotting meeting, greyhound meeting or athletic meeting was held or appointed to be held at a specified place; or
    - (B) a horse or greyhound, known by a specified name, competed in or had been entered to compete in a race at a meeting;

shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of that allegation or averment;

- (l) proof that a place is opened, kept or used wholly or partly for a purpose specified in section 215 shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place in question is so opened, kept or used with the permission of the occupier thereof;
- (m) proof that there is installed in or on a place alleged to be opened, kept or used wholly or partly as a common betting house a telephone instrument the number of which does not appear in the telephone directory current at the material time shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the place in question is opened, kept or used as a common betting house;

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- (n) for the offence of the unlawful use of a totalisator, the onus of proving that the totalisator in question was used under the authority and in accordance with the terms and conditions of a licence granted and issued in respect of that totalisator shall be on the defendant;
- (o) the onus of proving that—
  - (i) gaming or betting instruments, money, documents or other things seized under this Act;
  - (ii) copies of or extracts from books, tickets, vouchers, papers or other writings made or taken under this Act;and used as evidence in that proceeding do not relate to or are not connected with an act or omission that constitutes the offence in question shall be on the defendant.

**Regulations**

**257.(1)** The Governor in Council may make regulations under this Act.

**(2)** A regulation may make provision with respect to—

- (a) the powers and duties of inspectors of totalisators, betting inspectors, other officers and, for the purposes of this Act, police officers;
- (b) applications for and the grant, issue and renewal of licences, certificates, permits and other authorities under this Act and duplicates thereof, the terms, conditions or restrictions subject to which such licences, certificates, permits and other authorities are granted;
- (c) the regulation, management and supervision of totalisators; amalgamation of net pools of totalisators;
- (d) all matters and things necessary for or with respect to totalisator tickets and dividends;
- (e) the settlement of disputes in connection with totalisators;
- (f) the prohibition against specified persons or classes of persons investing on totalisators and naming those persons or classes;
- (g) the regulation and control of the manner of the approach to and

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- departure from totalisators;
- (ga) regulation generally of the conduct of persons in the vicinity of totalisators;
  - (h) the authorisation of police officers to control, supervise and direct the conduct of persons in the vicinity of totalisators;
  - (ha) compliance by such persons with the reasonable directions of police officers;
  - (i) the prescription of standards for totalisators generally including their housing and mechanical construction, accuracy and reliability;
  - (j) all matters and things with respect to licences or provisional licences in respect of racing venues, including without limiting the generality of this provision, applications for and the grant, issue and renewal of such licences;
  - (ja) the refusal of applications for such licences or for the renewal, suspension or cancellation thereof in any case without giving reasons therefor;
  - (k) all matters and things for or with respect to the regulation and control of the Queensland Harness Racing Board, including, for example, meetings and the business and procedure at meetings;
  - (l) all matters and things for or with respect to the regulation and control of the Greyhound Racing Authority, including, for example, meetings and the business and procedure at meetings;
  - (m) all matters and things for or with respect to the Totalisator Administration Board and without limiting the generality of this provision the following matters and things—
    - (i) meetings and the business and procedure at meetings;
    - (ii) regulation and control of the manner of distribution of the net profit and other moneys of the board—
      - (A) to the fund to defray the prescribed costs and expenses of administering this Act; and
      - (B) to clubs; and
      - (C) to control bodies and other persons or bodies to defray

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- the cost of administering the racing industry; and
- (D) to other persons or bodies to further the interests of the racing industry;
- (iv) the defining of and calculation of prizemoney for the purposes of a regulation made pursuant to this paragraph;
- (n) the records to be kept and the returns to be furnished to the Minister, chief executive or commissioner;
- (na) the information, statistics and data to be so furnished;
- (nb) the persons who are required to furnish such returns and the times at which and the manner in which such returns are to be made and furnished;
- (o) the regulation and control of racing venues;
- (oaa) fixing of maximum prices of admission to racing venues or any specified part or parts thereof;
- (oab) prescribing the standards of accommodation and essential services to be provided at, in or on racing venues;
- (oa) the conduct of barrier draws;
- (p) the regulation and control of the conveyance or communication by any means whatever directly or indirectly of information concerning investments or the display of approximate dividends on totalisators and the betting or betting odds on any event or contingency of or relating to a race;
- (q) prescribing the amounts to be returned to bettors by bookmakers where a runner is withdrawn from a race;
- (t) fees, charges, allowances, costs and expenses payable or to be paid under this Act and the fixing thereof;
- (ta) matters and things in respect of which they are payable or to be paid;
- (tb) methods of collection thereof;
- (tc) manner, time and place of payment thereof;
- (td) persons by whom or to whom they are payable;
- (te) all matters with respect to the recovery thereof;

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- (tf) the prescription of different amounts thereof both in respect of different matters and, by reference to different persons, localities or other circumstances, the same matter;
- (u) the regulation and supervision of bookmakers;
- (v) all matters and things relating to betting by or with bookmakers;
- (w) all matters and things for or with respect to the administration of the fund, the making of advances from the fund and all other matters and things necessary for or conducive to the efficient administration of the fund;
- (x) the prescription of penalties for contravention of or failure to comply with the regulations not exceeding in a particular case 20 penalty units or imprisonment for 3 months;
- (ya) prescribing the manner in which samples shall be taken from a registered horse or registered greyhound for the purpose of conducting tests thereon;
- (yb) prescribing the method of marking and sealing a sample taken from a registered horse or a registered greyhound;
- (yd) prescribing methods for the delivery of samples by an authorised officer to an analyst.

**(3)** A regulation made with respect to the totalisator board under the powers conferred by subsection (1)(m) may confer powers or impose duties on the totalisator board or an officer, employee or agent thereof or may leave a matter to be determined by the totalisator board or such officer, employee or agent.

**(4)** A regulation made under the powers conferred by subsection (1)(ya), (yb) or (yd) may provide that any process, procedure, step or other matter with respect to the taking, marking, sealing or delivery of a sample be approved by the Racing Codes Advisory Board.



## PART 8—TRANSITIONAL PROVISIONS

### References to previous principal clubs

**257A.(1)** In an Act or document, a reference to a previous principal club may, if the context permits, be taken to be a reference to the Queensland Principal Club.

**(2)** In this section—

**“previous principal club”** means a club that was a principal club immediately before the commencement of the *Racing and Betting Amendment Act (No. 2) 1991*, part 3.<sup>3</sup>

### References to Racing Industry Advisory Committee

**260.** In an Act or document, a reference to the Racing Industry Advisory Committee is taken to be a reference to the Racing Industry Coordinating Committee.

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<sup>3</sup> The following are previous principal clubs—

- Queensland Turf Club
- Downs and South-Western Queensland Racing Association
- Rockhampton Jockey Club
- Central Queensland Racing Association
- North Queensland Racing Association

**SCHEDULE 2**

sections 210 to 212

**PART 1**

Class of totalisator and rates per centum of totalisator tax, Racing Development Fund levy and commission applicable thereto and payable on such amounts of all moneys paid into a totalisator operated by or on behalf of a club or group of clubs as are included for the calculation of dividends and the total sums of those rates.

<b>Class of Totalisator</b>	<b>Totalisator Tax %</b>	<b>Racing Development Fund Levy %</b>	<b>Commission %</b>	<b>Total Deduction %</b>
Win	2.5	0.5	12	15
Place	2.5	0.5	12	15
60-40	2.5	0.5	12	15
Stakes Return	2.5	0.5	12	15
Quinella	2.5	0.5	12	15
Forecast	2.5	0.5	12	15
Double	5.5	0.5	12	18
Treble	5.5	0.5	12	18
Trio	5.5	0.5	12	18
Trifecta	5.5	0.5	12	18

## SCHEDULE 2 (continued)

**PART 2**

Class of totalisator and rates per centum of totalisator tax, Racing Development Fund levy and commission applicable thereto and payable on such amounts of all moneys paid into a totalisator operated by the totalisator board as are included for the calculation of dividends and the total sums of those rates.

<b>Class of Totalisator</b>	<b>Totalisator Tax %</b>	<b>Racing Development Fund Levy %</b>	<b>Commission %</b>	<b>Total Deduction %</b>
Win	5.125	0.875	9.0	15
Place	5.125	0.875	9.0	15
Quinella	5.125	0.875	9.0	15
Double	6.125	0.875	11.0	18
Trifecta	6.125	0.875	11.0	18
Treble	6.125	0.875	13.0	20
First Four	6.125	0.875	13.0	20
Special Multiple	6.125	0.875	18.0	25
Tabanza	6.125	0.875	18.0	25
Sports	10.000	Nil	15.0	25

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## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 October 1997. Future amendments of the Racing and Betting Act 1980 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R	=	Reprint No.
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 76 of 1993	27 January 1994
2	to Act No. 36 of 1995	6 July 1995
2A	to Act No. 57 of 1995	23 July 1996
2B	to Act No. 54 of 1996	11 February 1997
2C	to Act No. 54 of 1996	8 August 1997

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	2
Changed names and titles	2
Changed titles	1
Corrected minor errors	1, 2
Obsolete and redundant provisions	2
Renumbered provisions	1, 2

## 6 List of legislation

### **Racing and Betting Act 1980 No. 43**

date of assent 6 June 1980

pt 1 commenced on date of assent

remaining provisions commenced 1 July 1981 (proc pubd gaz 20 June 1981 p 1445)

as amended by—

### **Racing and Betting Act and Another Act Amendment Act 1981 No. 19 pts 1–2**

date of assent 29 April 1981

pt 1 commenced on date of assent

remaining provisions commenced 1 July 1981 (proc pubd gaz 20 June 1981 p 1445)

### **Racing and Betting Act Amendment Act 1981 (No. 2) No. 75**

date of assent 22 October 1981

commenced on date of assent

**Racing and Betting Act Amendment Act 1982 No. 12**

date of assent 20 April 1982  
s 5 commenced 1 July 1981 (see s 2(2))  
remaining provisions commenced on date of assent

**Racing and Betting Act Amendment Act 1983 No. 11**

date of assent 13 April 1983  
commenced on date of assent

**Racing and Betting Act Amendment Act 1984 No. 63**

date of assent 29 May 1984  
commenced on date of assent

**Racing and Betting Act Amendment Act 1984 (No. 2) No. 93**

date of assent 29 November 1984  
commenced on date of assent

**Racing and Betting Act Amendment Act 1985 No. 31**

date of assent 17 April 1985  
commenced on date of assent

**Racing and Betting Act Amendment Act 1985 (No. 2) No. 47**

date of assent 24 April 1985  
ss 1–2 commenced on date of assent  
s 4 ins of reference to div 3B into s 3 commenced 21 December 1985 (proc pubd gaz 21 December 1985 p 2218); ins of reference to div 3C into s 3 commenced 2 November 1985 (proc pubd gaz 2 November 1985 p 1108)  
s 7 ins of div 3B into pt 3 commenced 21 December 1985 (proc pubd gaz 21 December 1985 p 2218); ins of div 3C into pt 3 commenced 2 November 1985 (proc pubd gaz 2 November 1985 p 1108)  
remaining provisions commenced 2 November 1987 (proc pubd gaz 31 October 1987 p 820)

**Racing and Betting Act Amendment Act 1987 No. 26**

date of assent 23 April 1987  
ss 1–3 commenced on date of assent  
ss 4–9, 18–20 and 30–51 commenced 2 May 1987 (proc pubd gaz 2 May 1987 p 182)  
remaining provisions commenced 1 August 1987 (proc pubd gaz 30 May 1987 p 846)

**Racing and Betting Act Amendment Act 1987 (No. 2) No. 85**

date of assent 1 December 1987  
commenced on date of assent

**Public Service Management and Employment Act 1988 No. 52 s 44 sch 3**

date of assent 12 May 1988  
commenced 18 July 1988 (proc pubd gaz 16 July 1988 p 2876)

**Racing and Betting Act Amendment Act 1988 No. 101**

date of assent 8 December 1988  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 1989 (proc pubd gaz 17 December 1988 p 2005)

**Racing and Betting Act Amendment Act 1989 No. 24**

date of assent 17 April 1989  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch**

date of assent 25 October 1989  
commenced on date of assent

**Racing and Betting Act Amendment Act 1990 No. 31**

date of assent 15 June 1990  
ss 1–2 commenced on date of assent  
remaining provisions commenced 28 July 1990 (proc pubd gaz 21 July 1990  
p 1818)

**Public Accountants Registration (Repeal and Consequential Amendments) Act 1990 No. 85 s 5 sch 2**

date of assent 29 November 1990  
commenced 1 January 1991 (see s 2(3))

**Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch**

date of assent 6 December 1990  
commenced on date of assent

**Racing and Betting Act Amendment Act 1991 No. 4**

date of assent 6 March 1991  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 1991 (proc pubd gaz 29 June 1991  
p 1196)

**Totalisator on Licensed Premises Act 1991 No. 66 pts 1, 3**

date of assent 17 October 1991  
commenced on date of assent

**Racing and Betting Amendment Act (No. 2) 1991 No. 81 (as amd by Act No. 76 of 1993 ss 1–3 sch 2) (as from 1 March 1992)**

date of assent 9 December 1991  
s 28 commenced on date of assent  
remaining provisions commenced 1 March 1992 (see s 2(2))

**Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 2**

date of assent 2 July 1992  
commenced on date of assent

**Racing and Betting Amendment Act 1993 No. 19**

date of assent 28 May 1993  
commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1**

date of assent 14 December 1993  
commenced on date of assent

**Racing and Betting Amendment Act 1994 No. 17**

date of assent 10 May 1994  
 s 6 commenced 8 July 1994 (1994 SL No. 259)  
 s 15 commenced 26 May 1995 (1995 SL No. 137)  
 remaining provisions commenced on date of assent

**Anzac Day Act 1995 No. 4 ss 1, 33 sch**

date of assent 3 March 1995  
 commenced on date of assent

**Racing and Betting Amendment Act 1995 No. 35**

date of assent 16 June 1995  
 commenced on date of assent

**Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36  
 ss 1–2, 9 sch 2**

date of assent 16 June 1995  
 commenced on date of assent

**Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 2**

date of assent 28 November 1995  
 commenced on date of assent

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996  
 ss 1–2 commenced on date of assent  
 s 147 sch 2 amdts 2–3 commenced 1 December 1996 (1996 SL No. 361)  
 remaining provisions not yet proclaimed into force (automatic commencement  
 under AIA s 15DA(2) deferred to 21 October 1998 (1997 SL No. 203 s 30(2))

**Keno Act 1996 No. 47 ss 1, 244 sch 3**

date of assent 15 November 1996  
 commenced on date of assent

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9  
 sch**

date of assent 20 November 1996  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**Racing and Betting Amendment Act 1997 No. 51**

date of assent 8 September 1997  
 commenced on date of assent

**7 List of annotations****Commencement**

s 2 om R2 (see RA s 37)



**Arrangement**

**s 3** amd 1984 No. 63 s 2; 1985 No. 47 s 4; 1987 No. 26 s 4; 1988 No. 101 s 3;  
1991 No. 4 s 4  
om 1991 No. 81 s 3 sch

**Repeals and savings**

**s 4** om 1991 No. 81 s 3 sch

**Interpretation**

**s 5** def “**analyst**” ins 1985 No. 47 s 5(a)  
sub 1988 No. 101 s 4  
def “**area of jurisdiction**” om 1991 No. 81 s 4(1)  
def “**authorised officer**” ins 1985 No. 47 s 5(b)  
def “**betting meeting**” ins 1994 No. 17 s 4(2)  
def “**board**” ins 1985 No. 47 s 5(c)  
def “**chief executive**” ins 1991 No. 81 s 4(2)  
om 1994 No. 17 s 3 sch 2  
def “**chief executive (liquor licensing)**” ins 1994 No. 17 s 3 sch 2  
def “**commissioner**” amd 1981 No. 19 s 5(a)  
def “**control body**” amd 1984 No. 63 s 24; 1995 No. 35 s 3(2)  
def “**drug**” ins 1981 No. 19 s 5(b)  
sub 1985 No. 47 s 5(d)  
amd 1994 No. 17 s 3 sch 2  
def “**financial year**” om 1991 No. 81 s 4(1)  
def “**Greyhound Authority**” ins 1995 No. 35 s 3(1)  
def “**Greyhound Board**” om 1995 No. 35 s 3(1)  
def “**Harness Racing Board**” ins 1984 No. 63 s 24  
def “**instrument of betting**” amd 1987 No. 26 s 5  
def “**local authority**” om 1994 No. 17 s 3 sch 2  
def “**local authority area**” om 1994 No. 17 s 3 sch 2  
def “**local rules of racing**” ins 1994 No. 17 s 4(2)  
def “**meeting**” sub 1994 No. 17 s 4  
def “**Minister**” om 1991 No. 81 s 4(1)  
def “**permanent head**” ins 1981 No. 19 s 5(c)  
om 1991 No. 81 s 4(1)  
def “**police officer**” om 1994 No. 17 s 3 sch 2  
def “**principal club**” om 1991 No. 81 s 4(1)  
def “**property**” om 1994 No. 71 s 3 sch 2  
def “**public place**” amd 1994 No. 17 s 3 sch 2  
def “**Queensland Principal Club**” ins 1991 No. 81 s 4(2)  
def “**race**” amd 1981 No. 19 s 5(d)  
def “**racing association**” ins 1991 No. 81 s 4(2)  
def “**registered**” sub 1981 No. 19 s 5(e)  
amd 1984 No. 63 s 24; 1995 No. 35 s 3(2)  
def “**registered company auditor**” ins 1990 No. 85 s 5 sch 2  
def “**rules of greyhound racing**” amd 1995 No. 35 s 3(2)  
def “**rules of trotting**” amd 1984 No. 63 s 24  
def “**sports totalisator**” ins 1990 No. 31 s 4(a)  
def “**tabanza totalisator**” ins 1990 No. 31 s 4(b)  
def “**totalisator**” amd 1990 No. 31 s 4(c)

def “**Treasurer**” om 1991 No. 81 s 4(1)  
 def “**Trotting Board**” om 1984 No. 63 s 24  
 def “**Under Treasurer**” om 1981 No. 19 s 5(f)  
 def “**unpaid moneys from sport totalisators**” ins 1990 No. 31 s 4(d)

**Duty of commissioner to collect imposts and make payments**

s 6 amd 1981 No. 19 s 6

**Delegation by Minister**

s 7 sub 1994 No. 17 s 3 sch 2

**Delegation by commissioner**

s 7A ins 1994 No. 17 s 3 sch 2

**Officers**

s 8 amd 1981 No. 19 s 7; 1996 No. 37 s 147 sch 2

**Secrecy**

s 10 amd 1981 No. 19 s 8; 1993 No. 19 s 2 sch 1

**Racing Codes Advisory Board**

s 10A ins 1985 No. 47 s 6  
 amd 1988 No. 52 s 44 sch 3; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2

**Establishment of Queensland Principal Club**

s 11 amd 1990 No. 88 s 3 sch  
 sub 1991 No. 81 s 5

**Functions of Queensland Principal Club**

s 11A ins 1991 No. 81 s 5

**Powers of Queensland Principal Club**

s 11B ins 1991 No. 81 s 5  
 amd 1994 No. 17 s 5; 1996 No. 54 s 9 sch

**Custody and affixing of seal**

s 11C ins 1991 No. 81 s 5

**Authentication of documents**

s 11D ins 1991 No. 81 s 5

**Queensland Principal Club not agent of the Crown**

s 11E ins 1991 No. 81 s 5

**Composition of Queensland Principal Club**

s 11F ins 1991 No. 81 s 5  
 sub 1994 No. 17 s 6

**Disqualification from nomination or appointment**

s 11G ins 1991 No. 81 s 5  
 sub 1994 No. 17 s 6

**Constitution of the Queensland Principal Club**

s 11H ins 1991 No. 81 s 5

**Tenure of office**

s 11I ins 1991 No. 81 s 5

**Vacation of office**

s 11J ins 1991 No. 81 s 5

**Casual vacancy**

s 11K ins 1991 No. 81 s 5

**Members to be honorary members**

s 11L ins 1991 No. 81 s 5

**Chairperson of Queensland Principal Club**

s 11M ins 1991 No. 81 s 5

**Acting chairperson**

s 11N ins 1991 No. 81 s 5

**Queensland Principal Club may regulate its proceedings**

s 11O ins 1991 No. 81 s 5

**Functions, powers and duties of principal clubs**

s 12 amd 1981 No. 19 s 9; 1987 No. 26 s 6; 1990 No. 85 s 5 sch 2  
om 1991 No. 81 s 3 sch

**Employees**

s 13 sub 1991 No. 81 s 6

**Finance**

s 14 amd 1981 No. 19 s 10; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Amendment of rules of racing**

s 15 prev s 15 amd 1987 No. 26 s 7; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3  
sch 2)  
om 1994 No. 17 s 3 sch 2  
pres s 15 ins 1996 No. 54 s 9 sch

**Registration of race clubs**

s 17 amd 1991 No. 81 ss 7, 51 (as amd 1993 No. 76 s 3 sch 2)

**Dissolution of race club**

s 18 amd 1991 No. 81 ss 8, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch

**Principal club may appoint administrator of race club**

s 19 amd 1991 No. 81 ss 9, 51 (as amd 1993 No. 76 s 3 sch 2)

**Racing associations**

s 20 om 1987 No. 26 s 8  
pres s 20 ins 1991 No. 81 s 10

**Composition of racing associations**

s 20A ins 1991 No. 81 s 10  
amd 1994 No. 17 s 7

**Members to be honorary members**

s 20B ins 1991 No. 81 s 10

**Functions of racing associations**

s 20C ins 1991 No. 81 s 10

**Powers of racing associations**

**s 20D** ins 1991 No. 81 s 10

**Racing associations not to employ**

**s 20E** ins 1991 No. 81 s 10

**Allotment of days for race meetings**

**s 21** amd 1984 No. 63 s 3; 1987 No. 26 s 9  
om 1991 No. 81 s 11

**Racing on unallotted day unlawful**

**s 22** amd 1984 No. 63 s 4  
sub 1991 No. 81 s 12; 1994 No. 17 s 8

**Betting meeting at race club on unallotted day unlawful**

**s 23** prev s 23 amd 1983 No. 11 s 2  
om 1991 No. 81 s 13  
pres s 23 ins 1994 No. 17 s 8

**Postponement of whole or part of race meeting**

**s 25** amd 1981 No. 19 s 11; 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2),  
3 sch; 1994 No. 17 s 3 sch 1

**Abandonment of whole or part of race meeting**

**s 26** amd 1981 No. 19 s 12; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Betting to continue at postponed or abandoned meeting**

**s 27** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Phantom meeting may be held in certain circumstances**

**s 28** amd 1991 No. 81 ss 14, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994  
No. 17 ss 9, 3 sch 1

**Trials**

**s 29** amd 1981 No. 19 s 13  
om 1991 No. 81 s 3 sch

**The Queensland Principal Club to review periodically race meetings**

**s 30** amd 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch

**Presence at unlawful racing prohibited**

**s 33** amd 1993 No. 19 s 2 sch 1

**Division 1A—Gallopings Appeals Authority**

**div hdg** ins 1988 No. 101 s 5  
om 1991 No. 81 s 3 sch

**Interpretation**

**s 34A** ins 1988 No. 101 s 5  
om 1991 No. 81 s 3 sch

**Gallopings Appeals Authority**

**s 34B** ins 1988 No. 101 s 5  
om 1991 No. 81 s 3 sch

**Assessors to the authority**

**s 34C** ins 1988 No. 101 s 5  
om 1991 No. 81 s 3 sch

**Term of appointment**

**s 34D** ins 1988 No. 101 s 6  
om 1991 No. 81 s 3 sch

**Secretary to the authority and other officers**

**s 34E** ins 1988 No. 101 s 6  
om 1991 No. 81 s 3 sch

**Appeals to authority**

**s 34F** ins 1988 No. 101 s 6  
om 1991 No. 81 s 3 sch

**Institution of appeal**

**s 34G** ins 1988 No. 101 s 7  
om 1991 No. 81 s 3 sch

**Suspension or variation of decision pending determination of appeal**

**s 34H** ins 1988 No. 101 s 7  
om 1991 No. 81 s 3 sch

**Authority to hear appeal**

**s 34I** ins 1988 No. 101 s 7  
om 1991 No. 81 s 3 sch

**Hearing of appeals**

**s 34J** ins 1988 No. 101 s 8  
om 1991 No. 81 s 3 sch

**Powers of authority on appeal**

**s 34K** ins 1988 No. 101 s 8  
om 1991 No. 81 s 3 sch

**Parties to comply with authority's determination**

**s 34L** ins 1988 No. 101 s 8  
om 1991 No. 81 s 3 sch

**Constitution of the Queensland Harness Racing Board**

**prov hdg** amd 1984 No. 63 s 5(a)  
**s 35** amd 1984 No. 63 s 5(b)–(g); 1994 No. 17 s 3 sch 2

**Composition of Harness Racing Board**

**prov hdg** amd 1984 No. 63 s 24  
**s 36** amd 1981 No. 19 s 14  
sub 1987 No. 26 s 10  
amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Continuation of membership**

**s 37** sub 1984 No. 63 s 6  
om 1987 No. 26 s 11

**First constitution of Trotting Board**

s 38 om 1984 No. 63 s 7

**Request by Minister for panels of names of eligible persons**

s 39 amd 1984 No. 63 s 24  
om 1987 No. 26 s 12

**Failure to submit panel of names**

s 40 om 1987 No. 26 s 13

**Tenure of office**

s 41 amd 1984 No. 63 s 24

**Disqualification from membership**

s 42 amd 1984 No. 63 s 24

**Vacation of office**

s 43 amd 1981 No. 19 s 15; 1984 No. 63 s 24; 1994 No. 17 s 3 sch 2

**Casual vacancies**

s 44 amd 1984 No. 63 s 24; 1987 No. 26 s 14

**Appointment of substitute member**

s 45 amd 1984 No. 63 s 24; 1987 No. 26 s 15

**Expenses, fees or allowances to members**

s 46 amd 1984 No. 63 s 24

**Procedure at meetings**

s 47 amd 1981 No. 19 s 16; 1984 No. 63 s 24; 1987 No. 26 s 16

**Custody and affixing of seal**

s 48 amd 1984 No. 63 s 24

**Validity of acts**

s 49 amd 1984 No. 63 s 24  
om 1994 No. 17 s 3 sch 2

**Authentication of documents**

s 50 amd 1984 No. 63 s 24

**Groups of Harness Racing clubs**

prov hdg amd 1984 No. 63 s 24

s 51 amd 1984 No. 63 s 8  
om 1987 No. 26 s 17

**Functions, powers and duties of Harness Racing Board**

prov hdg amd 1984 No. 63 s 24

s 52 amd 1981 No. 19 s 17; 1984 No. 63 s 9; 1987 No. 26 s 18; 1990 No. 85 s 5  
sch 2; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2; 1996 No. 54 s 9 sch

**Officers**

s 53 amd 1984 No. 63 ss 10, 24

**Finance**

s 54 amd 1981 No. 19 s 18; 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993  
No. 76 s 3 sch 2)

**Harness Racing Board is statutory body**

s 54A ins 1996 No. 54 s 9 sch

**Amendment of rules of trotting**

prov hdg amd R2 (see RA s 7(1)(k))

s 55 amd 1981 No. 19 s 19; 1984 No. 63 s 24; 1991 No. 81 s 3 sch

**Registration of trotting clubs**

s 57 amd 1984 No. 63 s 24; 1991 No. 81 s 15

**Dissolution of trotting club**

s 58 amd 1984 No. 63 s 24; 1991 No. 81 s 16; 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch

**Harness Racing Board may appoint administrator of trotting club**

prov hdg amd 1984 No. 63 s 24

s 59 amd 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Days when trotting meetings may be held**

s 60 om 1987 No. 26 s 19

**Allotment of days for trotting meetings**

s 61 amd 1984 No. 63 ss 11, 24; 1987 No. 26 s 20  
om 1991 No. 81 s 17

**Trotting on unallotted day unlawful**

s 62 amd 1984 No. 63 ss 12, 24

sub 1991 No. 81 s 18

amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

sub 1994 No. 17 s 10

**Betting meeting at trotting club on unallotted day unlawful**

s 63 amd 1984 No. 63 s 24

prev om 1991 No. 81 s 19

pres ins 1994 No. 17 s 10

**Postponement of whole or part of a trotting meeting**

s 65 amd 1981 No. 19 s 20; 1984 No. 63 s 24; 1991 No. 81 ss 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; amd 1994 No. 17 s 3 sch 1

**Abandonment of whole or part of a trotting meeting**

s 66 amd 1981 No. 19 s 21; 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Betting to continue at postponed or abandoned meeting**

s 67 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Phantom meeting may be held in certain circumstances**

s 68 amd 1984 No. 63 s 24; 1989 No. 103 s 3 sch; 1991 No. 81 ss 20, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17 ss 11, 3 sch 1

**Trials**

s 69 amd 1984 No. 63 s 24

om 1991 No. 81 s 3 sch

**Harness Racing Board to review periodically trotting meetings**

**prov hdg** amd 1984 No. 63 s 24  
**s 70** amd 1984 No. 63 s 24; 1991 No. 81 s 3 sch

**Presence at unlawful trotting prohibited**

**s 73** amd 1993 No. 19 s 2 sch 1

**When trotting on showgrounds allowed**

**s 75** sub 1983 No. 11 s 3  
 amd 1984 No. 63 s 24

**Establishment of Greyhound Racing Authority**

**prov hdg** sub 1995 No. 35 s 4(1)  
**s 76** amd 1995 No. 35 s 4(2)

**Composition of Greyhound Authority**

**prov hdg** amd 1995 No. 35 s 10  
**s 77** sub 1987 No. 26 s 21  
 amd 1995 No. 35 s 10

**Continuation in office of members constituting Greyhound Board**

**s 78** om 1987 No. 26 s 22

**First constitution of Greyhound Board**

**s 79** om 1987 No. 26 s 23

**Request by Minister for panels of names of eligible persons**

**s 80** om 1987 No. 26 s 24

**Failure to submit panel of names**

**s 81** om 1987 No. 26 s 25

**Tenure of office**

**s 82** amd 1995 No. 35 ss 10, 12

**Disqualification from membership**

**s 83** amd 1995 No. 35 s 10

**Vacation of office**

**s 84** amd 1981 No. 19 s 22; 1994 No. 17 s 3 sch 2; 1995 No. 35 ss 10, 11

**Casual vacancies**

**s 85** amd 1987 No. 26 s 26; 1995 No. 35 ss 10, 11

**Appointment of substitute member**

**s 86** amd 1987 No. 26 s 27; 1995 No. 35 ss 10, 11

**Expenses, fees or allowances to members**

**s 87** amd 1995 No. 35 s 10

**Procedure at meetings**

**s 88** amd 1987 No. 26 s 28; 1995 No. 35 s 10

**Custody of and affixing of seal**

**s 89** amd 1995 No. 35 s 10



**Validity of acts**

**s 90** om 1994 No. 17 s 3 sch 2

**Authentication of documents**

**s 91** amd 1995 No. 35 s 10

**Groups of greyhound clubs**

**s 92** om 1987 No. 26 s 29

**Functions, powers and duties of Greyhound Authority**

**prov hdg** amd 1995 No. 35 s 10

**s 93** amd 1981 No. 19 s 23; 1984 No. 63 s 13; 1987 No. 26 s 30; 1990 No. 85 s 5 sch 2; 1991 No. 81 s 3 sch; 1995 No. 35 s 10; 1996 No. 54 s 9 sch

**Officers**

**s 94** amd 1995 No. 35 ss 5, 10

**Finance**

**s 95** amd 1981 No. 19 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 s 10

**Greyhound Authority is statutory body**

**s 95A** ins 1996 No. 54 s 9 sch

**Amendment of rules of greyhound racing**

**s 96 hdg** amd R2 (see RA s 7(1)(k))

**s 96** amd 1981 No. 19 s 25; 1991 No. 81 s 3 sch; 1995 No. 35 s 10

**Registration of greyhound clubs**

**s 98** amd 1991 No. 81 s 21; 1995 No. 35 ss 10, 12

**Dissolution of greyhound club**

**s 99** amd 1991 No. 81 ss 22, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1995 No. 35 s 10

**Greyhound Authority may appoint administrator of greyhound club**

**prov hdg** amd 1995 No. 35 s 10

**s 100** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 ss 10, 11

**Days when greyhound meetings may be held**

**s 101** om 1987 No. 26 s 31

**Allotment of days for greyhound meetings**

**s 102** amd 1984 No. 63 s 14; 1987 No. 26 s 32  
om 1991 No. 81 s 23

**Greyhound racing on unallotted day unlawful**

**s 103** amd 1984 No. 63 s 15  
sub 1991 No. 81 s 24; 1994 No. 17 s 12

**Betting meeting at greyhound club on unallotted day unlawful**

**s 104** prev s 104 om 1991 No. 81 s 25  
pres s 104 ins 1994 No. 17 s 12

**Postponement of whole or part of a greyhound meeting**

**s 106** amd 1981 No. 19 s 26; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 1; 1995 No. 35 ss 10, 12

**Abandonment of whole or part of a greyhound meeting**

**s 107** amd 1981 No. 19 s 27; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1995 No. 35 s 10

**Betting to continue at postponed or abandoned meeting**

**s 108** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Phantom meeting may be held in certain circumstances**

**s 109** amd 1991 No. 81 ss 26, 51 (as amd 1993 No. 76 s 3 sch 2), 3 sch; 1994 No. 17 ss 13, 3 sch 1; 1995 No. 35 s 10

**Trials**

**s 110** om 1991 No. 81 s 3 sch

**Greyhound Authority to review periodically greyhound meetings**

**prov hdg** amd 1995 No. 35 s 10

**s 111** amd 1991 No. 81 s 3 sch; 1995 No. 35 s 10

**Presence at unlawful greyhound racing prohibited**

**s 113** amd 1993 No. 19 s 2 sch 1

**Division 3A—Racing Appeals Tribunal**

**div hdg** ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

**Definitions**

**s 115A** ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

**Racing Appeals Authority**

**s 115B** ins 1984 No. 63 s 16

amd 1989 No. 24 s 3

sub 1991 No. 81 s 27

**Qualification for appointment of members**

**s 115C** ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

**Disqualification for appointment**

**s 115D** ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

**Tenure of office**

**s 115E** ins 1984 No. 63 s 16

amd 1988 No. 52 s 44 sch 3

sub 1991 No. 81 s 27

**Vacation of office**

**s 115F** ins 1984 No. 63 s 16

sub 1991 No. 81 s 27

**Casual vacancy**

- s 115G** ins 1984 No. 63 s 16  
sub 1991 No. 81 s 27

**Remuneration to members**

- s 115H** ins 1984 No. 63 s 16  
sub 1988 No. 101 s 9; 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 2

**Officers of authority**

- s 115I** ins 1984 No. 63 s 16  
amd 1989 No. 24 s 4  
sub 1991 No. 81 s 27

**Expert consultants**

- s 115J** ins 1984 No. 63 s 16  
amd 1989 No. 24 s 5  
sub 1991 No. 81 s 27

**Appeals to authority**

- s 115K** ins 1984 No. 63 s 16  
sub 1991 No. 81 s 27  
amd 1995 No. 35 s 10

**Institution of appeal**

- s 115L** ins 1984 No. 63 s 16  
sub 1991 No. 81 s 27

**Suspension or variation of decision pending determination of appeal**

- s 115M** prev s 115M ins 1984 No. 63 s 16  
om 1988 No. 101 s 10  
pres s 115M ins 1991 No. 81 s 27

**Authority to hear appeal**

- s 115N** prev s 115N renum as s 115AN 1991 No. 81 s 3 sch  
pres s 115N ins 1991 No. 81 s 27

**Division 3C—Branding of Registered Horses**

- div hdg** ins 1985 No. 47 s 7  
om 1987 No. 26 s 33

**Hearing of appeals**

- s 115O** prev s 115O ins 1985 No. 47 s 7  
om 1987 No. 26 s 33  
pres s 115O ins 1991 No. 81 s 27  
amd 1992 No. 36 s 2 sch 2

**Powers of authority on appeal**

- s 115P** ins 1991 No. 81 s 27

**Parties to comply with authority's determination**

- s 115Q** ins 1991 No. 81 s 27

**Division 3AA—Racing Industry Coordinating Committee**

**div hdg** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Establishment of Racing Industry Coordinating Committee**

**prov hdg** amd 1994 No. 17 s 3 sch 1  
**s 115AA** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Functions of committee**

**s 115AB** ins 1991 No. 81 s 27  
sub 1994 No. 17 s 14

**Powers of committee**

**s 115AC** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Composition of committee**

**s 115AD** ins 1991 No. 81 s 27  
sub 1994 No. 17 s 15  
amd 1995 No. 35 s 10

**Disqualification from nomination**

**s 115AE** ins 1991 No. 81 s 27

**Constitution of committee**

**s 115AF** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Tenure of office**

**s 115AG** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Vacation of office**

**s 115AH** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Casual vacancy**

**s 115AI** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Members to be honorary members**

**s 115AJ** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Chairperson of committee**

**s 115AK** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Acting chairperson**

**s 115AL** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Committee may regulate its proceedings**

**s 115AM** ins 1991 No. 81 s 27  
amd 1994 No. 17 s 3 sch 1

**Division 3B—Prohibition on the admission of the public to enquiries**

**div hdg** ins 1984 No. 47 s 7

**Prohibition on the admission of the public to enquiries**

**s 115AN** (prev s 115N) ins 1985 No. 47 s 7  
renum 1991 No. 81 s 3 sch

**Establishment of fund**

**s 116** amd 1981 No. 19 s 28; 1985 No. 31 s 2; 1988 No. 101 s 11; 1991 No. 81 s 3 sch; R2 (see RA s 38)

**Purposes for which moneys may be advanced out of fund**

**s 117** amd 1981 No. 19 s 29; 1982 No. 12 s 3; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2

**Application for advance from fund**

**s 118** amd 1981 No. 19 s 30; 1987 No. 26 s 34; 1991 No. 81 s 3 sch; 1994 No. 17 s 3 sch 2

**Interest on loans**

**s 119** sub 1981 No. 19 s 31

**Variation of terms and conditions of loans**

**prov hdg** amd 1981 No. 19 s 32(a)  
**s 120** prev s 120 amd 1981 No. 19 s 32(b)  
om 1983 No. 11 s 4  
pres s 120 ins 1984 No. 63 s 17  
amd 1993 No. 19 s 2 sch 2; 1994 No. 17 s 3 sch 2

**Minister constituted a corporation sole**

**prov hdg** amd 1981 No. 19 s 33(a)  
**s 121** amd 1981 No. 19 s 33(b)

**Racing Development Corporation is statutory body**

**s 121A** ins 1996 No. 54 s 9 sch

**Security for loans from fund**

**s 122 hdg** amd 1981 No. 19 s 34

**Manner of dealing with moneys advanced from fund**

**s 123** amd 1981 No. 19 s 35

**Transfer of property to corporation**

**s 124** om (see RA s 37)

**Guidelines and priority order of needs for advances from fund**

**s 125** amd 1981 No. 19 s 36

**Allowance of special rebates**

**s 126** amd 1981 No. 19 s 37

**Corporation may acquire property**

- s 126A** ins 1981 No. 75 s 2  
 amd 1982 No. 12 s 4  
 sub 1983 No. 11 s 5  
 amd 1984 No. 63 s 18

**Corporation's power to vary the lease granted under the Willows Sports Complex Act 1993**

- s 126AA** ins 1997 No. 51 s 3

**Financial Accommodation to the corporation**

- s 126B** ins 1981 No. 75 s 2

**Appointment of consultants etc. by corporation**

- s 126C** ins 1984 No. 63 s 19  
 amd 1987 No. 26 s 35; 1993 No. 19 s 2 sch 1

**Days when meetings prohibited**

- s 127** amd 1983 No. 11 s 6; 1987 No. 26 s 36; 1991 No. 81 s 28

**Restrictions as to meetings on Anzac Day**

- s 128** amd 1991 No. 81 s 29 (as amd 1993 No. 76 s 3 sch 2)

**Governor in Council may prohibit meetings**

- s 129** om 1991 No. 81 s 30

**No betting on trials and novelty events**

- s 129A** ins 1991 No. 81 s 31

**Audit of books and accounts of club**

- prov hdg** amd 1991 No. 81 s 3 sch  
**s 131** amd 1981 No. 19 s 38; 1983 No. 11 s 7; 1987 No. 26 s 37; 1990 No. 85 s 5  
 sch 2; 1991 No. 81 ss 32, 3 sch

**Commissioner may make enquiries, investigations and the like for statistical or research purposes**

- s 133** amd 1990 No. 88 s 3 sch

**Application of receipts and the like of club**

- s 134** amd 1984 No. 63 s 24; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2);  
 1994 No. 17 s 3 sch 2; 1995 No. 35 s 10

**Combined sports meetings**

- s 135** amd 1991 No. 81 s 33; 1994 No. 17 s 3 sch 2

**Disclosure of criminal history**

- s 136** sub 1991 No. 81 s 34  
 om 1991 No. 81 sch 3

**Exceptions to non-disclosure**

- s 136A** ins 1991 No. 81 s 34

**Racing venues to be licensed**

- s 137** amd 1987 No. 26 s 38  
 sub 1991 No. 81 s 35

**Provisional licences in respect of proposed racing venues**

**s 138**      amd 1987 No. 26 s 39  
               om 1991 No. 81 s 36

**Control by clubs and control bodies over bookmakers**

**s 139**      amd 1981 No. 19 s 39; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Licensing of bookmakers and bookmakers' clerks**

**s 140**      amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Restrictions on betting by bookmakers**

**s 141**      amd 1990 No. 31 s 5; 1993 No. 19 s 2 sch 2; 1994 No. 17 s 16

**Bookmakers to indemnify bettors against default**

**s 143**      amd 1981 No. 19 s 40

**Bookmakers may nominate remote clerks in certain circumstances**

**s 146**      amd 1981 No. 19 s 41; 1987 No. 26 s 40

**Bookmaking at athletic meetings**

**s 147**      amd 1991 No. 4 s 5; 1991 No. 81 s 51

**Bookmaking on certain sporting contingencies**

**s 147A**    ins 1990 No. 31 s 6  
               amd 1991 No. 4 s 6

**Supply and control of betting tickets**

**s 148**      sub 1991 No. 4 s 7

**Bookmakers to issue betting tickets**

**prov hdg**    amd 1981 No. 19 s 42(a)  
**s 149**      amd 1981 No. 19 s 42(b)–(c); 1987 No. 26 s 41; 1991 No. 4 s 8; 1993  
               No. 19 s 2 sch 1

**Supply and control of betting sheets**

**s 150**      amd 1981 No. 19 s 43; 1990 No. 88 s 3 sch; 1993 No. 19 s 2 sch 1; 1994  
               No. 17 s 3 sch 2

**Commissioner may approve the use of certain electronic and like recording devices**

**s 152**      amd 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2

**Bookmakers to record all bets on prescribed or approved betting sheets**

**s 153**      amd 1989 No. 103 s 3 sch; 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2

**Supervision of bookmakers**

**s 154**      amd 1981 No. 19 s 44; 1993 No. 19 s 2 sch 1

**Other offences by bookmakers**

**s 155**      amd 1990 No. 31 s 7; 1991 No. 4 s 9; 1993 No. 19 s 2 sch 1; 1994 No. 17  
               s 3 sch 2

**Commissioner may direct suspension of bookmaker's licence**

**s 156**      amd 1981 No. 19 s 45; 1987 No. 26 s 42; 1991 No. 81 s 51 (as amd 1993  
               No. 76 s 3 sch 2); 1994 No. 17 s 3 sch 2

**Commissioner may direct suspension of bookmaker's clerk's licence**

**s 157** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1994 No. 17 s 3 sch 2

**Penalty for unlawful bookmaking**

**s 158** amd 1993 No. 19 s 2 sch 1

**Prohibition of betting by bookmaker with infants**

**s 159** amd 1993 No. 19 s 2 sch 1

**Power of club to prohibit the attendance of certain persons at a racing venue**

**s 161** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2 )

**Division 2—Bookmaker's turnover tax**

**div hdg** amd 1991 No. 4 s 10

**Betting tax**

**s 162** amd 1984 No. 63 s 20  
om 1991 No. 4 s 11

**Bookmaker's turnover tax**

**s 163** amd 1981 No. 19 s 46; 1984 No. 93 s 2; 1987 No. 85 s 2; 1990 No. 31 s 8;  
1991 No. 4 s 12

**Club levy**

**s 164** amd 1981 No. 19 s 47; 1987 No. 85 s 3; 1990 No. 31 s 9  
om 1991 No. 4 s 13

**Variation of club levy**

**s 165** om 1981 No. 19 s 48

**When tax payable**

**s 166** amd 1981 No. 19 s 49; 1991 No. 4 s 14

**Return by bookmaker of all bets**

**s 168** amd 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2

**Commissioner may fix bookmaker's turnover tax**

**prov hdg** amd 1991 No. 4 s 15(a)  
**s 169** amd 1991 No. 4 s 15(b)–(d)

**Penalties for late payment**

**s 170** amd 1981 No. 19 s 50; 1991 No. 4 s 16

**Application of bookmaker's turnover tax and penalty**

**prov hdg** amd 1991 No. 4 s 17(a)  
**s 171** amd 1991 No. 4 s 17(b)

**Race clubs' bookmaker levy account**

**s 172** om 1991 No. 4 s 18

**Club to submit a declaration of bookmakers' total bets**

**s 173** amd 1990 No. 31 s 10; 1990 No. 88 s 3 sch

**Payment of club levy**

**s 174** om 1991 No. 4 s 19



**Composition of totalisator board**

**s 176** amd 1981 No. 19 s 51

**Continuation in office of members constituting totalisator board**

**s 177** om R1 (see RA s 37)

**First constitution of totalisator board**

**s 178** om R1 (see RA s 37)

**Tenure of office**

**s 179** amd 1994 No. 17 s 3 sch 2

**Vacation of office**

**s 181** amd 1981 No. 19 s 52; 1994 No. 17 s 3 sch 2

**Validity of acts**

**s 187** om 1994 No. 17 s 3 sch 2

**Functions, powers and duties of totalisator board**

**s 189** amd 1981 No. 19 s 53; 1983 No. 11 s 8; 1984 No. 63 s 21; 1987 No. 26 s 43; 1990 No. 31 s 11; 1991 No. 66 s 5; 1994 No. 17 s 3 sch 2; 1995 No. 35 s 6; 1996 No. 47 s 244 sch 3; 1996 No. 54 s 9 sch; 1997 No. 51 s 4

**Totalisator board is statutory body**

**s 189A** ins 1996 No. 54 s 9 sch

**Officers**

**s 190** amd 1996 No. 37 s 147 sch 2

**Power of totalisator board on investments from outside Queensland**

**s 191** sub 1995 No. 35 s 7

**Power of totalisator board to amalgamate net pools**

**s 191A** ins 1990 No. 31 s 12  
sub 1995 No. 35 s 7

**Dissolution and winding up of totalisator board**

**s 192** amd 1981 No. 19 s 54

**Totalisator licences**

**s 194** amd 1981 No. 19 s 55; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1994 No. 17 s 3 sch 2

**Restriction as to totalisator contracts**

**s 195** amd 1981 No. 19 s 56

**Amalgamation of net pools**

**s 196** amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)

**Method of dealing with moneys paid into a totalisator**

**s 199** amd 1981 No. 19 s 57; 1987 No. 26 s 44

**All up investments**

**s 199A** ins 1987 No. 26 s 45

**Dealing with moneys paid into a sports totalisator**

s 199B ins 1990 No. 31 s 13

**Declaration of totalisator transactions and payment to commissioner**

s 200 amd 1981 No. 19 s 58; 1994 No. 17 s 3 sch 2

**Unpaid dividends and refunds from totalisator other than totalisator operated by totalisator board**

s 201 amd 1981 No. 19 s 59; 1987 No. 26 s 46; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1994 No. 17 s 3 sch 2

**Unpaid dividends and refunds, and unpaid moneys from sports totalisators from totalisator operated by totalisator board**

prov hdg amd 1990 No. 31 s 14(a)

s 202 amd 1987 No. 26 s 47; 1990 No. 31 s 14(b)–(c)

**Unpaid fractions account and unpaid dividends account**

s 203 amd 1981 No. 19 s 60; 1989 No. 103 s 3 sch; 1995 No. 4 s 33 sch

**Powers, functions and duties of inspector of totalisators generally**

s 205 amd 1981 No. 19 s 61; 1987 No. 26 s 48

**Prohibition of investment by infants on totalisators**

s 208 amd 1993 No. 19 s 2 sch 1

**Totalisator tax**

s 210 amd 1994 No. 17 s 17

**Racing Development Fund levy**

s 211 amd 1990 No. 31 s 15; 1994 No. 17 s 18

**Commission**

s 212 amd 1994 No. 17 s 19

**Application of this part and saving**

s 213 amd 1984 No. 63 s 22

**Common betting house**

s 215 amd 1993 No. 19 s 2 sch 2

**Possession of instrument of betting**

s 217 amd 1981 No. 19 s 62; 1987 No. 26 s 49

**Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house**s 218 sub 1981 No. 19 s 63; 1982 No. 12 s 5  
amd 1993 No. 19 s 3**Orders under s 218 not original orders**

s 218AA ins 1993 No. 19 s 4

**No alternatives to imprisonment**

s 218AB ins 1993 No. 19 s 4

**Recovery of penalties imposed under s 218**

s 218A ins 1981 No. 19 s 63

amd 1993 No. 19 s 5; 1993 No. 76 s 3 sch 1; 1994 No. 17 s 3 sch 2

**Appeal from District Court orders**

**s 218B** ins 1981 No. 19 s 63  
om 1982 No. 12 s 6

**Resorting to common betting house prohibited**

**s 219** amd 1993 No. 19 s 2 sch 1

**Prohibition of advertising of common betting house**

**s 220** amd 1993 No. 19 s 2 sch 1

**Betting on licensed premises**

**s 221** amd 1991 No. 66 s 6; 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2; 1995 No. 35 s 8

**Prohibition of giving warning of presence or approach**

**s 223** amd 1993 No. 19 s 2 sch 1

**Prohibition of prevention of detection**

**s 224** amd 1993 No. 19 s 2 sch 1

**Batteries, drugs and the like at racing venues and other places**

**s 225** amd 1981 No. 19 s 64; 1993 No. 19 s 2 sch 1

**Interference with person, horse, greyhound or property**

**s 227** sub 1981 No. 19 s 65  
amd 1993 No. 19 s 2 sch 1

**Use of drugs and the like on horse or greyhound**

**s 228** sub 1981 No. 19 s 66  
amd 1985 No. 47 s 8; 1993 No. 19 s 2 sch 1

**Inspection, removal, sampling, analysis**

**s 228A** ins 1985 No. 47 s 9  
amd 1988 No. 101 s 12; 1991 No. 81 s 3 sch

**Offences relating to police officers, officers and records**

**s 229** amd 1981 No. 19 s 67; 1993 No. 19 s 2 sch 1

**Forgery and like offences**

**s 230** amd 1993 No. 19 s 2 sch 1

**Warrant to enter and search places and arrest persons**

**s 231** amd 1989 No. 103 s 3 sch; 1994 No. 17 s 3 sch 2

**General power of arrest without warrant**

**s 232** amd 1981 No. 19 s 68; 1982 No. 12 s 7

**Police officer may grant bail for offence against s 214, 216, 217 or 219**

**prov hdg** amd 1982 No. 12 s 8(a)

**s 232A** ins 1981 No. 19 s 69  
amd 1982 No. 12 s 8(b)

**Further powers of police officers**

**s 235** amd 1985 No. 47 s 10

**Offences generally and penalty**

**s 236** amd 1993 No. 19 s 2 sch 1

**Proceedings for offences**

s 237 amd 1981 No. 19 s 70; 1982 No. 12 s 9; 1993 No. 19 s 2 sch 1

**Time limits for payment of penalties**

s 238 amd 1981 No. 19 s 71; 1982 No. 12 s 10

**Protection of and payment to informants**

s 244 amd 1993 No. 19 s 2 sch 1

**Personal appearance before court of offenders against certain sections**

s 247 amd 1981 No. 19 s 72; 1982 No. 12 s 11

**Disposal of penalties and the like**

s 250 amd 1983 No. 11 s 9

**Protection against liability**

s 254 amd 1981 No. 19 s 73; 1988 No. 101 s 13  
om 1991 No. 81 s 37

**Superannuation schemes**

s 254A ins 1983 No. 11 s 10  
amd 1984 No. 63 s 24; 1991 No. 81 s 38; 1995 No. 35 s 9  
sub 1995 No. 36 s 9 sch 2

**Evidentiary provisions**

s 256 amd 1981 No. 19 s 74; 1985 No. 47 s 11; 1991 No. 81 s 51 (as amd 1993  
No. 76 s 3 sch 2)

**Regulations**

s 257 amd 1981 No. 19 s 75; 1984 No. 63 s 24; 1985 No. 47 s 12; 1987 No. 26  
s 50; 1988 No. 101 s 14; 1991 No. 81 ss 39, 3 sch; 1993 No. 19 s 2  
sch 1; 1994 No. 17 s 3 sch 2; 1996 No. 54 s 9 sch

**PART 8—TRANSITIONAL PROVISIONS**

pt hdg prev pt 8 hdg ins 1993 No. 19 s 2 sch 2  
om R1 (see RA s 39)  
pres pt 8 hdg ins 1994 No. 17 s 20

**References to previous principal clubs**

s 257A ins 1995 No. 57 s 4 sch 2

**Existing orders in council**

s 258 prev s 258 sub 1993 No. 19 s 2 sch 2  
om R1 (see RA s 39)  
pres s 258 ins 1994 No. 17 s 20  
exp 10 May 1994 (see s 258(4))

**Transitional provision for Racing Industry Coordinating Committee**

s 259 ins 1994 No. 17 s 20  
exp 10 May 1994 (see s 259(4))

**References to Racing Industry Advisory Committee**

s 260 ins 1994 No. 17 s 20

**SCHEDULE 1**

om 1991 No. 81 s 3 sch

**SCHEDULE 2**

amd 1981 No. 19 s 76; 1984 No. 63 s 23; 1984 No. 93 s 3; 1987 No. 26 s 51; 1990 No. 31 s 16; 1991 No. 4 s 20

**8 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Public Service Act 1996 No. 37, s 147 sch 2 amdt 1 reads as follows—**

**1. Section 8(1A) to (2A)—**

*omit, insert—*

‘(2) The officers necessary for this Act are to be employed under the *Public Service Act 1996*.’.