

Queensland



RACING AND BETTING ACT 1980

**Reprinted as in force on 14 July 2000
(includes amendments up to Act No. 21 of 2000)**

Warning—see last endnote for uncommenced amendments

Reprint No. 3B

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Information about this reprint

This Act is reprinted as at 14 July 2000. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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.**

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RACING AND BETTING ACT 1980

[as amended by all amendments that commenced on or before 14 July 2000]

An Act to consolidate and amend the law relating to the regulation of racing, trotting and greyhound racing, 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*.

Definitions

5. In this Act—

“**accepted representations**”, for part 4, see section 158C.

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

“**animal racing**” means racing, trotting and greyhound racing.

“**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.

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

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- (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.

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

“business associate”, of an applicant for an eligibility certificate or certificate holder, for part 4, see section 139.

“certificate holder” see section 139.

“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, trotting race or greyhound race.

“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 racing bookmaker where the amount wagered by the bettor is not paid to the racing bookmaker when the bet is made.

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“criminal history”, of a person, for part 4, see section 139.

“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.

“eligibility certificate” see section 139.

“executive associate”, of an applicant for an eligibility certificate or certificate holder, for part 4, see section 139.

“executive officer”, of a corporation, for part 4, see section 139.

“gaming Act”, for part 4, see section 139.

“Gaming Commission”, for part 4, see section 139.

“gaming executive”, for part 4, see section 139.

“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 meetings.

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

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“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
- (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

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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.

“interested person”, for part 4, see section 158B(1).

“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.

“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 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

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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.

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

“person” includes any 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;
- (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.

“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

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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.

“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 bookmaker” means a person who holds a licence from a control body as a racing bookmaker for the code of racing for which the control body is responsible.

“racing bookmaker’s agent” means a person who is authorised by a control body under section 162 to conduct the bookmaking operations of a racing bookmaker licensed by the control body, for a period stated in the authority.

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

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

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“refund” means a bet made with a racing bookmaker and required 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.

“registrar”, of the Gaming Commission, for part 4, see section 139.

“related body corporate” see the Corporations Law, section 9.¹

“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

¹ The Corporations Law, section 9, definition “related body corporate” and section 50 reads as follows—

‘ **“related body corporate”**, in relation to a body corporate, means a body corporate that is related to the first-mentioned body corporate by virtue of section 50.’.

‘Related bodies corporate

50. Where a body corporate is:

- (a) a holding company of another body corporate;
- (b) a subsidiary of another body corporate; or
- (c) a subsidiary of a holding company of another body corporate;

the first-mentioned body and the other body are related to each other.’.

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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 thereunder.

“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.

“show cause notice”, for part 4, see section 158A(2).

“show cause period”, for part 4, see section 158A(2)(d).

“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.

“totalisator” see the *Wagering Act 1998*, section 8.2

“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.

² The *Wagering Act 1998*, section 8 reads as follows—

‘Meaning of “totalisator”

8.(1) A **“totalisator”** is a system used—

- (a) to enable persons to invest money on events or contingencies with a view to successfully predicting specified outcomes of the events or contingencies; and
- (b) to enable the totalisator pool to be divided and distributed among the persons who successfully predict the outcomes.

(2) A **“totalisator”** also includes an instrument, machine or device under which the system mentioned in subsection (1) is operated.

(3) In subsection (1)(b), a reference to the totalisator pool is a reference to the amount left from the investments after—

- (a) making allowances for refunds of investments; and
- (b) deducting any amount payable by way of commission for the conduct of the totalisator.’.

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“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.

“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.

“wagering” see the *Wagering Act 1998*, schedule 2.³

“wagering licensee” see the *Wagering Act 1998*, schedule 2.⁴

Act binds all persons

6. This Act binds all persons, including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and the other States.

³ The *Wagering Act 1998*, schedule 2, definition “wagering” reads as follows—
‘ **“wagering”** means—
(a) betting conducted by means of a totalisator; or
(b) betting conducted on a fixed odds basis; or
(c) other betting prescribed under a regulation.’

⁴ The *Wagering Act 1998*, schedule 2, definition “wagering licensee” reads as follows—
‘ **“wagering licensee”** means a person who holds a wagering licence.’

PART 2—ADMINISTRATION

Delegation by Minister

7.(1) The Minister may delegate the Minister’s powers under this Act to an appropriately qualified person.

(2) In this section—

“**appropriately qualified**” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

A person’s classification level in a department.

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.

(2) 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 consolidated fund and public sector entities within the meaning of the *Financial Administration and Audit Act 1977*, schedule 3.

(3) For the purposes of this section, a person specified in subsection (2)(b) shall be deemed to be a person appointed, employed or engaged under this Act.

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;⁵
- (b) shall consider and advise the Minister on such matters as the

⁵ Section 228A (Inspection, removal, sampling, analysis)

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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.

(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 encourage racing; and
- (b) to control, supervise and regulate racing; and
- (c) 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; and
- (d) to cooperate with the other control bodies in relation to arrangements involving the industry relating to wagering on animal racing.

(1A) An exercise of a power under section 11B(2) for, or in connection with, the Queensland Principal Club's function under subsection (1)(d) is not limited even though the exercise of the power is or may be inconsistent with another function under subsection (1).

(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—

- (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, racing bookmaker, racing 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

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- (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 the registering or licensing 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 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 the Queensland Principal Club considers necessary or desirable for performing the principal club's functions, 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

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- (wa) with the other control bodies, establish, take part in establishing, or cause to be established, a corporation whose functions include—
- (i) encouraging animal racing; and
 - (ii) coordinating meetings approved under this Act by the various control bodies or their nominees; and
 - (iii) entering into arrangements with—
 - (A) a wagering licensee about wagering or another activity conducted by the licensee; or
 - (B) a related body corporate of a wagering licensee about an activity conducted by the related body corporate; and
- (x) take such steps and do such acts and things as are incidental or conducive to performing its functions or exercising its powers, including, for example, giving effect to the Queensland Principal Club's obligations under an arrangement of the kind mentioned in paragraph (wa)(iii).

(3) A direction under subsection (2)(r) may be about a race club—

- (a) taking part in an arrangement of a kind mentioned in subsection (2)(wa)(iii); or
- (b) doing a thing to give effect to an arrangement of that kind.

(4) Without limiting subsection (1), the Queensland Principal Club may exercise its powers under this Act for fulfilling obligations it may have under an arrangement of a kind mentioned in subsection (2)(wa)(iii), including, for example—

- (a) entering into contracts with race clubs to support the performance of a person's obligations under the arrangement; and
- (b) giving directions mentioned in subsection (3); and
- (c) if a race club does not comply with a direction mentioned in subsection (3), cancelling or suspending the registration of the race club, directing or supervising the dissolution of the race club or appointing an administrator to conduct the affairs of the race club.

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

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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 racing 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 renomination 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 renomination 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 1999*, 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.

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 134,⁶ the Queensland Principal Club shall revoke the registration and may do so notwithstanding that there has been

⁶ Section 134 (Application of receipts and the like of club)

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, 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 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).

(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 subsections (6) and (7), the assets of a race club to which

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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.

(6) Upon the dissolution or deemed dissolution of a race club pursuant to subsection (1), (1A), (2), (2A), (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.

(7) 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.

(8) 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.

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

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- (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 11G⁷ 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.

⁷ Section 11G (Disqualification from nomination or appointment)

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 race meeting taken to commence

24. A race meeting is taken to commence at the time betting with racing bookmakers commences under the direction or authority of the steward in control of the meeting.

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 Queensland Principal Club, or its nominee, approves.

(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 taken to have commenced, the race club holding that meeting postpones or abandons the whole or a part thereof, betting with racing bookmakers in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141⁸ 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 taken to have commenced, betting with racing bookmakers 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 would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting shall be lawful.

Phantom meeting may be held in certain circumstances

28.(1) Subsection (1A) applies if, before the start of a race meeting allotted by the Queensland Principal Club or its nominee, a race club postpones or abandons the race meeting.

(1A) The race club may, with the approval of the Queensland Principal Club or its nominee, 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

⁸ Section 141 (Restrictions on betting by racing bookmakers)

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 racing bookmakers 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 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

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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 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

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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 encourage trotting; and
- (ab) to control, supervise and regulate trotting; and
- (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; and
- (ba) to cooperate with the other control bodies in relation to arrangements involving the industry relating to wagering on animal racing; and
- (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.

(2A) An exercise of a power under subsection (3) for, or in connection with, the Harness Racing Board's function under subsection (2)(ba) is not limited even though the exercise of the power is or may be inconsistent with another function under subsection (2).

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

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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, racing bookmaker, racing 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 the registering or licensing 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 and duties;

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- (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 the Harness Racing Board considers necessary or desirable for performing the board's functions, 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;
- (ya) with the other control bodies, establish, take part in establishing, or cause to be established, a corporation whose functions include—
 - (i) encouraging animal racing; and

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- (ii) coordinating meetings approved under this Act by the various control bodies or their nominees; and
 - (iii) entering into arrangements with—
 - (A) a wagering licensee about wagering or another activity conducted by the licensee; or
 - (B) a related body corporate of a wagering licensee about an activity conducted by the related body corporate;
 - (z) to take such steps and do such acts and things as are incidental or conducive to performing its functions or exercising its powers, including, for example, giving effect to the Harness Racing Board's obligations under an arrangement of the kind mentioned in paragraph (ya)(iii).
- (3A)** A direction under subsection (3)(t) may be about a trotting club—
- (a) taking part in an arrangement of a kind mentioned in subsection (3)(ya)(iii); or
 - (b) doing a thing to give effect to an arrangement of that kind.
- (3B)** The Harness Racing Board may exercise its powers under this Act for fulfilling obligations it may have under an arrangement of a kind mentioned in subsection(3)(ya)(iii), including, for example—
- (a) entering into contracts with trotting clubs to support the performance of a person's obligations under the arrangement; and
 - (b) giving directions mentioned in subsection (3A); and
 - (c) if a trotting club does not comply with a direction mentioned in subsection (3A), cancelling or suspending the registration of the trotting club, directing or supervising the dissolution of the trotting club or appointing an administrator to conduct the affairs of the trotting club.
- (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

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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,

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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.

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 134,⁹ 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.

(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, 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

⁹ Section 134 (Application of receipts and the like of club)

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the date on which the club ceased to be registered by the Harness Racing Board.

(2A) The Harness Racing Board 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).

(5) Subject to subsections (6) and (7), the assets of a trotting club to which subsection (3) applies, 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.

(6) Upon the dissolution or deemed dissolution of a trotting club pursuant to subsection (1), (2), (2A) or (3), 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.

(7) 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.

(8) 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.

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 trotting meeting taken to commence

64. A trotting meeting is taken to commence at the time betting with racing bookmakers commences under the direction or authority of the steward in control of the meeting.

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 Harness Racing Board, or its nominee, approves.

(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 taken to have commenced, the trotting club holding that meeting postpones or abandons the whole or any part thereof, betting with racing bookmakers in respect of events to be decided at that

meeting or at any other racing venue not prohibited under section 141¹⁰ 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 taken to have commenced, betting with racing bookmakers 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 would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting shall be lawful.

Phantom meeting may be held in certain circumstances

68.(1) Subsection (1A) applies if, before the start of a trotting meeting allotted by the Harness Racing Board or its nominee, a trotting club postpones or abandons the trotting meeting.

(1A) The trotting club may, with the approval of the Harness Racing Board or its nominee, 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 racing bookmakers 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.

¹⁰ Section 141 (Restrictions on betting by racing bookmakers)

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—

- (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.

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(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 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 encourage greyhound racing; and

(ab) to control, supervise and regulate greyhound racing; and

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- (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; and
- (ba) to cooperate with the other control bodies in relation to arrangements involving the industry relating to wagering on animal racing; and
- (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.

(2A) An exercise of a power under subsection (3) for, or in connection with, the Greyhound Authority's function under subsection (2)(ba) is not limited even though the exercise of the power is or may be inconsistent with another function under subsection (2).

(3) Without limiting the generality of subsection (2) or the powers and 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, racing bookmaker, racing 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;

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- (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 the registering or licensing a greyhound club, person or greyhound;
- (n) to require registered greyhound clubs to pay to it such fees as are 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 the Greyhound Authority considers necessary or desirable for performing the authority's functions, 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;

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- (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;
 - (ya) with the other control bodies, establish, take part in establishing, or cause to be established, a corporation whose functions include—
 - (i) encouraging animal racing; and
 - (ii) coordinating meetings approved under this Act by the various control bodies or their nominees; and
 - (iii) entering into arrangements with—
 - (A) a wagering licensee about wagering or another activity conducted by the licensee; or
 - (B) a related body corporate of a wagering licensee about an activity conducted by the related body corporate;
 - (z) to take such steps and do such acts and things as are incidental or conducive to performing its functions or exercising its powers, including, for example, giving effect to the Greyhound Authority's obligations under an arrangement of the kind mentioned in paragraph (ya)(iii).
- (3A)** A direction under subsection (3)(t) may be about a greyhound club—
- (a) taking part in an arrangement of a kind mentioned in subsection (3)(ya)(iii); or
 - (b) doing a thing to give effect to an arrangement of that kind.

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(3B) The Greyhound Authority may exercise its powers under this Act for fulfilling obligations it may have under an arrangement of a kind mentioned in subsection (3)(ya)(iii), including, for example—

- (a) entering into contracts with greyhound clubs to support the performance of a person's obligations under the arrangement; and
- (b) giving directions mentioned in subsection (3A); and
- (c) if a greyhound club does not comply with a direction mentioned in subsection (3A), cancelling or suspending the registration of the greyhound club, directing or supervising the dissolution of the greyhound club or appointing an administrator to conduct the affairs of the greyhound club.

(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.

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 134,¹¹ 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, 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 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

¹¹ Section 134 (Application of receipts and the like of club)

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).

(5) Subject to subsections (6) and (7), the assets of a greyhound club to which subsection (3) applies, 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.

(6) Upon the dissolution or deemed dissolution of a greyhound club pursuant to subsection (1), (1A), (2), (2A) or (3) 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.

(7) 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.

(8) 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.

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

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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 greyhound meeting taken to commence

105. A greyhound meeting is taken to commence at the time betting with racing bookmakers commences under the direction or authority of the steward in control of the meeting.

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 Greyhound Authority, or its nominee, approves.

(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 taken to have commenced, the greyhound club holding that meeting postpones or abandons the whole or any part thereof, betting with racing bookmakers in respect of events to be decided at that meeting or at any other racing venue not prohibited under section 141¹² that commenced prior to the time at which the decision to postpone or abandon the meeting was announced, shall be lawful.

¹² Section 141 (Restrictions on betting by racing bookmakers)

(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 taken to have commenced, betting with racing bookmakers 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 would have been permitted but for that postponement or abandonment and, notwithstanding this Act or any other Act, all such betting shall be lawful.

Phantom meeting may be held in certain circumstances

109.(1) Subsection (1A) applies if, before the start of a greyhound meeting allotted by the Greyhound Authority or its nominee, a greyhound club postpones or abandons the greyhound meeting.

(1A) The greyhound club may, with the approval of the Greyhound Authority or its nominee, 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 racing bookmakers 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 racing bookmaker, racing 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
- (b) may make an order for the way in which the summons is to be served.

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(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 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 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 racing bookmaker 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) The control body responsible for registering a club may, in writing, authorise a person to audit the club's books even though the person is not a registered company auditor if the control body is satisfied—

- (a) a registered company auditor is not readily available to audit the books; and
- (b) the person is competent to audit the books.

(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 control body 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 give to the control body responsible for registering the club at the time and in the

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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 control body must examine financial statements given to the control body under 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 the statements, or an item or matter contained in or arising out of the statements, as the control body thinks fit.

(7) Where the person having the ownership or control of a racing venue is a person other than a club (the “**other person**”), the control body responsible for registering the club that conducts racing at the racing venue, by written direction, may require the other person to give to the control body 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 other person is taken to be a club during the period such direction is in force.

(8) The control body may take action against a club or other person under the rules of racing, rules of trotting or rules of greyhound racing, if—

- (a) the control body required the club or person to do something after an enquiry by the control body under subsection (6); and
- (b) the club or person refused, or failed, to fully satisfy the control body’s requisition.

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.

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 must apply its receipts and profits—

- (a) for a race club—for encouraging racing in Queensland; and
- (b) for a trotting club—for encouraging trotting in Queensland; and
- (c) for a greyhound club—for encouraging greyhound racing in Queensland; and
- (d) 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;
- (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

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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
 - (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 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—

- (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;

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- (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.

“licence” does not include a racing bookmaker's licence.

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—

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- (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.

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(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—RACING BOOKMAKERS

Division 1—Preliminary

Definitions for pt 4

139. In this part—

“**business associate**”, of a certificate holder, means a person whom the gaming executive reasonably believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“**business associate**”, of an applicant for an eligibility certificate, means a person whom the gaming executive reasonably believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“**certificateholder**” means the holder of an eligibility certificate that has not lapsed.

“**criminal history**”, of a person, means the person’s criminal history within the meaning of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, and—

- (a) despite section 6 of that Act, includes a conviction of the person to which the section applies; and
- (b) despite section 5 of that Act, includes a charge made against the person for an offence.

“**eligibilitycertificate**” means an eligibility certificate issued to a person by the gaming executive stating that, until a date stated in the certificate, the person is eligible to apply to a control body for a racing bookmaker’s licence.

“**executive associate**”, of a certificate holder, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive reasonably believes will, if the holder is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking

operations.

“executive associate”, of an applicant for an eligibility certificate, means an executive officer of a corporation, partner, trustee, or another person stated by the gaming executive, whom the gaming executive reasonably believes will, if the applicant is licensed as a racing bookmaker, be associated with the ownership or management of the racing bookmaker’s bookmaking operations.

“executive officer”, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

“gaming Act” means any of the following Acts—

- *Casino Control Act 1982*
- *Charitable and Non-Profit Gaming Act 1999*
- *Gaming Machine Act 1991*
- *Interactive Gambling (Player Protection) Act 1998*
- *Keno Act 1996*
- *Lotteries Act 1997*
- *Wagering Act 1998*.

“Gaming Commission” means the Queensland Gaming Commission under the *Gaming Machine Act 1991*.

“gaming executive” means the chief executive of the department in which the *Wagering Act 1998* is administered.

“registrar”, of the Gaming Commission, means the officer or person designated under a regulation under the *Wagering Act 1998* as the registrar.

Division 1A—Licensing of racing bookmakers and related matters

Licensing of racing bookmakers and racing bookmakers’ clerks

140.(1) A person shall not at any time carry on bookmaking or be

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employed or engaged by a racing bookmaker at a racing venue unless that person is the holder of a current racing bookmaker's licence or, as the case may be, racing 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 racing 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 racing 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 racing bookmaker's licence or a racing 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 racing bookmaker at a meeting shall, upon demand made by any betting inspector or other officer, produce and deliver to that inspector or officer the racing bookmaker's licence or, as the case may be, racing bookmaker's clerk's licence issued to that person.

(6) Applications for and the grant and renewal of racing bookmakers' licences and racing bookmakers' clerks' licences shall be subject to such terms and conditions as are prescribed.

Restrictions on betting by racing bookmakers

141.(1) A racing 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 declared under section 161.¹³

(4) Subject to subsection (5), a racing bookmaker at a meeting shall not

¹³ Section 161 (Bookmaking on certain declared sporting contingencies)

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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 racing 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.

(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.

*Division 3—Racing bookmakers to be holders of eligibility certificates***Applicant for racing bookmaker’s licence to hold eligibility certificate**

142. An applicant to a control body for licensing as a racing bookmaker must be a certificate holder.

Suitability of applicants for eligibility certificate

143.(1) This section applies to the gaming executive in deciding whether an applicant for an eligibility certificate is a suitable person to hold an eligibility certificate.

- (2) The gaming executive may have regard to the following matters—
- (a) the applicant’s character or business reputation;

- (b) the applicant's current financial position and financial background;
- (c) if the applicant has a business association with another entity—
 - (i) the entity's character or business reputation; and
 - (ii) the entity's current financial position and financial background.

Suitability of associates

144.(1) This section applies to the gaming executive in deciding whether a business associate or executive associate of an applicant for an eligibility certificate is a suitable person to be associated with the applicant.

- (2)** The gaming executive may have regard to the following matters—
- (a) the associate's character or business reputation;
 - (b) the associate's current financial position and financial background;
 - (c) if the associate has a business association with another entity—
 - (i) the entity's character or business reputation; and
 - (ii) the entity's current financial position and financial background.

Other matters about suitability

145. Sections 143 and 144 do not limit the matters the gaming executive may have regard to in deciding matters to which the sections relate.

Division 4—Application for, and issue of, eligibility certificate

Application for eligibility certificate

146. An application for an eligibility certificate may only be made by an individual over 18 years or a corporation.

Requirements about applications

147.(1) An application for an eligibility certificate must—

- (a) be made to the gaming executive; and
- (b) be in a form approved by the gaming executive; and
- (c) be accompanied by any application fee prescribed under a regulation.

(2) It is a condition precedent to consideration of an application for an eligibility certificate that—

- (a) for an application by an individual—the individual is agreeable to the individual's fingerprints being taken by or for the gaming executive; or
- (b) for an application by a corporation—each of the applicant's business associates and executive associates, who is an individual, is agreeable to the individual's fingerprints being taken by or for the gaming executive.

Further information or documents to support application

148.(1) The gaming executive may, by written notice given to an applicant for an eligibility certificate, require the applicant to give the gaming executive further information or a document about the application within the reasonable time stated in the notice.

(2) The requirement must relate to information or a document that is necessary and reasonable to help the gaming executive decide the application.

Consideration of application

149.(1) On receipt of an application for an eligibility certificate, and compliance by the applicant with this part in relation to the application, the gaming executive must—

- (a) for an application by an individual—cause the fingerprints of the applicant to be taken; and
- (b) for an application by a corporation—cause the fingerprints of each

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of the applicant's business associates and executive associates, who is an individual, to be taken.

(2) However, if the gaming executive is satisfied, on reasonable grounds, an individual's fingerprints are already held by the gaming executive, the gaming executive need not cause the individual's fingerprints to be taken under subsection (1).

(3) The gaming executive must consider the application for an eligibility certificate and either grant or refuse to grant the application.

(4) However, the gaming executive is not required to decide an application if—

- (a) the gaming executive has given a person a notice under section 148 or 154 requiring the person to give the gaming executive information or a document as stated in the section; and
- (b) the person has failed, without reasonable excuse, to comply with the requirement within the time stated in the notice.

Conditions for granting application for eligibility certificate

150. The gaming executive may grant an application for an eligibility certificate only if the gaming executive is satisfied—

- (a) the applicant is a suitable person to hold an eligibility certificate; and
- (b) each business and executive associate of the applicant is a suitable person to be associated with the applicant.

Investigation of suitability of persons

151.(1) The gaming executive may investigate an applicant for an eligibility certificate to help the gaming executive decide whether the applicant is a suitable person to be a certificate holder.

(2) The gaming executive may investigate a business or executive associate of an applicant for an eligibility certificate to help the gaming executive decide whether the associate is a suitable person to be associated with the applicant.

Criminal history reports for investigations

152.(1) If the gaming executive, in investigating a person under section 151, asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the gaming executive.

(2) The report is to contain—

- (a) relevant information in the commissioner's possession; and
- (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
- (c) other relevant information to which the commissioner has access.

Decision on application

153.(1) If the gaming executive decides to grant an application for an eligibility certificate, the gaming executive must give the certificate to the applicant as soon as practicable after making the decision.

(2) The certificate is to be in a form the gaming executive considers appropriate.

(3) If the gaming executive decides to refuse to grant an application for an eligibility certificate, the gaming executive must give the applicant written notice of the decision as soon as practicable after making the decision.

(4) The notice must include—

- (a) the gaming executive's decision; and
- (b) the gaming executive's reasons for the decision; and
- (c) a statement that the applicant may appeal to the Gaming Commission against the decision within 28 days; and
- (d) how the applicant may start the appeal.

Requirement to give information or document for investigation

154.(1) In investigating a business associate or executive associate of an applicant, the gaming executive may, by written notice given to the

associate, require the associate to give the gaming executive information or a document the gaming executive considers relevant to the investigation.

- (2) When making the requirement, the gaming executive must—
- (a) warn the associate that the application for the eligibility certificate will not be considered further until the requirement is complied with; and
 - (b) give a copy of the notice to the applicant.

Date by which certificate holder must apply for racing bookmaker's licence

155.(1) An eligibility certificate must state the date by which the certificate holder stated in the certificate must apply for a licence as a racing bookmaker.

(2) The date must be at least 2 months after the date the certificate is granted to the certificate holder.

(3) If the certificate holder does not apply to a control body for a racing bookmaker's licence before the date stated in the certificate, the certificate lapses at the end of the day stated in the certificate.

Division 5—Investigations of certificate holders and their business and executive associates

Audit program

156.(1) The gaming executive may approve an audit program for investigating certificate holders, and the business associates and executive associates of certificate holders.

(2) The gaming executive is responsible for ensuring that investigations of certificate holders, and business associates and executive associates of certificate holders, are conducted under an approved audit program in accordance with the program.

(3) A person may be investigated under an audit program only if there has not been an investigation of the same person within the preceding 3 years.

Investigations into suitability of certificate holders

157.(1) The gaming executive may investigate a certificate holder to find out whether the certificate holder is a suitable person to hold, or to continue to hold, an eligibility certificate.

(2) However, the gaming executive may investigate the certificate holder under this section only if—

- (a) the gaming executive reasonably suspects the certificate holder is not, or is no longer, a suitable person to hold an eligibility certificate; or
- (b) the investigation is made under an audit program approved by the gaming executive.

Investigation of suitability of associates of certificate holders

157A.(1) The gaming executive may investigate a business associate or executive associate of a certificate holder to decide whether the associate is a suitable person to be, or to continue to be, associated with the certificate holder's operations.

(2) However, the gaming executive may investigate a business associate or executive associate of a certificate holder under this section only if—

- (a) the gaming executive reasonably suspects the associate is not, or is no longer, a suitable person to be associated with a certificate holder's operations; or
- (b) the investigation is part of an investigation under this division of the certificate holder in relation to whom the associate is a business associate or executive associate.

Requirement to give information or document for investigation

157B.(1) In investigating a certificate holder, or business or executive associate of a certificate holder, the gaming executive may, by written notice given to the person, require the person to give the gaming executive information or a document the gaming executive considers relevant to the investigation.

(2) When making the requirement, the gaming executive must warn the

person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

Failure to give information or document for investigation

157C.(1) A person of whom a requirement is made under section 157B must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) It is a reasonable excuse for the person not to comply with the requirement if complying with the requirement might tend to incriminate the person.

(3) The person does not commit an offence against this section if the information or document sought by the gaming executive is not in fact relevant to the investigation.

Criminal history report for investigation

157D.(1) If the gaming executive in investigating a person under section 157 or 157A asks the commissioner of the police service for a written report on the person's criminal history, the commissioner must give the report to the gaming executive.

(2) The report is to contain—

- (a) relevant information in the commissioner's possession; and
- (b) relevant information the commissioner can reasonably obtain by asking officials administering police services in other Australian jurisdictions; and
- (c) other relevant information to which the commissioner has access.

Gaming executive may ask control body for information about racing bookmakers

157E.(1) This section applies if, as part of an investigation under this division, the gaming executive considers—

- (a) the control body that has licensed a certificate holder as a racing

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bookmaker has information or a document about the certificate holder or a business or executive associate of the certificate holder; and

- (b) the information or document will help the gaming executive in the investigation.

(2) The gaming executive must give written notice to the control body stating the information or document the gaming executive considers the control body has and that the information or document is to be given to the gaming executive.

(3) Within 14 days of receipt of the notice under subsection (2), the control body must give the information to the gaming executive or state its reasons for not complying with the notice.

*Division 6—Cancellation of eligibility certificates***Grounds for cancellation**

158.(1) A ground for cancelling an eligibility certificate exists if the certificate holder—

- (a) is not a suitable person to hold an eligibility certificate; or
- (b) is convicted of an offence against this Act or a gaming Act; or
- (c) is convicted of an indictable offence; or
- (d) contravenes a provision of this Act (being a provision a contravention of which is not an offence against this Act); or
- (e) is affected by bankruptcy action, or by control action under the Corporations Law.

(2) Also, a ground for cancelling an eligibility certificate exists if—

- (a) a racing bookmaker's licence held by the certificate holder is cancelled by the control body for the licence concerned; or
- (b) the eligibility certificate was issued because of a materially false or misleading representation or declaration; or
- (c) a business or executive associate of the certificate holder is not a suitable person to be associated with a certificate holder.

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(3) For subsection (1)(e), a certificate holder is affected by bankruptcy action if the holder—

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) has otherwise taken, or applied to take, advantage of any law about bankruptcy.

(4) For subsection (1)(e), a certificate holder is affected by control action under the Corporations Law if the holder—

- (a) has executed a deed of company arrangement under the Law; or
- (b) is the subject of a winding-up (whether voluntarily or under a court order) under the Law; or
- (c) is the subject of an appointment of an administrator, liquidator, receiver or receiver and manager under the Law.

Show cause notice

158A.(1) This section applies if the gaming executive believes—

- (a) a ground exists to cancel an eligibility certificate; and
- (b) the act, omission or other thing forming the ground is of a serious and fundamental nature; and
- (c) the public interest may be affected in an adverse and material way.

(2) The gaming executive must give the certificate holder a written notice (a “**show cause notice**”) stating the following—

- (a) the action (the “**proposed action**”) the gaming executive proposes taking under this division;
- (b) the grounds for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds;
- (d) an invitation to the holder to show within a stated period (the “**show cause period**”) why the proposed action should not be taken.

(3) The show cause period must be a period ending at least 21 days after

the show cause notice is given to the certificate holder.

(4) The certificate holder may make written representations about the show cause notice to the gaming executive in the show cause period.

Involvement of interested persons in show cause process

158B.(1) The gaming executive must promptly give a copy of the show cause notice to—

- (a) each of the control bodies (an “**interested person**”); and
- (b) each person the gaming executive considers has an interest in the eligibility certificate (also an “**interested person**”) if the gaming executive considers—
 - (i) the person’s interest may be affected adversely by the cancellation of the certificate; and
 - (ii) it is otherwise appropriate in the circumstances to give a copy of the notice to the person.

(2) In considering whether it is appropriate to give a copy of the show cause notice to an interested person under subsection (1)(b), the issues to which the gaming executive may have regard include the following—

- (a) the nature of the interested person’s interest;
- (b) whether the holder’s interest may be improperly prejudiced.

(3) An interested person to whom a copy of the show cause notice is given may make representations about the notice to the gaming executive in the show cause period.

Consideration of representations

158C. The gaming executive must consider all written representations (the “**accepted representations**”) made in the show cause period by—

- (a) the certificate holder; or
- (b) an interested person to whom a copy of the show cause notice was given.

Ending show cause process without further action

158D.(1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive no longer believes a ground exists to cancel the eligibility certificate.

(2) The gaming executive must not take any further action about the show cause notice.

(3) Notice that no further action about the show cause notice is to be taken must be given by the gaming executive to—

- (a) the certificate holder; and
- (b) each interested person to whom a copy of the show cause notice was given.

Censuring certificate holder

158E.(1) This section applies if, after considering the accepted representations for the show cause notice, the gaming executive—

- (a) still believes a ground exists to cancel the eligibility certificate; but
- (b) does not believe cancellation of the certificate is warranted.

(2) This section also applies if the gaming executive has not given a show cause notice to the certificate holder but—

- (a) believes a ground exists to cancel the certificate; and
- (b) does not believe the giving of a show cause notice is warranted.

(3) The gaming executive may, by written notice given to the holder, censure the holder for a matter relating to the ground for cancellation.

Cancellation of eligibility certificates

158F.(1) The gaming executive may cancel the eligibility certificate if, after considering the accepted representations for the show cause notice, the gaming executive still believes—

- (a) a ground exists to cancel the eligibility certificate; and
- (b) the act, omission or other thing constituting the ground is of a serious and fundamental nature; and

(c) the public interest may be affected in an adverse and material way.

(2) Also, the gaming executive may cancel the eligibility certificate if there are no accepted representations for the show cause notice.

(3) The gaming executive must immediately give written notice of the decision to cancel, and a copy of section 158G, to the certificate holder.

(4) The notice must include—

- (a) the gaming executive's decision; and
- (b) the gaming executive's reasons for the decision; and
- (c) a statement that the certificate holder may appeal to the Gaming Commission against the decision within 28 days; and
- (d) how the certificate holder may start the appeal.

(5) The decision takes effect—

- (a) on the day the notice is given to the certificate holder; or
- (b) if a later day of effect is stated in the notice—on the later day.

(6) If the eligibility certificate is cancelled, the person who held the certificate must, within 14 days after receiving notice of the decision, return the certificate to the gaming executive.

Maximum penalty for subsection (6)—40 penalty units.

Automatic cancellation of all licences issued to racing bookmakers

158G.(1) This section applies if a person's eligibility certificate is cancelled under section 158F and the person is the holder of a racing bookmaker's licence issued by a control body.

(2) On the cancellation of the eligibility certificate, the licence issued by the control body is cancelled.

(3) Subsection (2) has effect despite any contrary provision in the rules of racing, rules of trotting or rules of greyhound racing.

Notice to interested persons of decisions

158H.(1) This section applies if the gaming executive—

- (a) censures the certificate holder under section 158E; or
- (b) cancels an eligibility certificate under section 158F.

(2) The gaming executive must give written notice of the decision to each interested person to whom a copy of the show cause notice was given as soon as practicable after making the decision.

Division 7—Appeals relating to eligibility certificates

Appeals

158I.(1) This section applies if the gaming executive makes a decision—

- (a) refusing an application for an eligibility certificate; or
- (b) cancelling an eligibility certificate.

(2) The applicant or certificate holder may appeal to the Gaming Commission against the decision.

Starting appeal

158J.(1) An appeal is started by—

- (a) filing a written notice of appeal with the registrar of the Gaming Commission; and
- (b) serving a copy of the notice on the gaming executive.

(2) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision.

(3) The Gaming Commission may at any time extend the period for filing the notice of appeal.

(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Stay of operation of decisions

158K.(1) The Gaming Commission may grant a stay of the operation of a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be given on conditions the Gaming Commission considers appropriate; and
- (b) operates for the period fixed by the commission; and
- (c) may be revoked or amended by the commission.

(3) The period of a stay under this section must not extend past the time when the Gaming Commission decides the appeal.

(4) An appeal against a decision affects the decision, or the carrying out of the decision, only if the decision is stayed.

Hearing procedures

158L.(1) In deciding an appeal, the Gaming Commission—

- (a) has the same powers as the gaming executive; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in public or in private.

(2) An appeal is by way of rehearing, unaffected by the gaming executive's decision, on the material before the gaming executive and any further evidence allowed by the Gaming Commission.

Power to gather evidence

158M.(1) The Gaming Commission may, by written notice signed by the registrar, require a person—

- (a) to give written answers to questions, or produce a document, stated in the notice for an appeal mentioned in the notice; or
- (b) to appear before the commission at a stated time and place to answer questions, or produce a stated document, relating to an appeal mentioned in the notice.

(2) The answers mentioned in subsection (1)(b) must, if the notice so requires, be verified by statutory declaration.

(3) A person must not, without reasonable excuse—

- (a) fail to comply with a requirement under this section; or
- (b) if appearing for examination before the Gaming Commission—
 - (i) fail to take or make an oath when required to do so by a member of the commission or the registrar; or
 - (ii) fail to answer a question relevant to the subject of the appeal to the best of the person's knowledge, information or belief; or
 - (iii) fail to produce a document the person is required to produce under subsection (1)(b).

Maximum penalty—40 penalty units.

(4) A member of the Gaming Commission may administer an oath to a person appearing before the commission for examination.

(5) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or produce a document if complying with the requirement might tend to incriminate the person.

Powers of Gaming Commission on appeal

158N.(1) In deciding an appeal, the Gaming Commission may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision; or
- (c) set aside the decision and return the issue to the gaming executive with the directions the commission considers appropriate.

(2) If the Gaming Commission substitutes another decision, the substituted decision is, for this Act (other than this part) taken to be the gaming executive's decision.

Appeals to District Court

158O. An appeal lies to the District Court from a decision of the Gaming Commission only on a question of law.

Division 8—Provisions about racing bookmakers**Racing bookmakers to maintain policy of insurance or bond to indemnify bettors against default**

158P. A racing bookmaker must have a policy of insurance, or bond acceptable to the control body responsible for licensing the racing bookmaker, that—

- (a) indemnifies bettors against losses suffered by the bettors for winning bets, and refunds, payable to the bettors by the racing bookmaker; and
- (b) includes conditions required by the control body that licensed the racing bookmaker.

Control bodies to ensure racing bookmakers have policies of insurance or bond

158Q.(1) A control body must not register a person as a racing bookmaker, or renew a racing bookmaker's licence, unless the person or racing bookmaker has a policy of insurance or bond under section 158P.

(2) If a racing bookmaker does not have a policy of insurance or bond under section 158P, the control body must immediately suspend the racing bookmaker's licence until it is satisfied the racing bookmaker has the policy or bond.

(3) Each control body may make enquires, and do other acts, as it considers necessary to find out if a racing bookmaker has a policy of insurance or bond under section 158P.

Prohibition of betting by racing bookmaker with infants

159.(1) A racing bookmaker or an agent or employee of a racing 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 racing bookmaker, agent or employee knows is betting on behalf of a person who is under the age of

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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 racing bookmaker or an agent or employee of a racing 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 racing bookmaker or an agent or employee of a racing bookmaker.

Maximum penalty—10 penalty units.

Division 9—Clubs to control racing venues and provisions about sporting contingencies

Control by clubs and control bodies over racing bookmakers

160.(1) Even though a person is licensed as a racing bookmaker—

- (a) the person may not carry on bookmaking at a racing venue without the permission of the club holding a meeting at the venue; and
- (b) the club may impose conditions on the person for carrying on bookmaking at that venue or exclude the racing bookmaker from the venue.

(2) However, despite a club's powers at a racing venue, the control body responsible for registering the club may nominate and appoint a racing bookmaker to field at a meeting held by the club if the control body considers it justified to do so.

(3) If a control body exercises its power under subsection (2), the control body—

- (a) may direct the racing bookmaker to field in a particular place at

the racing venue; and

- (b) may stipulate the betting service the racing bookmaker may offer to the persons attending the meeting; and
- (c) may impose other conditions on the racing bookmaker as the control body considers appropriate in the circumstances.

(4) To remove doubt, it is declared that an exercise of power by a control body under subsection (2) or (3) prevails over the powers of the club under subsection (1).

Bookmaking on certain declared sporting contingencies

161.(1) A control body may declare a sporting contingency to be a declared sporting contingency for which racing bookmakers licensed by the control body may carry on bookmaking operations at a racing venue, licensed by the control body, at a time when a lawful meeting is being held at the venue.

(2) Before a control body declares a sporting contingency to be a declared sporting contingency, the control body must consider the following—

- (a) whether declaring the sporting contingency brings, or has the potential to bring, the code of racing or racing bookmakers controlled by the control body into disrepute;
- (b) whether declaring the sporting contingency will erode public confidence in the Queensland racing industry;
- (c) whether a decision about the result of the sporting contingency can be relied on by the control body, racing bookmakers and the public.

(3) Written notice about the declaration of a sporting contingency by a control body must be given by the control body—

- (a) by publication in the control body's racing calendar; or
- (b) by giving each racing bookmaker licensed by the control body a copy of the declaration.

(4) A racing bookmaker must not carry on bookmaking on a sporting contingency, other than a horse, trotting or greyhound race, unless—

- (a) the sporting contingency has been declared, under subsection (1),

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by the control body that licensed the racing bookmaker to be a declared sporting contingency; and

- (b) the bookmaking is carried on at a racing venue licensed by the control body at a time when a lawful meeting is being held at the venue.

*Division 10—Miscellaneous***Racing bookmaker's agent during certain periods**

162.(1) This section applies if a racing bookmaker applies to the control body that licensed the racing bookmaker to authorise a person to act as the racing bookmaker's agent to conduct the bookmaking operations of the racing bookmaker for a period.

(2) The control body may authorise the person to act as the racing bookmaker's agent to conduct the bookmaking operations of the racing bookmaker for the period only if—

- (a) the racing bookmaker—
 - (i) is temporarily incapacitated through illness or accident; or
 - (ii) is on vacation for a period that, together with any previous period in which the racing bookmaker was on vacation, does not exceed 12 weeks in any year; or
 - (iii) is temporarily unable, for reasons acceptable to the control body, to conduct the bookmaking operations for a period not exceeding 12 weeks; and
- (b) the person nominated in the application as the racing bookmaker's agent is licensed currently by the control body as the racing bookmaker's clerk.

(3) The application must be made in writing signed by the racing bookmaker.

(4) However, if a racing bookmaker is unable to conduct bookmaking for a period due to incapacity caused by illness or accident, the control body may waive the requirement of a written application signed by the racing bookmaker if it is satisfied the person who signed and lodged the

application is acting for the racing bookmaker.

(5) For this Act, the person authorised as the racing bookmaker's agent is taken to be the racing bookmaker during the period stated in the authority.

(6) To remove doubt, it is declared that the racing bookmaker's agent does not need to hold an eligibility certificate to be authorised as the racing bookmaker's agent.

Control body to give notice of certain actions about racing bookmakers to gaming executive

162A.(1) If a control body licences a person as a racing bookmaker, the control body must give written notice of the licensing to the gaming executive within 14 days of the date of the licence.

(2) If a control body exercises disciplinary action in relation to a racing bookmaker's licence, the control body must give written notice of the disciplinary action to the gaming executive within 14 days of the date of the action.

(3) The notice under subsection (2) must state the control body's reasons for the disciplinary action.

(4) In this section—

“**disciplinary action**”, by a control body in relation to a racing bookmaker's licence, means—

- (a) the cancellation, suspension or disqualification by the control body of the racing bookmaker's licence; or
- (b) other action by the control body relating to the racing bookmaker's licence that is detrimental to the racing bookmaker.

Gaming executive may give information to control bodies about racing bookmakers or applicants for eligibility certificates

162B.(1) This section applies if, after an investigation under this part or otherwise, the gaming executive has information about a racing bookmaker, or applicant for an eligibility certificate, that the gaming executive considers is appropriate to give to a control body that registers or licences the person

in any capacity.

(2) The gaming executive may give the information to the control body.

Surrender of eligibility certificate

162C.(1) A certificate holder may surrender the holder's eligibility certificate by written notice given to the gaming executive.

(2) The surrender of an eligibility certificate takes effect—

- (a) on the day the notice is given to the gaming executive; or
- (b) if a later day of effect is stated in the notice—on the later day.

(3) The gaming executive must give information about the surrender to the control body or bodies that have licensed the certificate holder.

Destruction of fingerprints

162D.(1) As soon as practicable after the gaming executive refuses to grant an application for an eligibility certificate or an eligibility certificate is cancelled, the gaming executive must destroy the fingerprints of any individual who is—

- (a) the applicant or certificate holder; and
- (b) a business associate or executive associate of the applicant or certificate holder.

(2) Also, if the gaming executive is satisfied an individual who was a business associate or executive associate of an applicant or certificate holder is no longer a business associate or executive associate, the gaming executive must destroy the individual's fingerprints.

Delegation by gaming executive

162E.(1) The gaming executive may delegate the gaming executive's powers under this part to an appropriately qualified public service employee.

(2) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of 'standing'—

A person's classification level in a department.

Approval of forms for pt 4

162F. The gaming executive may approve forms for this part.

PART 6—UNLAWFUL BETTING

Application of this part and saving

213.(1) Nothing in this part shall apply with respect to—

- (a) wagering lawfully conducted under the *Wagering Act 1998*; 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 racing bookmaker in the course of the lawful carrying on by the racing bookmaker of bookmaking on any racecourse, paceway or greyhound course.

(2) Except as provided in subsection (3), nothing in this part shall prejudice or affect in any way—

- (a) the *Charitable and Non-Profit Gaming Act 1999*; 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
- (ea) the *Wagering Act 1998*; or
- (f) the Criminal Code.

(3) Where a person, upon being charged with an offence referred to in

section 218(1),¹⁴ pleads any plea other than a plea of guilty, the Criminal Code, section 604¹⁵ shall not apply.

Unlawful bookmaking by persons other than racing bookmakers etc.

214.(1) A person must not carry on bookmaking unless the person is—

- (a) a racing bookmaker; or
- (b) a director of a corporation, that is a racing bookmaker, lawfully acting under the racing bookmaker's licence; or
- (c) a racing bookmaker's clerk or another person who is an agent or employee of a racing bookmaker, lawfully acting under the racing bookmaker's licence.

(2) A person mentioned in subsection (1)(b) or (c) must not carry on bookmaking unless the racing bookmaker, under whose licence the person is acting, may carry on bookmaking.

Unlawful bookmaking by racing bookmakers

214A. A racing bookmaker must not carry on bookmaking unless—

- (a) at the time the racing bookmaker carries on bookmaking the place at which the racing bookmaker carries on bookmaking is a racing venue licensed by the control body that licensed the racing bookmaker; and
- (b) at the place when the racing bookmaker is carrying on bookmaking—
 - (i) a meeting is lawfully held, or is taken to be lawfully held, under this Act; and
 - (ii) betting with racing bookmakers is lawful, or taken to be lawful, under this Act.

Maximum penalty—400 penalty units.

¹⁴ Section 218 (Prosecution and penalty for unlawful bookmaking, opening, keeping or using common betting house)

¹⁵ Criminal Code, section 604 (Trial by jury)

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
 - (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 racing bookmaker at any racing venue 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 acknowledgment 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.

(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—

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- (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*

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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
- (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;

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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;

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and

- (b) for a second offence—200 penalty units or 1 year's 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 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

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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 24¹⁶ 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.

Offences about totalisators

222A. A person must not—

- (a) operate, or take part in operating, a totalisator other than under the *Wagering Act 1998*; or
- (b) bet on a totalisator other than under the *Wagering Act 1998*; or
- (c) ask to be another person's agent for betting on a totalisator; or
- (d) act as agent of another person (the “**second person**”) for betting on a totalisator if that person and the second person agree, expressly or impliedly, that the person acting as agent will receive consideration from the second person.

Maximum penalty—80 penalty units or 6 months imprisonment.

¹⁶ Criminal Code, sections 7 (Principal offenders), 23 (Intention—motive) and 24 (Mistake of fact)

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) On the conviction of a person for an offence against subsection (1), anything mentioned in subsection (1) that has been seized is forfeited to the State.

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 4¹⁷ 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;
 - (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

¹⁷ Criminal Code, section 4 (Attempts to commit offences)

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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 executive (health) 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 records of the chief executive (health) 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.

(4) In subsection (3)—

“**chief executive (health)**” means the chief executive of the department in which the *Health Act 1937* is administered.

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 assist the officer in the discharge of the officer’s functions or in the exercise

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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 officers and records

229.(1) A person shall not—

- (a) prevent any 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 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 an 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 any officer;
- (e) retake or attempt to retake possession of, remove or otherwise deal with anything seized under this Act;
- (f) when required by any 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
- (b) utter any certificate, licence, permit or other authority granted and issued under this Act or a betting ticket so forged or counterfeited; or
- (c) personate any person named in any certificate, licence, permit or other authority granted under this Act; or
- (e) connive at any of the offences specified in paragraph (a), (b) or (c); 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.

Power to require name, address

233.(1) Any 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 suspected; or

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- (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;

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.

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

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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 firstmentioned 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 racing bookmaker for offence by agent or employee

241.(1) Notwithstanding the Criminal Code, sections 7 and 23¹⁸ or any

¹⁸ Criminal Code, sections 7 (Principal offenders) and 23 (Intention—motive)

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other Act, law or practice, where a person commits an offence against this Act as an agent or employee of a racing bookmaker, that racing 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 racing 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;
- (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—

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- (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.

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.

(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

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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.

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 219¹⁹ 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.

¹⁹ Section 214 (Unlawful bookmaking by persons other than racing bookmakers ect.), 216 (Prohibition of opening, keeping or using a common betting house) or 217 (Possession of instrument of betting)

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;
 - (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 racing bookmaker may sue or be sued

249. A person who, on any racing venue, 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,

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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;
 - (iii) an officer;
 - (iv) a police officer;
 - (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—

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- (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 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 can not 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;

(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;

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- (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 in or on that place;
 - (ii) that a person is acting as a racing 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

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- (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 or greyhound 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 215²⁰ 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;
 - (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;

²⁰ Section 215 (Common betting house)

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- (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 betting inspectors and other officers; and
- (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; and
- (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; and
- (ja) the refusal of applications for such licences or for the renewal, suspension or cancellation thereof in any case without giving reasons therefor; and
- (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; and
- (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; and
- (n) the records to be kept and the returns to be furnished to the Minister or chief executive; and
- (na) the information, statistics and data to be so furnished; and

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- (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; and
- (o) the regulation and control of racing venues; and
- (oaa) fixing of maximum prices of admission to racing venues or any specified part or parts thereof; and
- (oab) prescribing the standards of accommodation and essential services to be provided at, in or on racing venues; and
- (oa) the conduct of barrier draws; and
- (p) the regulation and control of the conveyance or communication by any means of information concerning the betting, or betting odds, on any event or contingency relating to a race; and
- (q) prescribing the amounts to be returned to bettors by racing bookmakers where a runner is withdrawn from a race; and
- (t) fees, charges, allowances, costs and expenses payable or to be paid under this Act and the fixing thereof; and
- (ta) matters and things in respect of which they are payable or to be paid; and
- (tb) methods of collection thereof; and
- (tc) manner, time and place of payment thereof; and
- (td) persons by whom or to whom they are payable; and
- (te) all matters with respect to the recovery thereof; and
- (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; and
- (u) the regulation and supervision of racing bookmakers; and
- (v) all matters and things relating to betting by or with racing bookmakers; and
- (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; and
- (ya) prescribing the manner in which samples shall be taken from a

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registered horse or registered greyhound for the purpose of conducting tests thereon; and

(yb) prescribing the method of marking and sealing a sample taken from a registered horse or a registered greyhound; and

(yd) prescribing methods for the delivery of samples by an authorised officer to an analyst.

(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

Division 1—Principal clubs

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 3.²¹

²¹ 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.

Division 2—Racing Development Corporation**Definition**

258. In this division—

“**corporation**” means the Racing Development Corporation established under this Act as in force from time to time before the commencement of the *Racing Legislation Amendment Act 1998*, section 30.

“**lease**” means the lease, the term of which started on 4 January 1994, granted by the corporation to the lessee under the repealed *Willows Sports Complex Act 1993* over property described as lot 2 on RP 740697, and situated in the county of Elphinstone, parish of Coonambelah.

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

Dissolution of the Racing Development Corporation

259. The corporation is dissolved.

State is successor in law of corporation

260.(1) The State is the successor in law of the corporation.

(2) The following provisions of this division do not limit subsection (1).

Corporation’s assets and liabilities

261.(1) The corporation’s assets become the State’s assets.

(2) The corporation’s liabilities are assumed by the State.

(3) In this section—

“**assets**” of the corporation include the corporation’s interest in the lease.

Pending legal proceedings by or against corporation

262. A legal proceeding by or against the corporation that is not finalised

before the commencement of this section may be continued or finished by or against the State.

Instruments

263.(1) This section applies to an instrument (including a statutory instrument) in existence immediately before the commencement of this division.

(2) An instrument applying to the corporation is to apply to the State in place of the corporation.

(3) Without limiting subsection (2), the following provisions apply—

- (a) an instrument to which, immediately before the commencement of this division, the corporation is a party is taken to be an instrument to which the State is a party;
- (b) an instrument given to, by or in favour of the corporation is taken to be an instrument given to, by or in favour of the State;
- (c) an instrument in which a reference is made to the corporation (including, for example, an instrument to which the corporation is a party) is taken to be an instrument in which the reference is made to the State;
- (d) an instrument under which money is or may become payable, or other property is to be, or may become liable to be, transferred, conveyed or assigned to or by the corporation is taken to be an instrument under which the money is or may become payable, or other property is to be, or may become liable to be transferred, conveyed or assigned to or by the State.

State's power to vary the lease

264.(1) This section applies to the lease.

(2) After the commencement of this division the State may, if asked by the lessee, vary the term of the lease to not more than 50 years.

(3) A request by the lessee under subsection (2) must be made to the Minister.

(4) The State's power under subsection (2) must be exercised by the Minister on the State's behalf.

Effect of things done under this division

265.(1) Nothing done under this division—

- (a) places the corporation or the State in breach of a contract or confidence or otherwise makes it guilty of a civil wrong; or
- (b) makes the corporation or the State in breach of any instrument, including an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability or the disclosure of any information; or
- (c) is taken to fulfil a condition—
 - (i) that allows a person to terminate an instrument or obligation or modify the operation or effect of an instrument or obligation; or
 - (ii) that requires any money to be paid before its stated maturity; or
- (d) releases a surety or other obligee (in whole or in part) from an obligation.

(2) If the advice or consent of a person would be necessary under an instrument to give effect to this division, the advice is taken to have been obtained or the consent is taken to have been given.

Division 3—Racing Development Fund

Definitions

266. In this division—

“**fund**” means the Racing Development Fund established under this Act as in force from time to time before the commencement of the *Racing Legislation Amendment Act 1998*, section 30.

Abolition of fund

267. The fund is abolished.

Approved payments

268.(1) This section sets out how the amount standing to credit in the fund immediately before the commencement of section 267 is to be dealt with.

(2) Subsection (3) applies if, before the commencement of section 267—

- (a) the Governor in Council approved advances payable, but not paid, out of the fund; or
- (b) costs and expenses of administering this Act were incurred and payable, but not paid, out of the fund.

(2A) On the commencement of this subsection, the amount becomes moneys of the Queensland Racing Industry Fund established under the *Financial Administration and Audit Act 1977*.

(3) The State must pay from the Queensland Racing Industry Fund—

- (a) the approved advances; and
- (b) the costs and expenses.

Division 4—Racing Industry Coordinating Committee**Definitions**

269. In this division—

“**committee**” means the Racing Industry Coordinating Committee established under this Act as in force from time to time before the commencement of the *Racing Legislation Amendment Act 1998*, section 30.

Dissolution of committee

270. The committee is dissolved and the members of the committee go out of office.

Allocated meetings

271.(1) This section applies if, before the commencement of this division, the committee has allotted the days and times when, the places where, and the conditions on which, a club may hold meetings.

(2) A meeting allotted by the committee—

- (a) if a race meeting—is taken to have been allotted by the Queensland Principal Club or its nominee;
- (b) if a trotting meeting—is taken to have been allotted by the Harness Racing Board or its nominee; and
- (c) if a greyhound meeting—is taken to have been allotted by the Greyhound Authority or its nominee.

Division 5—Agreements**Agreements under s 195**

272. A contractual relationship approved by the Minister under section 195²² of this Act before the commencement of this section is not affected merely because of the commencement of the *Racing Legislation Amendment Act 1998*.

Division 6—Transitional provisions for the Racing and Betting Amendment Act 2000 and other relevant amendments**Definition for division**

273. In this division—

“**repeal**” means the omission of the *Racing and Betting Act 1980*, part 4, division 2.²³

²² Section 195 (Restriction as to totalisator contracts) was omitted by 1998 Act No. 18 s 36.

²³ Part 4 (Racing bookmakers), division 2 (Bookmaker’s turnover tax) is omitted by the *GST and Related Matters Act 2000*, schedule 3.

Purpose of division

274.(1) The purpose of this division is to provide for transitional provisions because of the *Racing and Betting Amendment Act 2000* and the repeal.

(2) In particular, this division is to provide that—

- (a) persons who, immediately before 1 July 2000, are licensed as bookmakers and bookmakers' clerks, continue to be licensed as racing bookmakers and racing bookmakers' clerks; and
- (b) a liability relating to bookmaker's turnover tax arising before 1 July 2000 continues and action may be taken under this Act as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and *GST and Related Matters Act 2000* in relation to the liability.

(3) To remove doubt, it is declared that this division does not limit the *Acts Interpretation Act 1954*, part 6.²⁴

References to bookmakers and bookmakers' clerks

275. A reference in an Act or other document—

- (a) to a bookmaker's licence may, if the context permits, be read as a racing bookmaker's licence; and
- (b) to a bookmaker's clerk may, if the context permits, be read as a racing bookmaker's clerk.

Licensing of bookmakers and bookmakers' clerks

276.(1) A person who, immediately before 1 July 2000, is licensed by a control body as a bookmaker—

- (a) continues to be licensed by the control body as a racing bookmaker; and
- (b) is taken to be the holder of an eligibility certificate that can not

²⁴ *Acts Interpretation Act 1954*, part 6 (Amendment and repeal of Acts)

lapse under section 155.²⁵

(2) A person who, immediately before 1 July 2000, is licensed by a control body as a bookmaker's clerk continues to be licensed by the control body as a racing bookmaker's clerk.

(3) A person to whom subsection (1) applies is a certificate holder who is a racing bookmaker.

Continuation of bookmaker's agent

277.(1) This section applies to a person who, before 1 July 2000, was authorised under section 145 to act as a bookmaker's agent for a bookmaker for a period that did not end before 1 July 2000.

(2) The person is taken to be authorised, under section 162, as a bookmaker's agent for the racing bookmaker for the remaining period of the authority.

(3) Subsection (2) applies subject to the written authority under section 145.

Continuing application for bets before repeal

278.(1) This section applies in relation to every bet made by or for a bookmaker before 1 July 2000.

(2) The provisions of this Act, including provisions creating offences, that would have applied before 1 July 2000 in relation to the bet and the liability for the bookmaker's turnover tax relating to the bet, apply as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and the *GST and Related Matters Act 2000*.

(3) To remove doubt, it is declared that the following apply as if this Act had not been amended by the *Racing and Betting Amendment Act 2000* and the *GST and Related Matters Act 2000*—

(a) the bookmaker with or for whom the bet was made—

(i) must do all things relating to the bet that the bookmaker

²⁵ Section 155 (Date by which certificate holder must apply for racing bookmaker's licence)

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would have had to have done if this Act had not been so amended, including, for example, keeping appropriate records; and

- (ii) is liable for the bookmaker's turnover tax relating to the bet and may become liable for penalties for a late payment of the tax;
- (b) a person, other than a bookmaker, who must do a thing relating to the bet, or a liability for bookmaker's turnover tax relating to the bet, must do the thing;
- (c) a person who could, before 1 July 2000, exercise a power relating to a bet, or a liability for bookmaker's turnover tax relating to the bet, may exercise the power, including, for example, a power under a delegation under section 7A²⁶ before the commencement.

(4) Also, to remove doubt, it is declared that a person may become liable for an offence relating to a matter that the person must do after the commencement because of the application of subsection (2).

Continuing application about auditing clubs and providing certain information

279.(1) Section 131 continues to apply to each club in relation to the 1999-2000 financial year as if the Act had not been amended by the *Racing and Betting Amendment Act 2000*.

(2) Section 133 has effect in relation to an entity mentioned in the section if the request, enquiry or investigation is about a matter that arose before 1 July 2000, or a matter to which section 278 applies, as if the Act had not been amended by the *Racing and Betting Amendment Act 2000*.

²⁶ Section 7A (Delegation by commissioner)

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 14 July 2000. 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
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
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
2D	to Act No. 51 of 1997	31 October 1997
2E	to Act No. 18 of 1998	3 August 1998
2F	to Act No. 41 of 1998	21 December 1998
3	to Act No. 38 of 1999	1 October 1999
3A	to Act No. 5 of 2000	10 May 2000

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, 3
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

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 pt 2

date of assent 29 April 1981

ss 1–3 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

such part of s 4 as ins the reference to div 3C—Branding of Registered Horses into s 3 of the Principal Act commenced 2 November 1985 (proc pubd gaz 2 November 1985 p 1108)

such part of s 7 as ins div 3C—Branding of Registered Horses into pt 3 of the Principal Act commenced 2 November 1985 (proc pubd gaz 2 November 1985 p 1108)

such part of s 4 as ins the reference to div 3B—Prohibition on the Admission of the Public to Enquires into s 3 of the Principal Act commenced 21 December 1985 (proc pubd gaz 21 December 1985 p 2218)

such part of s 7 as ins div 3B—Prohibition on the Admission of the Public to Enquiries into pt 3 of the Principal Act commenced 21 December 1985 (proc pubd gaz 21 December 1985 p 2218)

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 ss 1–2, 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 1993 No. 76 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 commenced 21 October 1998 (automatic commencement under AIA s 15DA(2)) (see also 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

Racing Legislation Amendment Act 1998 No. 18 pts 1–2 (as amd 1999 No. 29 ss 1–2, 50 sch (as from 16 June 1999))

date of assent 26 March 1998
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1999 (1999 SL No. 119)

Health and Other Legislation Amendment Act 1998 No. 41 ss 1, 2(2), 14(1) sch 1

date of assent 27 November 1998
ss 1–2 commenced on date of assent
remaining provisions commenced 21 December 1998 (1998 SL No. 346)

Financial Administration Legislation Amendment Act 1999 No. 29 ss 1–2, 50 sch

date of assent 16 June 1999
ss 1–2, 50 commenced on date of assent
remaining provisions commenced 1 July 1999 (1999 SL No. 122 and see 1999 SL No. 119, 1999 SL No. 70 s 2(3))

Industrial Relations Act 1999 No. 33 ss 1, 2(2), 747 sch 3

date of assent 18 June 1999
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 1999 (1999 SL No. 159)

TAB Queensland Limited Privatisation Act 1999 No. 38 s 1, pt 7 div 4

date of assent 31 August 1999
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Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 2, 461 (prev s 373) sch 3 (as amd 2000 No. 21 pts 1, 3 (as from 23 June 2000))

date of assent 23 March 2000
 ss 1–2, 373 sch 2 commenced on date of assent (see s 2(2))
 remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2

date of assent 8 June 2000
 ss 1–2, 590 commenced on date of assent (see s 2(1))
 remaining provisions not yet proclaimed into force

GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3

date of assent 23 June 2000
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2000 (see s 2(4))

Racing and Betting Amendment Act 2000 No. 21 ss 1–2(1), pt 2

date of assent 23 June 2000
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2000 (see s 2(1))

7 List of annotations

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 s 5 def “**accepted representations**” ins 2000 No. 21 s 4(2)
 def “**analyst**” ins 1985 No. 47 s 5(a)
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 def “**animal racing**” ins 1998 No. 18 s 5(3)
 def “**area of jurisdiction**” om 1991 No. 81 s 4(1)
 def “**athletic ground**” om 2000 No. 21 s 4(1)
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- 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 “**bookmaker**” om 2000 No. 21 s 4(1)
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- def “**bookmaker’s clerk**” om 2000 No. 21 s 4(1)
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- def “**commissioner**” amd 1981 No. 19 s 5(a)
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- def “**principal club**” om 1991 No. 81 s 4(1)
- def “**property**” om 1994 No. 71 s 3 sch 2
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- def “**Queensland Principal Club**” ins 1991 No. 81 s 4(2)

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 def “**racing association**” ins 1991 No. 81 s 4(2)
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s 11L ins 1991 No. 81 s 5

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s 36 amd 1981 No. 19 s 14
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- s 115D** ins 1984 No. 63 s 16
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amd 2000 No. 16 s 590 sch 1 pt 2

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** 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
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

Functions of committee

s 115AB ins 1991 No. 81 s 27
sub 1994 No. 17 s 14
om 1998 No. 18 s 30

Powers of committee

s 115AC ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Composition of committee

s 115AD ins 1991 No. 81 s 27
sub 1994 No. 17 s 15
amd 1995 No. 35 s 10
om 1998 No. 18 s 30

Disqualification from nomination

s 115AE ins 1991 No. 81 s 27
om 1998 No. 18 s 30

Constitution of committee

s 115AF ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Tenure of office

s 115AG ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Vacation of office

s 115AH ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Casual vacancy

s 115AI ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Members to be honorary members

s 115AJ ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Chairperson of committee

s 115AK ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Acting chairperson

s 115AL ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

Committee may regulate its proceedings

s 115AM ins 1991 No. 81 s 27
amd 1994 No. 17 s 3 sch 1
om 1998 No. 18 s 30

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

Division 4—Racing Development Fund

div hdg om 1998 No. 18 s 30

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)
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

Interest on loans

s 119 sub 1981 No. 19 s 31
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

Minister constituted a corporation sole

prov hdg amd 1981 No. 19 s 33(a)
s 121 amd 1981 No. 19 s 33(b)
om 1998 No. 18 s 30

Racing Development Corporation is statutory body

s 121A ins 1996 No. 54 s 9 sch
om 1998 No. 18 s 30

Security for loans from fund

prov hdg amd 1981 No. 19 s 34
s 122 om 1998 No. 18 s 30

Manner of dealing with moneys advanced from fund

s 123 amd 1981 No. 19 s 35
om 1998 No. 18 s 30

Transfer of property to corporation

s 124 om R1 (see RA s 37)

Guidelines and priority order of needs for advances from fund

s 125 amd 1981 No. 19 s 36
om 1998 No. 18 s 30

Allowance of special rebates

s 126 amd 1981 No. 19 s 37
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

Corporation's power to vary the lease granted under the Willows Sports Complex Act 1993

s 126AA ins 1997 No. 51 s 3
om 1998 No. 18 s 30

Financial Accommodation to the corporation

s 126B ins 1981 No. 75 s 2
om 1998 No. 18 s 30

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
om 1998 No. 18 s 30

Division 5—General provisions**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); 1998 No. 18 s 31;
2000 No. 21 s 24

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; 2000 No. 21 s 25

Commissioner may make enquiries, investigations and the like for statistical or research purposes

s 133 amd 1990 No. 88 s 3 sch
om 2000 No. 21 s 26

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; 1998 No. 18 s 32; 2000 No. 21
s 27

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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 s 3 sch (om 1993 No. 76 s 3 sch 2)
amd 2000 No. 21 s 28

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

PART 4—RACING BOOKMAKERS

pt hdg sub 2000 No. 21 s 29

Division 1—Preliminary

div hdg sub 2000 No. 21 s 29

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s 139 amd 1981 No. 19 s 39; 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)
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Division 1A—Licensing of racing bookmakers and related matters

div hdg ins 2000 No. 21 s 29

Licensing of racing bookmakers and racing bookmakers' clerks

prov hdg sub 2000 No. 21 s 30(1)

s 140 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 2000 No. 21
 s 30(2)–(4)

Restrictions on betting by racing bookmakers

prov hdg amd 2000 No. 21 s 31(1)

s 141 amd 1990 No. 31 s 5; 1993 No. 19 s 2 sch 2; 1994 No. 17 s 16; 2000
 No. 21 s 31(2)–(5)

Division 2—Bookmaker's turnover tax

div hdg amd 1991 No. 4 s 10
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Division 3—Racing bookmakers to be holders of eligibility certificates

div hdg ins 2000 No. 21 s 32

Applicant for racing bookmaker's licence to hold eligibility certificates

s 142 sub 2000 No. 21 s 32

Suitability of applicants for eligibility certificate

s 143 amd 1981 No. 19 s 40
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Suitability of associates

s 144 sub 2000 No. 21 s 32

Other matters about suitability

s 145 sub 2000 No. 21 s 32

Division 4—Application for, and issue of, eligibility certificate

div hdg ins 2000 No. 21 s 32

Application for eligibility certificate

- s 146** amd 1981 No. 19 s 41; 1987 No. 26 s 40
sub 2000 No. 21 s 32

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- s 147** amd 1991 No. 4 s 5; 1991 No. 81 s 51
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Bookmaking on certain sporting contingencies

- s 147A** ins 1990 No. 31 s 6
amd 1991 No. 4 s 6
om 2000 No. 21 s 32

Further information or documents to support application

- s 148** sub 1991 No. 4 s 7; 2000 No. 21 s 32

Consideration of application

- 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
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Conditions for granting application for eligibility certificate

- 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
sub 2000 No. 21 s 32

Investigation of suitability of persons

- s 151** sub 2000 No. 21 s 32

Criminal history reports for investigations

- s 152** amd 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2
sub 2000 No. 21 s 32

Decision on application

- s 153** amd 1989 No. 103 s 3 sch; 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2;
2000 No. 5 s 461 sch 3 (om 2000 No. 21 s 45)
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Requirement to give information or document for investigation

- s 154** amd 1981 No. 19 s 44; 1993 No. 19 s 2 sch 1; 2000 No. 5 s 373 sch 2
sub 2000 No. 21 s 32

Date by which certificate holder must apply for racing bookmaker's licence

- 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
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Division 5—Investigations of certificate holders and their business and executive associates

- div hdg** ins 2000 No. 21 s 32

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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
sub 2000 No. 21 s 32

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s 157 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2); 1994 No. 17 s 3 sch 2
sub 2000 No. 21 s 32

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s 157A ins 2000 No. 21 s 32

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s 157B ins 2000 No. 21 s 32

Failure to give information or document for investigation

s 157C ins 2000 No. 21 s 32

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s 157D ins 2000 No. 21 s 32

Gaming executive may ask control body for information about racing bookmakers

s 157E ins 2000 No. 21 s 32

Division 6—Cancellation of eligibility certificates

div hdg ins 2000 No. 21 s 32

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s 158 amd 1993 No. 19 s 2 sch 1
sub 2000 No. 21 s 32

Show cause notice

s 158A ins 2000 No. 21 s 32

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s 158B ins 2000 No. 21 s 32

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s 158C ins 2000 No. 21 s 32

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s 158D ins 2000 No. 21 s 32

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s 158E ins 2000 No. 21 s 32

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s 158F ins 2000 No. 21 s 32

Automatic cancellation of all licences issued to racing bookmakers

s 158G ins 2000 No. 21 s 32

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s 158H ins 2000 No. 21 s 32

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bettors against default****s 158P** ins 2000 No. 21 s 32**Control bodies to ensure racing bookmakers have policies of insurance or bond****s 158Q** ins 2000 No. 21 s 32**Prohibition of betting by racing bookmaker with infants****prov hdg** amd 2000 No. 21 s 33**s 159** amd 1993 No. 19 s 2 sch 1; 2000 No. 21 s 33**Division 9—Clubs to control racing venues and provisions about sporting
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Division 10—Miscellaneous**div hdg** ins 2000 No. 21 s 34**Racing bookmaker's agent during certain periods****s 162** amd 1984 No. 63 s 20

om 1991 No. 4 s 11

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Control body to give notice of certain actions about racing bookmakers to gaming executive

s 162A ins 2000 No. 21 s 34

Gaming executive may give information to control bodies about racing bookmakers or applicants for eligibility certificates

s 162B ins 2000 No. 21 s 34

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s 162C ins 2000 No. 21 s 34

Destruction of fingerprints

s 162D ins 2000 No. 21 s 34

Delegation by gaming executive

s 162E ins 2000 No. 21 s 34

Approval of forms for pt 4

s 162F ins 2000 No. 21 s 34

Bookmaker's turnover taxs 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
om 2000 No. 20 s 29 sch 3**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 payables 166 amd 1981 No. 19 s 49; 1991 No. 4 s 14
om 2000 No. 20 s 29 sch 3**Advice by bookmaker to club of total value of bets**

s 167 om 2000 No. 20 s 29 sch 3

Return by bookmaker of all betss 168 amd 1993 No. 19 s 2 sch 1; 1994 No. 17 s 3 sch 2
om 2000 No. 20 s 29 sch 3**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)
om 2000 No. 20 s 29 sch 3**Penalties for late payment**s 170 amd 1981 No. 19 s 50; 1991 No. 4 s 16
om 2000 No. 20 s 29 sch 3**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)
om 2000 No. 20 s 29 sch 3

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
om 2000 No. 20 s 29 sch 3

Payment of club levy

s 174 om 1991 No. 4 s 19

PART 5—REGULATION OF TOTALISATORS

pt hdg om 1998 No. 18 s 33

Division 1—The Totalisator Administration Board of Queensland

div hdg om 1998 No. 18 s 34

Constitution of Totalisator Administration Board of Queensland

s 175 om 1998 No. 18 s 35

Composition of totalisator board

s 176 amd 1981 No. 19 s 51
om 1998 No. 18 s 36

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
om 1998 No. 18 s 36

Disqualification from membership

s 180 om 1998 No. 18 s 36

Vacation of office

s 181 amd 1981 No. 19 s 52; 1994 No. 17 s 3 sch 2
om 1998 No. 18 s 36

Casual vacancies

s 182 om 1998 No. 18 s 36

Appointment of substitute member

s 183 om 1998 No. 18 s 36

Expenses, fees or allowances to members

s 184 om 1998 No. 18 s 36

Procedure at meetings

s 185 om 1998 No. 18 s 36

Custody and affixing of seal

s 186 om 1998 No. 18 s 36

Validity of acts

s 187 om 1994 No. 17 s 3 sch 2

Authentication of documents

s 188 om 1998 No. 18 s 36

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
om 1998 No. 18 s 36

Totalisator board is statutory body

s 189A ins 1996 No. 54 s 9 sch
om 1998 No. 18 s 36

Officers

s 190 amd 1996 No. 37 s 147 sch 2
om 1998 No. 18 s 36

Power of totalisator board on investments from outside Queensland

s 191 sub 1995 No. 35 s 7
om 1998 No. 18 s 36

Power of totalisator board to amalgamate net pools

s 191A ins 1990 No. 31 s 12
sub 1995 No. 35 s 7
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Dissolution and winding up of totalisator board

s 192 amd 1981 No. 19 s 54
om 1998 No. 18 s 36

Rules

s 193 om 1998 No. 18 s 36

Division 2—Operation of totalisators

div hdg om 1998 No. 18 s 36

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
om 1998 No. 18 s 36

Restriction as to totalisator contracts

s 195 amd 1981 No. 19 s 56
om 1998 No. 18 s 36

Amalgamation of net pools

s 196 amd 1991 No. 81 s 51 (as amd 1993 No. 76 s 3 sch 2)
om 1998 No. 18 s 36

Restrictions on sale of tickets on totalisator

s 197 om 1998 No. 18 s 36

Unit of investment

s 198 om 1998 No. 18 s 36

Method of dealing with moneys paid into a totalisator

s 199 amd 1981 No. 19 s 57; 1987 No. 26 s 44
 om 1998 No. 18 s 36

All up investments

s 199A ins 1987 No. 26 s 45
 om 1998 No. 18 s 36

Dealing with moneys paid into a sports totalisator

s 199B ins 1990 No. 31 s 13
 om 1998 No. 18 s 36

Declaration of totalisator transactions and payments to commissioner

s 200 amd 1981 No. 19 s 58; 1994 No. 17 s 3 sch 2
 om 1998 No. 18 s 36

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
 om 1998 No. 18 s 36

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)
 om 1998 No. 18 s 36

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
 om 1998 No. 18 s 36

Supervision of totalisators

s 204 om 1998 No. 18 s 36

Powers, functions and duties of inspector of totalisators generally

s 205 amd 1981 No. 19 s 61; 1987 No. 26 s 48
 om 1998 No. 18 s 36

Books and records

s 206 om 1998 No. 18 s 36

Offences with respect to totalisators

s 207 om 1998 No. 18 s 36

Prohibition of investment by infants on totalisators

s 208 amd 1993 No. 19 s 2 sch 1
 om 1998 No. 18 s 36

Off-course investment on totalisator other than totalisator operated by totalisator board

s 209 om 1998 No. 18 s 36

Division 3—Taxes, levies and commission

div hdg om 1998 No. 18 s 36

Totalisator tax

s 210 amd 1994 No. 17 s 17
om 1998 No. 18 s 36

Racing Development Fund levy

s 211 amd 1990 No. 31 s 15; 1994 No. 17 s 18
om 1998 No. 18 s 36

Commission

s 212 amd 1994 No. 17 s 19
om 1998 No. 18 s 36

Application of this part and saving

s 213 amd 1984 No. 63 s 22; 1998 No. 18 s 37; 2000 No. 21 s 35

Unlawful bookmaking by persons other than racing bookmakers etc.

s 214 sub 2000 No. 21 s 36

Unlawful bookmaking by racing bookmakers

s 214A ins 2000 No. 21 s 36

Common betting house

s 215 amd 1993 No. 19 s 2 sch 2; 2000 No. 21 s 37

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

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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

Offences about totalisators

s 222A ins 1998 No. 18 s 38

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; 2000 No. 5 s 461 sch 3

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; 1998 No. 41 s 14(1) 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 officers and records

prov hdg amd 2000 No. 5 s 373 sch 2
s 229 amd 1981 No. 19 s 67; 1993 No. 19 s 2 sch 1; 2000 No. 5 s 373 sch 2;
2000 No. 21 s 38

Forgery and like offences

s 230 amd 1993 No. 19 s 2 sch 1; 1998 No. 18 s 39

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
om 2000 No. 5 s 373 sch 2

General power of arrest without warrant

s 232 amd 1981 No. 19 s 68; 1982 No. 12 s 7
om 2000 No. 5 s 461 sch 3

Police officer may grant bail for offence against s 214, 216, 217 or 219

prov hdg amd 1982 No. 12 s 8(a)
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s 233 amd 2000 No. 5 s 461 sch 3

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s 234 om 2000 No. 5 s 373 sch 2

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s 235 amd 1985 No. 47 s 10
om 2000 No. 5 s 461 sch 3

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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

Liability of racing bookmaker for offence by agent or employee

prov hdg amd 2000 No. 21 s 39

s 241 amd 2000 No. 21 s 39

Removal of persons from racing venues and trials

s 243 om 2000 No. 5 s 461 sch 3

Protection of and payment to informants

s 244 amd 1993 No. 19 s 2 sch 1

Fingerprints and the like

s 246 om 2000 No. 5 s 461 sch 3

Personal appearance before court of offenders against certain sections

s 247 amd 1981 No. 19 s 72; 1982 No. 12 s 11

Circumstances in which racing bookmaker may sue or be sued

prov hdg amd 2000 No. 21 s 40

s 249 amd 2000 No. 21 s 40

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s 250 amd 1983 No. 11 s 9

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s 254 amd 1981 No. 19 s 73; 1988 No. 101 s 13

om 1991 No. 81 s 37

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s 254A ins 1983 No. 11 s 10

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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); 2000 No. 21 s 41

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; 1998 No. 18 s 40; 2000 No. 5 s 373 sch 2; 2000 No. 21 s 42

PART 8—TRANSITIONAL PROVISIONS

pt hdg prev pt 8 hdg ins 1993 No. 19 s 2 sch 2

om R1 (see RA s 39)

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Division 1—Principal clubs**div hdg** ins 1998 No. 18 s 41**References to previous principal clubs****s 257A** ins 1995 No. 57 s 4 sch 2**Division 2—Racing Development Corporation****div hdg** ins 1998 No. 18 s 42**Definition****s 258** prev s 258 sub 1993 No. 19 s 2 sch 2
om R1 (see RA s 39)
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exp 10 May 1994 (see s 258(4))
pres s 258 ins 1998 No. 18 s 42**Dissolution of the Racing Development Corporation****s 259** prev s 259 ins 1994 No. 17 s 20
exp 10 May 1994 (see s 259(4))
pres s 259 ins 1998 No. 18 s 42**State is successor in law of corporation****s 260** ins 1994 No. 17 s 20
sub 1998 No. 18 s 42**Corporation's assets and liabilities****s 261** ins 1998 No. 18 s 42**Pending legal proceedings by or against corporation****s 262** ins 1998 No. 18 s 42**Instruments****s 263** ins 1998 No. 18 s 42**State's power to vary the lease****s 264** ins 1998 No. 18 s 42**Effect of things done under this division****s 265** ins 1998 No. 18 s 42**Division 3—Racing Development Fund****div hdg** ins 1998 No. 18 s 42**Definitions****s 266** ins 1998 No. 18 s 42**Abolition of fund****s 267** ins 1998 No. 18 s 42**Approved payments****s 268** ins 1998 No. 18 s 42 (as amd 1999 No. 29 s 50 sch)**Division 4—Racing Industry Coordinating Committee****div hdg** ins 1998 No. 18 s 42**Definitions****s 269** ins 1998 No. 18 s 42

Dissolution of committee

s 270 ins 1998 No. 18 s 42

Allocated meetings

s 271 ins 1998 No. 18 s 42

Division 5—Agreements

div hdg ins 1998 No. 18 s 42

Agreements under s 195

s 272 ins 1998 No. 18 s 42

Division 6—Transitional provisions for the Racing and Betting Amendment Act 2000 and other relevant amendments

div hdg ins 1998 No. 18 s 42

sub 2000 No. 21 s 43

Definition for division

s 273 ins 1998 No. 18 s 42

sub 2000 No. 21 s 43

Purpose of division

s 274 ins 2000 No. 21 s 43

References to bookmakers and bookmakers' clerks

s 275 ins 2000 No. 21 s 43

Licensing of bookmakers and bookmakers' clerks

s 276 ins 2000 No. 21 s 43

Continuation of bookmakers' agent

s 277 ins 2000 No. 21 s 43

Continuing application for bets before repeal

s 278 ins 2000 No. 21 s 43

Continuing application about auditing clubs and providing certain information

s 279 ins 2000 No. 21 s 43

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

om 1998 No. 18 s 43

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)).

Mental Health Act 2000 No. 16 s 590 sch 1 pt 2 reads as follows—

RACING AND BETTING ACT 1980

1. Sections 11G(1)(c), 42(f), 83(f) and 115D(c)—

omit.